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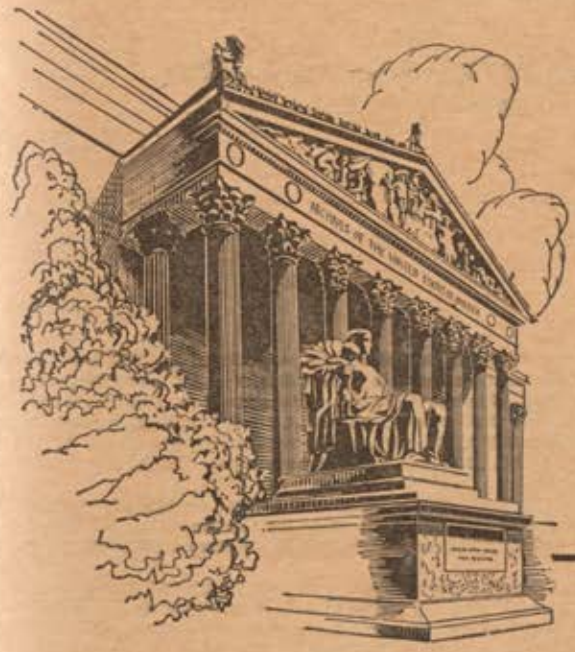

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the position of Deputy Director, Division of International Affairs, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (25) is added under paragraph (a) of § 213.3384 as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* * * *

(25) One Deputy Director, Division of International Affairs.

* * * * * *

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

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

[F.R. Doc. 67–13605; Filed, Nov. 17, 1967; 8:48 a.m.]

Title 7—AGRICULTURE

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

[Tangerine Reg. 33, Amdt. 1]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of tangerines grown in Florida.

Order. The provisions of § 905.502 (Tangerine Regulation 33, 32 F.R. 14923) are amended in the following respects:

The following provisions are added as subparagraph (2) immediately after paragraph (a)(1)(ii) and paragraph (b) is amended to read as follows:

§ 905.502 Tangerine Regulation 33.

(a) * * *

(2) During any week of the period November 20, 1967, through July 31, 1968, any handler may ship a quantity of tangerines which are smaller than the size prescribed in subparagraph (1)(ii) of this paragraph if (i) the number of standard packed boxes of such smaller tangerines does not exceed 15 percent of the total standard packed boxes of all sizes of tangerines shipped by such handler during the same week; and (ii) such smaller tangerines are of a size not smaller than $2\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Tangerines.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; the term "week" shall mean the 7-day period beginning at 12:01 a.m., local time, on Monday of one calendar week and ending at 12:01 a.m., local time, on Monday of the following calendar week; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Florida Tangerines (§§ 51.1810–51.1834 of this title).

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

Dated, November 16, 1967, to become effective November 20, 1967.

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

[F.R. Doc. 67–13690; Filed, Nov. 17, 1967; 11:19 a.m.]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Expenses and Rate of Assessment and Carryover of Unexpended Funds

Notice was published in the November 3, 1967, issue of the FEDERAL REGISTER (32 F.R. 15395) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the fiscal period beginning August 1, 1967, and ending July 31, 1968, under the amended marketing agreement and Order No. 906 (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Texas Valley Citrus Committee (established pursuant to the said amended marketing agreement and order), it is hereby found and determined that:

§ 906.207 Expenses and rate of assessment and carryover of unexpended funds.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Texas Valley Citrus Committee during the period August 1, 1967, through July 31, 1968, will amount to $170,000.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 906.34, is fixed at four and one-half cents ($0.045) per $\frac{7}{10}$-bushel carton, or equivalent quantity of oranges and grapefruit.

(c) *Reserve.* Unexpended assessment funds, in excess of expenses incurred during the fiscal period ended July 31, 1967, shall be carried over as a reserve in accordance with the applicable provisions of § 906.35(a)(2) of said marketing agreement and order.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of oranges and grapefruit are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable fruit from the beginning of such period; and (3) the current fiscal period began on August 1, 1967, and the rate of assessment herein fixed will automatically apply to all assessable oranges and grapefruit beginning with such date.

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

Dated: November 14, 1967.

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

[F.R. Doc. 67-13602; Filed, Nov. 17, 1967; 8:48 a.m.]

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Expenses, Rate of Assessment, and Carryover of Unexpended Funds

On October 31, 1967, notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 15029) regarding proposed expenses, the proposed rate of assessment, and the proposed carryover of unexpended assessment funds, for the fiscal period August 1, 1967, through July 31, 1968, pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, Calif.; and in that part of Riverside County, Calif., situated south and east of White Water, Calif. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Administrative Committee (established pursuant to the said amended marketing agreement and order), it is hereby found and determined that:

§ 909.206 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* The expenses that are reasonable and necessary to be incurred by the Administrative Committee during the period August 1, 1967, through July 31, 1968, will amount to $136,500.

(b) *Rate of assessment.* The rate of assessment for such period, payable by each handler in accordance with § 909.41, is hereby fixed at three cents ($0.03) per carton, or equivalent quantity of grapefruit.

(c) *Operating reserve.* Unexpended assessment funds, in excess of expenses incurred during such period, shall be carried over as a reserve in accordance with the applicable provisions of § 909.42.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of grapefruit grown in the designated production area are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable grapefruit handled during the aforesaid period; and (3) such period began on August 1, 1967, and said rate of assessment will automatically apply to all such grapefruit beginning with such date.

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

Dated: November 15, 1967.

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

[F.R. Doc. 67-13620; Filed, Nov. 17, 1967; 8:49 a.m.]

[Lemon Reg. 295]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.595 Lemon Regulation 295.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 14, 1967.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period November 19, 1967, through November 25, 1967, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 46,500 cartons;
(iii) District 3: 139,500 cartons.

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

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

Dated: November 16, 1967.

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

[F.R. Doc. 67-13639; Filed, Nov. 17, 1967; 8:49 a.m.]

[Grapefruit Reg. 48]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.348 Grapefruit Regulation 48.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for

making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time; are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 16, 1967.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period November 20, 1967, through November 26, 1967, is hereby fixed at 137,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: November 16, 1967.

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

[F.R. Doc. 67-13689; Filed, Nov. 17, 1967; 11:19 a.m.]

[Avocado Order 5, Amdt. 6]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Containers

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of avocados.

(a) *Order.* (1) The provisions in paragraph (a)(1)(x) of § 915.305 (Avocado Order 5; 29 F.R. 8463; 30 F.R. 4666, 32 F.R. 7171, 14548, 15669) are hereby amended to read as follows:

§ 915.305 Avocado Order 5.

(a) *Order.* (1) * * *

(x) With respect to the containers prescribed in subdivision (vi) of this subparagraph, all avocados packed in such containers shall be placed in two layers only and the net weight of the avocados in any such container shall be not less than 27 pounds, except that the net weight of Booth 1, Fuchs, Trapp, and unnamed varieties packed in any such container shall be not less than 26 pounds: *Provided,* That not to exceed 5 percent, by count, of such containers in any lot may fail to meet the applicable weight requirement: *Provided further,* That the requirement as to placing avocados in two layers only shall not apply to such a container if each of the avocados therein weighs less than 8 ounces.

* * * * *

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

Dated, November 15, 1967, to become effective November 16, 1967.

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

[F.R. Doc. 67-13619; Filed, Nov. 17, 1967; 8:49 a.m.]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Expenses of Raisin Administrative Committee and Rate of Assessment for 1967–68 Crop Year

Notice was published in the October 27, 1967, issue of the FEDERAL REGISTER (32 F.R. 14897) regarding proposed expenses of the Raisin Administrative Committee for the 1967–68 crop year and rate of assessment for that crop year, pursuant to §§ 989.79 and 989.80 of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989; 32 F.R. 12157, 12555, 12710), regulating the handling of raisins produced from grapes grown in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

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

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Raisin Administrative Committee, and other available information, it is found that the expenses of the Raisin Administrative Committee and the rate of assessment for the crop year beginning September 1, 1967, shall be as follows:

§ 989.318 Expenses of the Raisin Administrative Committee and rate of assessment for the 1967–68 crop year.

(a) *Expenses.* Expenses (other than those specified in § 989.82) in the amount of $126,800 are reasonable and likely to be incurred by the Raisin Administrative Committee during the crop year beginning September 1, 1967, for the maintenance and functioning of the Committee and the Raisin Advisory Board and for such purposes as the Secretary may, in accordance with § 989.79, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for that crop year which each handler is required, pursuant to § 989.80, to pay to the Raisin Administrative Committee as his pro rata share of the expenses is fixed at 80 cents per ton applicable to each of the following:

(1) Free tonnage raisins acquired by the handlers during the crop year, exclusive of such quantity thereof as represents the assessable portions of other handlers' raisins pursuant to subparagraph (3) of this paragraph;

(2) Reserve tonnage raisins released or sold to the handler for use as free tonnage, during the crop year; and

(3) Standard raisins (which he does not acquire) recovered by the handler by the reconditioning of off-grade raisins but only to the extent of the aggregate quantity of the free tonnage portions of these standard raisins that are acquired by other handlers during the crop year.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said amended marketing agreement and order require that the rate of assessment fixed for a particular crop year which handlers are required to pay shall be applicable to all free tonnage raisins of the crop year and to all reserve tonnage raisins released or sold to handlers, during the crop year; and (2) the current crop year began on September 1, 1967, and the rate of assessment fixed herein will automatically apply to all such raisins beginning with that date.

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

Dated: November 14, 1967.

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

[F.R. Doc. 67-13603; Filed, Nov. 17, 1967; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

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

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1967 Crop Price Loan and Purchase Program

BASIC SUPPORT RATES

The regulations issued by the Commodity Credit Corporation, published in 32 F.R. 5829 and setting forth requirements with respect to price support for 1967-crop rice, are amended as follows:

Section 1421.2783(a) is amended to add the variety Dawn to Group II of the value factors for head and broken rice and reads as follows:

§ 1421.2783 Support rates.

* * * * *

(a) *Basic rates.* * * *

VALUE FACTORS FOR HEAD AND BROKEN RICE

Group	Rough rice class or variety	Head rice	Broken rice
		Cents per pound	
I	Patna (except Belle Patna, and Century Patna) and Rexora (except Rexark).	8.93	3.81
II	Bluebelle, Blue Bonnet, Belle Patna, Vegold, Hira, Rexark, and Dawn.	8.33	3.81
III	Century Patna, Toro, Fortuna, Rex Nira, and Edith.	7.33	3.81
IV	Blue Rose (including Improved Blue Rose, Greater Blue Rose, Kamrose, and Arkrose), Calrose, Gulfrose, Northrose, Lacrosse, Magnolia, Nato, Nova, Zenith (including Gold Zenith and Golden Rose), Prelude, Lady Wright, and Saturn.	6.83	3.81
V	Pearl, Early Prolific, Calady, and other varieties.	6.78	3.81

* * * * *

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 62 Stat. 1051, as amended, 1054, sec. 302, 72 Stat. 988; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on November 13, 1967.

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

[F.R. Doc. 67-13599; Filed, Nov. 17, 1967; 8:45 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 40—LICENSING OF SOURCE MATERIAL

Exemption of Certain Aircraft Engine Parts Containing Nickel-Thoria Alloy

On August 7, 1963, the Atomic Energy Commission published in the FEDERAL REGISTER (28 F.R. 8043) a proposed amendment of § 40.13(c)(4), 10 CFR Part 40, which would have exempted finished products or parts fabricated of, or containing any thorium-metal alloy in which the thorium content in the alloy does not exceed 4 percent by weight. The notice of proposed rule making was published in response to a petition filed by E. I. du Pont de Nemours and Co., Inc., Wilmington, Del., requesting an exemption from licensing requirements for nickel-thorium alloys containing up to 4 percent thorium by weight. Interested persons were invited to submit written comments or suggestions for consideration in connection with the proposed amendment within 30 days after publication of the notice of proposed rule making in the FEDERAL REGISTER.

Subsequent to publication of the proposed exemption for comment, the Commission considered whether this exemption could ultimately result in contamination by thorium of materials used in construction of nuclear reactors, as a result of discarded nickel-thoria parts being incorporated as scrap in the melting of alloys containing nickel. If significant thorium impurities were to be present in materials used in constructing nuclear reactor plants, such impurities could result in additional radioactive fission products in the reactor coolant and potentially in the atmosphere surrounding the reactor plant and in discharged wastes. Among the information considered was the experimental evidence provided by the petitioner on the removal of thoria in slag during metal processing. The petitioner has reported the results of a laboratory experiment that followed commercial melt practices for scrap and fluxing agent additions. These results have shown that essentially all of the thoria introduced into stainless steel and Incomel melting furnaces is separated with the slag. The petitioner also has reported the results of a full-scale melt of Hastelloy alloy X to which a large quantity of nickel-thoria scrap was added. These results also have shown that more than 99 percent of the thoria was removed in the slag and the thorium content in the finished Hastelloy alloy X was substantially below the limits of concern with respect to reactor construction material contamination.

On the basis of currently available data, the Commission has concluded that the thoria (thorium dioxide) covered by this exemption would normally be removed with slag in melting steel and nickel base alloys. Therefore, the Commission considers it unlikely that carryover of thorium during melting of metal scrap, generated in the use of nickel-thoria alloys in jet aircraft engine parts, will contaminate nuclear reactor construction materials to a level which would increase reactor plant radioactivity levels. It is noted, however, that the data on removal of thorium in the metal processing are directly applicable only to thorium dispersed in nickel-thoria alloys in the form of finely divided thoria (thorium dioxide) and the exemption has been limited accordingly.

In order to continue verification that contamination of reactor construction materials by thorium or other similar impurities does not occur or build up over an extended period of time, the Commission will arrange periodically to sample reactor construction materials for thorium and other contaminants. If this periodic sampling shows an increasing thorium level in such materials, the regulation set forth below may be amended from time to time to effect licensing controls to prevent the thorium contained in discarded nickel-thoria aircraft engine parts from contaminating materials used for construction of nuclear reactors.

The Commission will also apply, if determined necessary, specification limits on the amount of thorium and other similar materials allowed as trace contaminants in materials used for construction of nuclear reactors. These limits would differ for different contaminants and for varying reactor uses.

The amendment published below differs from the proposed rule published in the FEDERAL REGISTER (28 F.R. 8043) in the following respects:

1. The exemption has been restricted to thorium contained in any finished aircraft engine part containing nickel-thoria alloy: *Provided*, That: (a) The thorium is dispersed in the nickel-thoria alloy in the form of finely divided thoria (thorium dioxide); and (b) the thorium content in the nickel-thoria alloy does not exceed 4 percent by weight.

2. The exemption is in the form of a new § 40.13(c)(8) rather than an amendment of § 40.13(c)(4) as proposed. No change is being made at this time in the exemption for thorium in tungsten-thorium and magnesium-thorium alloys presently provided in § 40.13(c)(4).

3. The exemption adopted permits the conduct of activities such as repair of finished aircraft engine parts containing nickel-thoria alloy, and the handling and processing of nickel-thoria scrap by scrap dealers and processors. An analysis of the potential health hazards shows that it is highly unlikely that the small number of workers carrying out such operations involving nickel-thoria alloys will be exposed to radiation or airborne concentrations of radioactive material in excess of

limits recommended by the International Commission on Radiological Protection for individuals in the general public when averaged over a period of 1 year.

4. Present subparagraph (8) of § 40.13 (c) has been redesignated subparagraph (9).

5. Present paragraph (d) of § 40.23 has been redesignated paragraph (e) and a new paragraph (d) has been added to § 40.23 to provide a general license for the export to countries or destinations other than those listed in § 40.90, Southern Rhodesia and Cuba, of thorium contained in finished aircraft engine parts containing nickel-thoria alloy, provided that: (a) The thorium is dispersed in the nickel-thoria alloy in the form of finely divided thoria (thorium dioxide); and (b) the thorium content in the nickel-thoria alloy does not exceed 4 percent by weight.

The foregoing revisions reflect further Commission consideration of the proposed amendment, including additional information and data received after the notice of proposed rule making was published on August 7, 1963.

The Commission has found that the receipt, possession, use, transfer, and import into the United States of thorium contained in any finished aircraft engine part containing nickel-thoria alloy, pursuant to the exemption in § 40.13(c)(8) published below, involve unimportant quantities of source material within the meaning of section 62 of the Atomic Energy Act of 1954, as amended, which are not of significance to the common defense and security, and that such activities can be conducted without unreasonable hazard to life or property. The Commission has also found that the export of thorium in finished aircraft engine parts, pursuant to the general license in § 40.23(d) published below, will not be inimical to the interests of the United States.

The Commission considers that finished aircraft engine parts containing nickel-thoria alloy are not products intended for use by the general public within the purview of § 150.15(a)(6) of 10 CFR Part 150, "Exemptions and Continued Regulatory Authority in Agreement States Under Section 274". Accordingly, the transfer of possession or control of such finished aircraft engine parts in agreement States [1] by the manufacturer, processor, or producer would not be regulated by the Commission.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, as amended, the following amendments of 10 CFR Part 40 are published as a document subject to codification, to be effective thirty (30) days after publication in the FEDERAL REGISTER.

1. Subparagraph (8) of § 40.13(c) of 10 CFR Part 40 is redesignated subparagraph (9).

2. Paragraph (c) of § 40.13 of 10 CFR Part 40 is amended by adding a new subparagraph (8) to read as follows:

§ 40.13 Unimportant quantities of source material.

* * * * *

(c) Any person is exempt from the regulations in this part and from the requirements for a license set forth in section 62 of the Act to the extent that such person receives, possesses, uses, transfers, or imports into the United States:

* * * * *

(8) Thorium contained in any finished aircraft engine part containing nickel-thoria alloy, provided that:

(i) The thorium is dispersed in the nickel-thoria alloy in the form of finely divided thoria (thorium dioxide); and

(ii) The thorium content in the nickel-thoria alloy does not exceed 4 percent by weight.

* * * * *

3. Paragraph (d) of § 40.23 of 10 CFR Part 40 is redesignated paragraph (e) and the following new paragraph (d) is added to § 40.23 to read as follows:

§ 40.23 General licenses to export.

* * * * *

(d) A general license designated AEC-GRO-SMD is hereby issued authorizing the export from the United States to any foreign country or destination, except Southern Rhodesia, Cuba or countries or destinations listed in § 40.90, of thorium contained in finished aircraft engine parts containing nickel-thoria alloy, provided that:

(1) The thorium is dispersed in the nickel-thoria alloy in the form of finely divided thoria (thorium dioxide); and

(2) The thorium content in the nickel-thoria alloy does not exceed 4 percent by weight.

* * * * *

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201. Interpret or apply secs. 62, 64, 68 Stat. 932, 933; 42 U.S.C. 2092, 2094)

Dated at Germantown, Md., this fourteenth day of November 1967.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 67-13652; Filed, Nov. 17, 1967; 8:49 a.m.]

[1] States to which the Commission has transferred certain regulatory authority over radioactive material by formal agreement, pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 9]

PART 101—ADMINISTRATION

List of Public-Use SBA Forms

Correction

In F.R. Doc. 67-13530 appearing at page 15806 in the issue of Friday, November 17, 1967, the date "Nov. 20, 1967" in the file line on page 15806 should read "Nov. 16, 1967".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 8344; Amdt. 39-512]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corp. Model BAC 1-11 203/AE, 204/AF, and 212/AR Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the relocation of the fuel line couplings at Station 630 on British Aircraft Corp. Model BAC 1-11 203/AE, 204/AF, and 212/AR airplanes was published in 32 F.R. 12065.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BRITISH AIRCRAFT. Applies to Model BAC 1-11 203/AE, 204/AF, and 212/AR airplanes.

Compliance required within the next 3,000 hours' time in service after the effective date of this AD, unless already accomplished. To avoid the possibility of a fuel leak within the pressurized area, relocate the left and right fuel line couplings from Station 630 to a point 3 inches forward, in accordance with British Aircraft Corp. BAC 1-11 Service Bulletin No. 28-PM 2914, dated May 12, 1967, or later ARB-approved issue, or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region.

This amendment becomes effective December 18, 1967.

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

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

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[F.R. Doc. 67-13594; Filed, Nov. 17, 1967; 8:47 a.m.]

[Docket No. 8384; Amdt. 39-513]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley, de Havilland Model 104 Dove Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the periodic inspection of the wing root joint fittings of Hawker Siddeley de Havilland

Model 104 Dove Series airplanes for cracks and the repair or replacement of defective parts was published in 32 F.R. 12921.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

HAWKER SIDDELEY. Applies to de Havilland Model 104 Dove Series airplanes.

Compliance required as indicated.

To prevent possible fatigue failure of the wing main lower root joint fitting, accomplish the following, unless already accomplished:

(a) Within the next 300 hours' time in service after the effective date of this AD, or 5 years from the production date of the airplane, or 5 years from any identical previous inspection, whichever occurs latest, and thereafter at intervals not to exceed 5,400 hours' time in service or 6 years, whichever occurs first, from the last inspection, inspect the wing main lower root joint assembly in accordance with Hawker Siddeley Technical News Sheet, CT (104) No. 168, Issue 3, Amendment 2, dated February 13, 1967, or later ARB-approved issue, or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region.

(b) If deficiencies are detected during the inspection required by paragraph (a) which cannot be corrected in the manner specified in Hawker Siddeley Technical News Sheet, CT (104) No. 168, Issue 3, Amendment 2, dated February 13, 1967, or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, before further flight replace defective parts with serviceable parts of the same part number or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region.

(c) Magnetic particle and dye penetrant methods of inspection may be used in lieu of the crack testing methods set forth in Hawker Siddeley Technical News Sheet, CT (104) No. 168, Issue 3, Amendment 2, dated February 13, 1967.

(d) Jointing, antifretting and anticorrosion, and sealing compounds which are equivalent to the commercially designated compounds in Hawker Siddeley Technical News Sheet, CT (104) No. 168, Issue 3, Amendment 2, dated February 13, 1967, may be used.

This supersedes Amendment 168 (25 F.R. 4899), AD 60-12-3.

This amendment becomes effective December 18, 1967.

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

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

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

[F.R. Doc. 67-13595; Filed, Nov. 17, 1967; 8:47 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 67-WA-34]

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

Revocation of Reporting Point

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Shuyak, Alaska, low-altitude reporting point.

In a separate amendment to Part 71 of the Federal Aviation Regulations, (32 F.R. 14590) Red 40 Federal airway was redesignated in part from the Kodiak, Alaska, radio range, direct to the Homer, Alaska, radio range, to become effective December 7, 1967. This realignment of Red 40 obviated the need for the Shuyak low-altitude reporting point. Accordingly, action is taken herein to revoke this reporting point.

Since this amendment is minor in nature and involves a subject in which the public is not particularly interested, notice and public procedure are unnecessary.

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

Section 71.211 (32 F.R. 2287) is amended by deleting "Shuyak, Alaska, RBN."

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

Issued in Washington, D.C., on November 13, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-13596; Filed, Nov. 17, 1967; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8664 o.]

PART 13—PROHIBITED TRADE PRACTICES

Gladstone-Arcuni, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses;* § 13.825 *Allowances for services or facilities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Gladstone-Arcuni, Inc., New York, N.Y., Docket 8664, Nov. 2, 1967]

Order requiring a New York City manufacturer of women's dresses to cease discriminating among its customers in the payment of promotional allowances.

The order to cease and desist is as follows:

It is ordered, That respondent Gladstone-Arcuni, Inc., a corporation, its officers, directors, agents, representatives, and employees, directly or through any corporate or other device, in the course and conduct of its business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of the respondent as compensation for or in consideration of advertising or promotional services, or any other service or facility furnished by or through such customer in connection with the handling, sale, or offering for sale of wearing apparel products manufactured, sold, or offered for sale by respondent, unless such payment or consideration is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution or resale of such products.

By "Final Order" further order requiring report of compliance is as follows:

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

Issued: November 2, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-13580; Filed, Nov. 17, 1967; 8:46 a.m.]

[Docket No. C-1265]

PART 13—PROHIBITED TRADE PRACTICES

Wendy Coat Co., Inc., and Myles Rose

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.212 *Formal regulatory and statutory requirements:* 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Wendy Coat Co., Inc., et al., New York, N.Y., Docket C-1265, Nov. 3, 1967]

Consent order requiring a New York City manufacturer of ladies' coats to cease misbranding its wool products.

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

It is ordered, That respondents Wendy Coat Co., Inc., a corporation, and its officers, and Myles Rose, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment, or shipment in commerce, of ladies' woolen coats, or other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

A. Misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

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

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

4. Failing to set forth the fiber content of linings, composed of pile fabrics or of fabrics incorporated into woolen garments or articles of wearing apparel for warmth, separately and distinctly, in the stamp, tag, label, or other mark of identification of such wool products.

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: November 3, 1967.

By the Commission.

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

[F.R. Doc. 67-13581; Filed, Nov. 17, 1967; 8:46 a.m.]

[Docket No. C-1266]

PART 13—PROHIBITED TRADE PRACTICES

Werts Novelty Co., Inc., and O. Norman Wilner

Subpart—Using, selling, or supplying lottery devices: § 13.2475 *Devices for lottery selling.*

(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, Werts Novelty Co., Inc., et al., Muncie, Ind., Docket C-1266, Nov. 3, 1967]

Consent order requiring a Muncie, Ind., corporation to cease using punchboards and other such devices to sell its merchandise by games of chance, gift enterprise, or lottery scheme.

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

It is ordered, That the respondents Werts Novelty Co., Inc., a corporation, and its officers, and O. Norman Wilner, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, do forthwith cease and desist from: Selling or distributing in commerce, as "commerce" is defined in the Federal Trade Commission Act, punchboards or other devices, which are designed or intended to be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme.

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: November 3, 1967.

By the Commission.

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

[F.R. Doc. 67-13582; Filed, Nov. 17, 1967; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Labeling of Ethylene Glycol-Base Radiator Antifreeze

The Commissioner of Food and Drugs has received a request that the hazardous substances regulations (21 CFR Part 191) be amended to provide a satisfactory warning statement for containers of ethylene glycol-base radiator antifreeze and ethylene glycol-base radiator antifreeze with added sodium arsenite. Having considered this request, and other relevant information, the Commissioner has concluded that Part 191 should be amended to provide interested persons an acceptable warning statement for such antifreeze.

Therefore, pursuant to the provisions of the Federal Hazardous Substances Act (sec. 10(a), 74 Stat. 378; 15 U.S.C. 1269) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 191 is amended by adding thereto the following new section:

§ 191.112 Ethylene glycol-base radiator antifreeze; labeling.

(a) Ethylene glycol-base radiator antifreeze distributed in containers intended or suitable for household use may be misbranded under the act if the containers fail to bear a warning statement adequate for the protection of the public health and safety, except as otherwise provided pursuant to section 3 of the act.

(b) The following warning statements will be considered as meeting the requirements of section 2(p)(1) of the act and § 191.7(b)(4) with respect to ethylene glycol-base radiator antifreeze, with and without added sodium arsenite of over 0.01 percent by weight, when the only hazard foreseeable is that caused by the ethylene glycol and (if present) the added sodium arsenite:

(1) Ethylene glycol antifreeze containing less than 0.01 percent by weight of sodium arsenite.

WARNING—HARMFUL OR FATAL IF SWALLOWED

Do not drink antifreeze or solution. If swallowed, induce vomiting immediately. Call a physician. Ethylene glycol base. Do not store in open or unlabeled containers. Keep out of reach of children.

(2) Ethylene glycol antifreeze containing 0.01 percent but no more than 1 percent by weight of sodium arsenite.

WARNING—HARMFUL OR FATAL IF SWALLOWED

Do not drink antifreeze or solution. If swallowed, induce vomiting immediately. Call a physician. Ethylene glycol base containing sodium arsenite (less than 1%).

Antidote for sodium arsenite: Dimercaprol (BAL) to be administered only by a physician.

Do not store in open or unlabeled containers. Keep out of reach of children.

(c) The words that are in capital letters in the warning statements set forth in paragraph (b) of this section should be printed on the main (front) panel or panels of the container in capital letters of the type size specified in § 191.101(c). The balance of the cautionary statements may appear together on another panel provided the front panel bears a statement such as "Read carefully other cautions on _____ panel."

Notice and public procedure are unnecessary prerequisites to the promulgation of this order, and I so find, since this amendment provides interested persons uniform labeling for the subject article and will not cause labeling changes for articles that bear labeling equivalent to that provided herein.

Effective date. This order shall become effective 90 days from its date of publication in the FEDERAL REGISTER.

(Sec. 10(a), 74 Stat. 378; 15 U.S.C. 1269)

Dated: November 13, 1967.

J. K. KIRK, *Associate Commissioner for Compliance.*

[F.R. Doc. 67-13613; Filed, Nov. 17, 1967; 8:48 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6934]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Identification of Bookentry Treasury Securities; Correction

T.D. 6934, as published in the FEDERAL REGISTER for November 14, 1967 (32 F.R. 15671), refers to Treasury Department Circular No. 187 and should have referred to Treasury Department Circular No. 176. Accordingly, subdivision (ii) (*a*) (2) of § 1.1012–1(c)(7) of the Income Tax Regulations (26 CFR Part 1), as prescribed by T.D. 6934, is corrected to read as follows: "(2) as collateral pledged to the United States under Treasury Department Circular No. 92 or 176, both as revised and amended, and".

JAMES F. DRING,
Director, Legislation and Regulations Division.

[F.R. Doc. 67–13668; Filed, Nov. 17, 1967; 10:25 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Oil Import Administration, Department of the Interior

OI REG. 2—RULES FOR PROCEEDINGS FOR THE SUSPENSION OR REVOCATION OF ALLOCATIONS AND LICENSES

Sec.

AUTHORITY: Sections 1 to 25 issued under Proclamation 3279, 24 F.R. 1781.

Section 1 Purpose.

Section 20 of Oil Import Regulation 1 provides for a formal proceeding looking to the suspension or revocation of any allocation or license to import crude oil, unfinished oils, or finished products issued under that regulation on grounds relating to the national security, or for violation of the terms of Proclamation 3279, Oil Import Regulation 1, or allocations and licenses issued pursuant thereto. This Oil Import Regulation 2 comprises rules of procedure for such proceedings. The definitions set forth in section 22 of Oil Import Regulation 1 apply also to this Oil Import Regulation 2.

PROCEEDINGS PRIOR TO HEARING

Sec. 2 Notice of hearing or opportunity for hearing.

A proceeding is initiated by mailing to an allocation holder a notice of hearing fixing a date therefor or a notice of an opportunity for a hearing. Such a notice advises him of the action proposed to be taken, the specific provision of Oil Import Regulation 1 under which the proposed action is to be taken, and the matters of fact or law asserted as the basis of the action.

Sec. 3 Answer to notice.

The allocation holder may file an answer to the notice within 20 days after service thereof. The answer shall admit or deny specifically and in detail each allegation of the notice, unless the allocation holder is without knowledge, in which case his answer should so state, and the statement will be deemed a denial. Allegations of fact in the notice not denied or controverted by answer shall be deemed admitted. Matters alleged as affirmative defenses shall be separately stated and numbered. Failure of the allocation holder to file an answer within the 20-day period following service of the notice may be deemed a confession of all matters of fact recited in the notice.

Sec. 4 Request for hearing.

Within 20 days after service of a notice of opportunity for hearing which does not fix a date for hearing, the respondent, either in his answer or in a separate document, may request a hearing.

Sec. 5 Failure to request a hearing; failure both to request a hearing and to answer.

The failure of the allocation holder to request a hearing shall be deemed a waiver of hearing and consent to submission of the case to the presiding officer for decision on the written record. The failure of an allocation holder to file an answer and to request a hearing shall be deemed a waiver of all right to participate in the proceeding and to constitute his consent to the making of a decision on the basis of such information as is available.

PRESIDING OFFICER

Sec. 6 Who presides.

Either a hearing examiner or the Administrator will be the presiding officer in each proceeding.

Sec. 7 Authority of presiding officer.

The presiding officer may:

(a) Arrange and issue notice of the date, time, and place of hearings, or, upon due notice to the parties, change the date, time, or place of hearings previously set;

(b) Hold conferences to settle, simplify, or fix the issues in a proceeding or to consider other matters that may aid in the expeditious disposition of the proceeding;

(c) Require parties to state their position with respect to the various issues in the proceeding;

(d) Administer oaths and affirmations;

(e) Rule on motions, including motions to intervene, and other procedural matters;

(f) Regulate the course of the hearing and the conduct of persons therein;

(g) Examine witnesses and direct witnesses to testify;

(h) Receive, rule on, exclude or limit evidence;

(i) Fix the time for filing motions, briefs, or other matters; and

(j) Take any action authorized by this regulation.

HEARING PROCEDURES

Sec. 8 Testimony and cross-examination.

Testimony at a hearing shall be given under oath or affirmation. The presiding officer may require or permit that the direct testimony of any witness be prepared in writing and be submitted in advance of the hearing. Such testimony may be adopted by the witness at the hearing and filed as part of the record thereof. Unless authorized by the presiding officer, a witness will not be permitted to read prepared testimony into the record. A witness may be cross-examined on any matter material to the proceeding without regard to the scope of his direct examination.

Sec. 9 Exhibits.

Each exhibit should have a brief title endorsed upon it or attached to it stating what it purports to show. Exhibits comprising statistical compilations and calculations should show the sources of the information used and the statistical methods employed.

Sec. 10 Affidavits.

An affidavit is not inadmissible as such. Unless the presiding officer fixes another

time, affidavits shall be filed not later than 15 days prior to the hearing.

Sec. 11 Depositions.

The presiding officer may authorize the testimony of any witness to be taken by deposition.

Sec. 12 Admissions as to facts and documents.

Not later than 15 days prior to the scheduled date of the hearing, any party may serve upon an opposing party a written request for the admission of the genuineness and authenticity of any relevant documents described in and exhibited with the request, or for the admission of the truth of any relevant matters of fact stated in the request. Each of the matters in respect of which an admission is requested shall be deemed admitted, unless, within a period designated in the request (not less than 10 days after service thereof) or within such further time as the presiding officer may allow upon motion and notice, the party to whom the request is directed serves upon the requesting party a sworn statement either denying specifically the matters in respect of which an admission is requested or setting forth in detail the reasons why he cannot truthfully either admit or deny such matters. Copies of requests for admission and answers thereto shall be served on all parties. Any admission made by a party to such request is only for the purposes of the pending proceeding or any proceeding or action instituted for the enforcement of any order entered in the pending proceeding and shall not constitute an admission by him for any other purpose or be used against him in any other proceeding or action.

Sec. 13 Evidence.

Technical rules of evidence shall not apply to a hearing, but the presiding officer shall seek to obtain the production of the most credible evidence available and may exclude irrelevant, immaterial, or repetitious evidence. Objections to evidence shall be timely and briefly state the ground relied upon.

Sec. 14 Offer of proof.

If the presiding officer sustains an objection to the admission of evidence, the party affected may submit for the record as an offer of proof a summary written statement of the substance of the excluded evidence, and the objecting party may make an offer of proof in rebuttal.

Sec. 15 Briefs; proposed findings and conclusions.

At the conclusion of a hearing, the presiding officer shall fix the time for filing briefs, which may contain proposed findings of fact and conclusions of law, and if reply briefs are permitted, he shall fix the time for filing such briefs.

THE RECORD

Sec. 16 Official transcript.

A transcript shall be made of the oral evidence given in a hearing. Transcripts of testimony in hearings will be supplied by the official reporter to the parties and to the public at rates not to exceed the maximum rates fixed by contract between the Department and the reporter. Upon notice to all parties, the presiding officer may authorize corrections to the transcript which involve matters of substance.

Sec. 17 Record for decision; record to be public.

The transcript of testimony, exhibits, and all papers and requests filed in the proceedings, shall constitute the exclusive record for decision and may be inspected and copied.

DECISIONS

Sec. 18 Decisions by the Administrator.

(a) The Administrator, having afforded the parties a reasonable time to submit briefs or other written statements of their contentions, shall make a decision in each proceeding in which he is the presiding officer or in which a recommended decision is made by a hearing examiner.

(b) In an instance in which a hearing examiner has made an initial decision, the Administrator may, within 30 days after the issuance of the initial decision, require that the record be certified to him for review. Upon such review, the Administrator, having afforded the parties a reasonable time to submit briefs or other written statements of their contentions, may affirm, modify, or set aside the decision of the hearing examiner.

(c) A decision of the Administrator may be appealed to the Oil Import Appeals Board in accordance with the rules and procedures of that Board (32A CFR Chapter XI).

Sec. 19 Decisions by Hearing Examiner.

In an instance in which a hearing examiner is the presiding officer, the examiner, having afforded the parties a reasonable time to submit briefs or other written statements of their contentions, shall make either an initial decision or a recommended decision, as directed by the Administrator. Unless the Administrator requires that the record be certified to him for review pursuant to paragraph (b) of section 17, an initial decision of the hearing examiner shall constitute the final decision of the Administrator and may be appealed to the Oil Import Appeals Board.

GENERAL PROVISIONS

Sec. 20 Service—how made.

Service shall be made by personal delivery of one copy to each person to be served or by mailing by first-class mail, properly addressed with postage prepaid. When a party has appeared by attorney or other representative, service upon such attorney or representative will be deemed service upon the party.

Sec. 21 Date of service.

The date of service shall be the day when the matter is deposited in the U.S. mail or is delivered in person.

Sec. 22 Certificate of service.

The original of every document filed and required to be served upon parties to a proceeding shall be endorsed with a certificate of service signed by the party making service or by his attorney or representatives, stating that such service has been made, the date of service, and the manner of service, whether by mail or personal delivery.

Sec. 23 Service on all parties.

A hearing examiner and the Administrator shall file and serve on all parties copies of any notices that he may issue and copies of any correspondence that he may have with a party. Each party shall serve on all other parties copies of all documents (such as pleadings, motions, briefs) which the party files with the hearing examiner or the Administrator.

Sec. 24 Extension of time or postponement.

A request for extension of time should be made to a hearing examiner or the Administrator with respect to matters pending before him. Such a request shall be served on all parties and set forth the reasons for the request. Extensions may be granted upon a showing of good cause by the applicant. From the designation of a hearing examiner as presiding officer until the issuance of his decision, such requests should be addressed to him.

Sec. 25 Computation of time.

In computing any period of time under the rules in this part, the period begins with the day following the act or event and includes the last day of the period unless it is a Saturday, Sunday, or Federal legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or Federal legal holiday. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and Federal legal holidays shall be excluded from the computation.

Sec. 26 Parties.

An allocation holder to whom a notice of hearing or a notice of an opportunity for hearing has been mailed shall be a party to the proceeding, as shall the Oil Import Administration. A party may appear in person or by counsel in any proceeding. Individuals may appear in a representative capacity as provided in the regulations on Practice Before the Department of the Interior in 43 CFR Part 1.

Sec. 27 Suspension of rules.

Upon notice to all parties, the Administrator or a hearing examiner may, with respect to matters pending before him, modify or waive any provision of this regulation if he determines that no party will be unduly prejudiced and the ends of justice will thereby be served.

This regulation shall become effective upon publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

NOVEMBER 15, 1967.

[F.R. Doc. 67-13691; Filed, Nov. 17, 1967; 11:19 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

SPECIAL MONTHLY COMPENSATION RATINGS

In § 3.350(f), subparagraph (3) is amended to read as follows:

§ 3.350 Special monthly compensation ratings.

* * * * *

(f) Intermediate or next higher rate; 38 U.S.C. 314(p). * * *

(3) *Additional independent 50 percent disabilities.* In addition to the statutory rates payable under 38 U.S.C. 314 (l) through (n) and the intermediate or next higher rate provisions outlined above, additional single permanent disability or combinations of permanent disabilities independently ratable at 50 percent or more will afford entitlement to the next higher intermediate rate or if already entitled to an intermediate rate to the next higher statutory rate under 38 U.S.C. 314, but not above the (o) rate. In the application of this subparagraph the disability or disabilities independently ratable at 50 percent or more must be separate and distinct and involve different anatomical segments or bodily systems from the conditions establishing entitlement under 38 U.S.C. 314 (l) through (n) or the intermediate rate provisions outlined above. The graduated ratings for arrested tuberculosis (38 U.S.C. 356) will not be utilized in this connection, but the permanent residuals of tuberculosis may be utilized.

* * * * *

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

This VA regulation is effective October 1, 1967.

By direction of the Administrator.

Approved: November 13, 1967.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 67-13609; Filed, Nov. 17, 1967; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4319]

[Oregon 598; 1329; 1293 (Wash.)]

OREGON AND WASHINGTON

Withdrawal for National Forest Administrative Sites and Recreation Area

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

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

WILLAMETTE MERIDIAN, OREGON

[Oregon 598]

SISKIYOU NATIONAL FOREST

Waldo Seed Production Area

T. 41 S., R. 8 W.,
Sec. 4, S½ of lot 4, N½SW¼NW¼;
Sec. 5, E½NE¼SE¼NE¼.

[Oregon 1329]

UMATILLA NATIONAL FOREST

Frazier Guard Station Administrative Site

T. 5 S., R. 33½ E.,
Sec. 2, SE¼SW¼SE¼.

WILLAMETTE MERIDIAN, WASHINGTON

[Oregon 1293 (Wash.)]

KANIKSU NATIONAL FOREST

Pioneer Park Campground

T. 31 N., R. 45 E.,
Sec. 1, lot 8.

The areas described aggregate 93.63 acres in Josephine, Umatilla, and Pend Oreille Counties.

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

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 14, 1967.

[F.R. Doc. 67-13583; Filed, Nov. 17, 1967; 8:46 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

William L. Finley National Wildlife Refuge, Oreg.

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

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

OREGON

WILLIAM L. FINLEY
NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, coots, and gallinules on the William L. Finley National Wildlife Refuge, Oreg., is permitted only on the area designated by signs as open to hunting. This open area, consisting of 436 acres, is delineated on maps available at refuge headquarters, William L. Finley National Wildlife Refuge, Corvallis, Oreg. 97330, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

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

(1) The public hunting area will be open to hunting Wednesdays, Saturdays, and Sundays from December 6, 1967, through January 7, 1968. 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 by mail only, and must be received in the refuge office at least 3 days prior to the date applied for. Hunters may hold only one reservation at any one time. Hunters must check in and out of the hunting area through the manned check station.

(4) Dogs may be used for retrieving.

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

HENRY BAETKEY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife, Portland, Oreg.

NOVEMBER 8, 1967.

[F.R. Doc. 67-13610; Filed, Nov. 17, 1967; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1, 31, 46, 48, 49]

DEPOSIT OF CERTAIN TAXES

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 15 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. The proposed regulations are to be issued under the Authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

In order to revise the rules for the deposit of certain income, employment, and excise taxes, the following regulations are amended as follows:

PARAGRAPH 1. Paragraph (a)(1) of § 1.1461–3 is amended to read as follows:

§ 1.1461–3 Payment of withheld tax.

(a) *Payments of tax*—(1) *Quarterly payments.* Every withholding agent who, pursuant to chapter 3 of the Code, withholds tax during any calendar quarter beginning after December 31, 1966, shall, to the extent such amounts have not been deposited pursuant to § 16302–2 with a Federal Reserve bank or an authorized commercial bank, pay such withheld tax to the Director of International Operations, Internal Revenue Service, Washington, D.C. 20225, on or before the last day of the first calendar month following the close of the calendar quarter. Any amounts required to be paid to the Director of International Operations pursuant to this subparagraph shall be made with quarterly transmittal Form 4277, even though the withholding agent has made no deposits pursuant to paragraph (a) of § 1.6302–2 and has no validated depositary receipts to accompany that transmittal form.

* * * * *

PAR. 2. Paragraph (a) of § 1.6302–1 is amended to read as follows:

§ 1.6302–1 Use of Government depositaries in connection with corporation income and estimated income taxes.

(a) *Requirement.* For taxable years ending on or after December 31, 1967, a corporation (other than a nonresident foreign corporation and, for taxable years ending before Dec. 31, 1968, other than a resident foreign corporation) shall deposit with a Federal Reserve bank all payments of tax imposed by Chapter 1 of the Code (including any payments of estimated tax) on or before the date otherwise prescribed for paying such tax.

* * * * *

PAR. 3. Section 1.6302–2 is amended by revising subparagraphs (1) and (2) of paragraph (a) and by revising paragraphs (b), (c), and (g) to read as follows:

§ 1.6302–2 Use of Government depositaries for payment of tax withheld on nonresident aliens and foreign corporations.

(a) *Time for making deposits*—(1) *Monthly deposits.* Except as provided in subparagraph (2) of this paragraph, every withholding agent who, pursuant to chapter 3 of the Code, withholds during any calendar month other than the last month of a calendar quarter more than $100 in the aggregate shall deposit such aggregate amount with a Federal Reserve bank within 15 days after the close of such calendar month, and who so withholds during the last calendar month of any calendar quarter occurring in a year after 1967 more than $100 in the aggregate shall so deposit such aggregate amount on or before the last day of the first calendar month following the close of the calendar quarter.

(2) *Semimonthly deposits.* Every withholding agent, who, pursuant to chapter 3 of the Code, withholds during any calendar month of a calendar quarter more than $2,500 in the aggregate shall deposit any tax, which is required to be withheld under such chapter during any semimonthly period of the next succeeding calendar quarter, in a Federal Reserve bank within 3 banking days after the close of the semimonthly period during which the amounts to which such withholding relates are paid. For purposes of this subparagraph, the term "semimonthly period" means the first 15 days of a calendar month or the part of a calendar month following the 15th day of such month. A withholding agent will be considered to have complied with the deposit requirements of this subparagraph in respect of any semimonthly period if (i) his deposit for such semimonthly period is made within the time otherwise prescribed, (ii) is not less than 90 percent of the aggregate amount of the tax required to be withheld under chapter 3 of the Code during such semimonthly period, and (iii), if such semimonthly period occurs in a calendar month other than the last month in a calendar quarter, he deposits, within 3 banking days after the 15th day of the month following such calendar month, the balance of any amount withheld during such calendar month and not previously deposited, or if such semimonthly period occurs in the last calendar month in a calendar quarter occurring in a year after 1967, he deposits, on or before the last day of the first calendar month following the close of the calendar quarter, the balance of any amount withheld during such calendar month and not previously deposited. In a case where an adjustment in the amount of a deposit for a semimonthly period is allowed pursuant to paragraph (b) of § 1.1461–4, the 90-percent requirement of subdivision (ii) of this subparagraph will be considered met if the deposit for such period is not less than 90 percent of the aggregate amount of tax required to be withheld during such semimonthly period (determined without regard to such adjustment), reduced by the amount of such adjustment. See paragraph (b) of § 1.1461–4 and example (2) thereunder. For determining the amount of tax required to be withheld under chapter 3 of the Code where there has been a reimbursement of overwithheld tax, see paragraph (a)(2) of § 1.1461–4.

* * * * *

(b) *Depositary forms*—(1) *Remittances*—(i) *Deposits for 1967.* Each remittance of amounts required to be deposited by paragraph (a) of this section for 1967 only, shall be accompanied by a Federal Depositary Receipt (Form 450) which shall be prepared in accordance with the instructions applicable thereto. The withholding agent shall forward such remittance, together with such depositary receipt, to a Federal Reserve bank or, at his election to a commercial bank authorized in accordance with Treasury Department Circular No. 848, 31 CFR Part 213, to accept remittances of the taxes for transmission to a Federal Reserve bank. After the Federal Reserve bank has validated the depositary receipt, such depositary receipt will be returned to the withholding agent. For purposes of this subparagraph Form 450 and Treasury Department Circular No. 848 shall be deemed to apply to the tax required to be withheld under chapter 3 of the Code.

(ii) *Deposits for 1968 and subsequent years.* Each remittance of amounts required to be deposited by paragraph (a) of this section for years subsequent to 1967 shall be accompanied by a Federal Tax Deposit, Tax Withheld at Source on Nonresident Aliens, Foreign Corporations, Tax-Free Covenant Bonds, form (Form 512) which shall be prepared in

accordance with the instructions applicable thereto. The remittance, together with Form 512, shall be forwarded to a Federal Reserve bank, or at the election of the withholding agent to a commercial bank authorized in accordance with Treasury Department Circular No. 1079, 31 CFR Part 214, to accept remittances of the tax for transmission to a Federal Reserve bank. The timeliness of the deposit will be determined by the date of receipt by a Federal Reserve bank or by the authorized commercial bank, whichever is earlier. Each withholding agent making deposits pursuant to this section shall report on the return for the period with respect to which such deposits are made information regarding such deposits in accordance with the instructions applicable to such return.

(2) *Quarterly transmission of depositary receipts for 1967.* For deposits for the year 1967 only, every withholding agent making deposits pursuant to subparagraph (1)(i) of this paragraph shall forward the validated depositary receipts (Form 450) to the Director of International Operations, Internal Revenue Service, Washington, D.C. 20225, on or before the last day of the first calendar month following the close of the calendar quarter during which the tax was withheld to which such receipts apply. The depositary receipts shall be forwarded with quarterly transmittal Form 4277, which shall be prepared in accordance with the instructions applicable thereto and shall identify the withholding agent for whose account such transmittal form is made. In order to secure a proper crediting of deposits or payments of tax for the account of a withholding agent against the tax liability of such withholding agent, the identification of the withholding agent on the quarterly transmittal Form 4277 must conform to the identification of the withholding agent on the annual return of tax on Form 1042 required by paragraph (b) of § 1.1461–2.

(3) *Voluntary deposits.* An amount of tax which is not required to be deposited may nevertheless be deposited if the withholding agent so desires. If such a voluntary deposit is made for 1967, the withholding agent shall make it in ample time to enable the Federal Reserve bank to return the validated receipt to the withholding agent so that it can be transmitted to the Internal Revenue Service in accordance with subparagraph (2) of this paragraph.

(4) *Separation of deposits.* A deposit required by paragraph (a) of this section for any period occurring in 1 calendar year shall be made separately from any deposit for any period occurring in another calendar year. In addition, a deposit required to be made by paragraph (a) of this section shall be made separately from a deposit required by any other section.

(5) *Multiple remittances.* A withholding agent may make one, or more than one, remittance of the amount required to be deposited if each remittance is accompanied by the applicable deposit form.

(6) *Time deemed paid.* In general, amounts deposited under this section shall be considered as paid on the last day prescribed for filing the return (Form 1042) in respect of such tax (determined without regard to any extension of time for filing such return), or at the time deposited, whichever is later. For purposes of section 6511 and the regulations thereunder, relating to period of limitation on credit or refund, if an amount is so deposited prior to April 15th of a calendar year immediately succeeding the calendar year in which occurs the period for which such amount was so deposited, such amount shall be considered as paid on such April 15th.

(c) *Procurement of prescribed forms.* Copies of the applicable deposit form will so far as possible be furnished withholding agents. A withholding agent will not be excused from making a deposit, however, by the fact that no form has been furnished to it. A withholding agent not supplied with the proper form should make application therefor in ample time to make the required deposits within the time prescribed. The withholding agent may secure the form or additional forms by applying therefor and supplying its name, identification number, address, and the taxable period to which the deposits will relate. Copies of Form 450, for deposits for 1967 only, may be secured by application to the district director or to a Federal Reserve bank. The address of the withholding agent as entered on such form should be the address to which the receipt should be returned following validation by the Federal Reserve bank. Copies of Form 512, for deposits only for years subsequent to 1967, may be secured by application therefor to the district director or director of a service center.

* * * * *

(g) *Effective date.* Except as otherwise provided, this section shall apply to tax required to be withheld under chapter 3 of the Code after 1966.

PAR. 4. Paragraph (a)(1) of § 31.6071(a)–1 is amended to read as follows:

§ 31.6071(a)–1 Time for filing returns and other documents.

(a) *Federal Insurance Contributions Act and income tax withheld from wages*—(1) *Quarterly or annual returns.* Except as provided in subparagraph (4) of this paragraph each return required to be made under § 31.6011(a)–1, in respect of the taxes imposed by the Federal Insurance Contributions Act, or required to be made under § 31.6011(a)–4, in respect of income tax withheld, shall be filed on or before the last day of the first calendar month following the period for which it is made. However, a return may be filed on or before the 10th day of the second calendar month following such period if timely deposits under section 6302(c) of the Code and the regulations thereunder have been made in full payment of such taxes due for the period. For the purpose of the preceding sentence, a deposit which is not required by such regulations in respect of the return period may be made on or before the last day of the first calendar month following the close of such period, and the timeliness of any deposit will be determined by the earliest date stamped on the applicable deposit form by an authorized commercial bank or by a Federal Reserve bank.

* * * * *

PAR. 5. Paragraph (a) of § 31.6302(c)–1 is amended by revising subparagraphs (3) and (4) thereof to read as follows:

§ 31.6302(c)–1 Use of Government depositaries in connection with taxes under Federal Insurance Contributions Act and income tax withheld.

(a) *Requirement.* * * *

(3) *Depositary forms*—(i) *In general.* A deposit required to be made by an employer under subparagraph (1) of this paragraph shall be made separately from any deposit required to be made by him under subparagraph (2) of this paragraph. Similarly, a deposit required to be made by this section shall be made separately from a deposit required by any other section. An employer may make one, or more than one, remittance of the amount required to be deposited. However, a deposit for a period in one calendar quarter shall be made separately from any deposit for a period in another calendar quarter. An amount of tax which is not required to be deposited may nevertheless be deposited if the employer so desires.

(ii) *Deposits for 1967 and prior years.* Each remittance of amounts required to be deposited for periods prior to 1968 shall be accompanied by a Federal Depositary Receipt (Form 450) which shall be prepared in accordance with the instructions applicable thereto. The employer shall forward such remittance, together with such depositary receipt, to a Federal Reserve bank or, at his election, to a commercial bank authorized in accordance with Treasury Department Circular No. 848, 31 CFR Part 213, to accept remittances of the taxes for transmission to a Federal Reserve bank. After the Federal Reserve bank has validated the depositary receipt, such depositary receipt will be returned to the employer. Every employer making deposits pursuant to this section shall attach to his return for the period with respect to which such deposits are made, in part or in full payment of the taxes shown thereon, depositary receipts so validated, and shall pay the balance, if any, of the taxes due for such period. If a voluntary deposit for a period prior to 1968 is made, the employer shall make it in ample time to enable the Federal Reserve bank to return the validated receipt to the employer so that it can be attached to and filed with the employer's return.

(iii) *Deposits for 1968 and subsequent years.* Each remittance of amounts required to be deposited under subparagraph (1) of this paragraph for periods subsequent to 1967 shall be accompanied by a Federal Tax Deposit, Withheld Income and FICA Taxes, form (Form 501). Each remittance of amounts required to be deposited under subparagraph (2) of

this paragraph for years subsequent to 1967 shall be accompanied by a Federal Tax Deposit, FICA Taxes (Employer and Employee Taxes) for Agricultural Workers, form (Form 511). Such forms shall be prepared in accordance with the instructions applicable thereto. The remittance, together with Form 501, or Form 511, as the case may be, shall be forwarded to a Federal Reserve bank or, at the election of the employer, to a commercial bank authorized in accordance with Treasury Department Circular No. 1079, 31 CFR Part 214, to accept remittances of the taxes for transmission to a Federal Reserve bank. The timeliness of the deposit will be determined by the date of receipt by a Federal Reserve bank or by the authorized commercial bank, whichever is earlier. Each employer making deposits pursuant to this section shall report on the return for the period with respect to which such deposits are made information regarding such deposits in accordance with the instructions applicable to such return and pay therewith (or deposit by the due date of such return) the balance, if any, of the taxes due for such period.

(iv) *Time deemed paid.* In general, amounts deposited under subdivision (iii) of this subparagraph shall be considered as paid on the last day prescribed for filing the return in respect of such tax (determined without regard to any extension of time for filing such return), or at the time deposited, whichever is later. For purposes of section 6511 and the regulations thereunder, relating to period of limitation on credit or refund, if an amount is so deposited prior to April 15th of a calendar year immediately succeeding the calendar year which contains the period for which such amount was so deposited, such amount shall be considered as paid on such April 15th.

(4) *Procurement of prescribed forms.* Copies of the applicable deposit form will so far as possible be furnished employers. An employer will not be excused from making a deposit, however, by the fact that no form has been furnished to it. An employer not supplied with the proper form should make application therefor in ample time to make the required deposits within the time prescribed. The employer may secure the form or additional forms by applying therefor and supplying his name, identification number, address, and the taxable period to which the deposits will relate. Copies of Form 450 for deposits for periods prior to 1968 may be secured by application to the district director or to a Federal Reserve bank. The address of the employer as entered on such form should be the address to which the receipt should be returned following validation by the Federal Reserve bank. Copies of Form 501 and Form 511 for deposits for periods subsequent to 1967 may be secured by application therefor to the district director or director of a service center.

* * * * *

PAR. 6. Section 31.6302(c)-2 is amended by revising paragraphs (b) and (c) thereof to read as follows:

§ 31.6302(c)-2 Use of Government depositaries in connection with employee and employer taxes under Railroad Retirement Tax Act.

* * * * *

(b) *Depositary forms—(1) In general.* A deposit required to be made by this section shall be made separately from a deposit required by any other section. An employer may make one, or more than one remittance of the amount required to be deposited. An amount of tax which is not required to be deposited may nevertheless be deposited if the employer so desires. If the aggregate amount of the taxes deposited is in excess of the taxes shown on the return, a credit or refund may be obtained; and in the event the excess is applied as a credit against such taxes for a subsequent return period, the employer shall reduce the amount of one or more of the deposits otherwise required for such subsequent return period by the amount of such credit.

(2) *Deposits for 1967 and prior years.* Each remittance of amounts required to be deposited for periods prior to 1968 shall be accompanied by a Railroad Retirement Depositary Receipt (Form 515) which shall be prepared in accordance with the instructions applicable thereto. The employer shall forward such remittance, together with such depositary receipt, to a Federal Reserve bank or, at his election, to a commercial bank authorized in accordance with Treasury Department Circular No. 848, 31 CFR Part 213, to accept remittances of the taxes for transmission to a Federal Reserve bank. After the Federal Reserve bank has validated the depositary receipt, such depositary receipt will be returned to the employer. Every employer making deposits pursuant to this section shall attach to his return for the period with respect to which such deposits are made, in part or in full payment of the taxes shown thereon, depositary receipts so validated, and shall pay the balance, if any, of the taxes due for such period. If a voluntary deposit for a period prior to 1968 is made, the employer shall make it in ample time to enable the Federal Reserve bank to return the validated receipt to the employer so that it can be attached to and filed with the employer's return.

(3) *Deposits for 1968 and subsequent years.* Each remittance of amounts required to be deposited for periods subsequent to 1967 shall be accompanied by a Federal Tax Deposit, Railroad Retirement Taxes, form (Form 507) which shall be prepared in accordance with the instructions applicable thereto. The remittance, together with Form 507, shall be forwarded to a Federal Reserve bank or, at the election of the employer, to a commercial bank authorized in accordance with Treasury Department Circular No. 1079, 31 CFR Part 214, to accept remittances of the taxes for transmission to a Federal Reserve bank. The timeliness of the deposit will be determined by the date of receipt by a Federal Reserve bank or by the authorized commercial bank, whichever is earlier. Each employer making deposits pursuant to this section shall report on the return for the period with respect to which such deposits are made information regarding such deposits in accordance with the instructions applicable to such return and pay therewith (or deposit by the due date of such return) the balance, if any, of the taxes due for such period.

(4) *Time deemed paid.* In general, amounts deposited under subparagraph (3) of this paragraph shall be considered as paid on the last day prescribed for filing the return in respect of such tax (determined without regard to any extension of time for filing such return), or at the time deposited, whichever is later. For purposes of section 6511 and the regulations thereunder, relating to period of limitation on credit or refund, if an amount is so deposited prior to April 15th of a calendar year immediately succeeding the calendar year in which occurs the period for which such amounts was so deposited, such amount shall be considered as paid on such April 15th.

(c) *Procurement of prescribed forms.* Copies of the applicable deposit form will so far as possible be furnished employers. An employer will not be excused from making a deposit, however, by the fact that no form has been furnished to it. An employer not supplied with the proper form should make application therefor in ample time to make the required deposits within the time prescribed. The employer may secure the form or additional forms by applying therefor and supplying his name, identification number, address and the taxable period to which the deposits will relate. Copies of Form 515 for periods prior to 1968 may be secured by application to the district director or to a Federal Reserve bank. The address of the employer as entered on such form should be the address to which the receipt should be returned following validation by the Federal Reserve bank. Copies of Form 507 for periods subsequent to 1967 may be secured by application therefor to the district director or director of a service center.

PAR. 7. Paragraph (a) of § 46.6071(a)-1 is amended to read as follows:

§ 46.6071(a)-1 Time for filing returns.

(a) *Quarterly returns.* Each return required to be made under paragraph (a) of § 46.6011(a)-1 for a return period of not less than one calendar quarter shall be filed on or before the last day of the first calendar month following the period for which it is made. However, a return may be filed on or before the 10th day of the second calendar month following such period if timely deposits under section 6302(c) of the Code and the regulations thereunder have been made in full payment of such taxes due for the period. For the purpose of the preceding sentence, a deposit which is not required by such regulations in respect of the return period may be made on or before the last day of the first calendar month following the close of such period, and the timeliness of any deposit will be determined by the earliest date stamped on the applicable deposit form by an authorized commercial bank or by a Federal Reserve bank.

* * * * *

PAR. 8. Section 46.6302(c)–1 is amended by deleting subparagraph (2) of paragraph (a), revising paragraph (c) and by adding at the end thereof a new paragraph (d). The revised and added paragraphs read as follows:

§ 46.6302(c)–1 Use of Government depositaries.

* * * * *

(c) *Depositary forms*—(1) *In general.* A person required to make deposits by paragraph (a) of this section may make one, or more than one, remittance of the amount required to be deposited. An amount of such tax which is not required to be deposited may nevertheless be deposited if the person liable for the tax so desires.

(2) *Deposits for 1967 and prior years.* Each remittance of amounts required to be deposited for periods prior to 1968 shall be accompanied by a Depositary Receipt for Federal Excise Taxes (Form 537) which shall be prepared in accordance with the instructions applicable thereto. The person so required to deposit shall forward such remittance, together with such depositary receipt, to a Federal Reserve bank or, at his election, to a commercial bank authorized in accordance with Treasury Department Circular No. 848, 31 CFR Part 213, to accept remittances of the taxes for transmission to a Federal Reserve bank. After the Federal Reserve bank has validated the depositary receipt, such depositary receipt will be returned to the person. Every person making deposits pursuant to this section shall attach to his return for the period with respect to which such deposits are made, in part or in full payment of the taxes shown thereon, depositary receipts so validated, and shall pay the balance, if any, of the taxes due for such period. If a voluntary deposit for a period prior to 1968 is made, the person liable for the tax shall make it in ample time to enable the Federal Reserve bank to return the validated receipt to the person so that it can be attached to and filed with the person's return.

(3) *Deposits for 1968 and subsequent years.* Each remittance of amounts required to be deposited for periods subsequent to 1967 shall be accompanied by a Federal Tax Deposit, Excise Taxes, form (Form 504) which shall be prepared in accordance with the instructions applicable thereto. The remittance, together with Form 504, shall be forwarded to a Federal Reserve bank or, at the election of the person making the remittance, forwarded to a commercial bank authorized in accordance with Treasury Department Circular No. 1079, 31 CFR Part 214, to accept remittances of the taxes for transmission to a Federal Reserve bank. The timeliness of the deposit will be determined by the date of receipt by a Federal Reserve bank or by the authorized commercial bank, whichever is earlier. Each person making deposits pursuant to this section shall report on the return for the period with respect to which such deposits are made information regarding such deposits in accordance with the instructions applicable to such return and pay therewith (or deposit by the due date of such return) the balance, if any, of the taxes due for such period.

(4) *Time deemed paid.* Amounts deposited under subparagraph (3) of this paragraph shall be considered as paid on the last day prescribed for filing the return in respect of such tax (determined without regard to any extension of time for filing such return), or at the time deposited, whichever is later.

(d) *Procurement of prescribed forms.* Copies of the applicable deposit form will so far as possible be furnished persons required to deposit. Such a person will not be excused from making a deposit, however, by the fact that no form has been furnished to him. A person not supplied with the proper form should make application therefor in ample time to make the required deposits within the time prescribed. The person may secure the forms or additional forms by applying therefor and supplying his name, identification number, address, and the taxable period to which the deposits will relate. Copies of Form 537 for deposits for periods prior to 1968 may be secured by application to the district director or to a Federal Reserve bank. The address of the person as entered on such form should be the address to which the receipt should be returned following validation by the Federal Reserve bank. Copies of Form 504 for deposits for periods subsequent to 1967 may be secured by application therefor to the district director or director of a service center.

PAR. 9. Paragraph (a) of § 48.6071(a)–1 is amended to read as follows:

§ 48.6071(a)–1 Time for filing returns.

(a) *Quarterly returns.* Each return required to be made under paragraph (a) of § 48.6011(a)–1 for a return period of not less than one calendar quarter shall be filed on or before the last day of the first calendar month following the period for which it is made. However, a return may be filed on or before the 10th day of the second calendar month following such period if timely deposits under section 6302(c) of the Code and the regulations thereunder have been made in full payment of such taxes due for the period. For the purpose of the preceding sentence, a deposit which is not required by such regulations in respect of the return period may be made on or before the last day of the first calendar month following the close of such period, and the timeliness of any deposit will be determined by the earliest date stamped on the applicable deposit form by an authorized commercial bank or by a Federal Reserve bank.

* * * * *

PAR. 10. Section 48.6302(c)–1 is amended by deleting subparagraph (2) of paragraph (a), revising paragraph (c) and adding at the end thereof a new paragraph (d). The revised and added paragraphs read as follows:

§ 48.6302(c)–1 Use of Government depositaries.

* * * * *

(c) *Depositary forms*—(1) *In general.* A person required to make deposits by paragraph (a) of this section may make one, or more than one, remittance of the amount required to be deposited. An amount of such tax which is not required to be deposited may nevertheless be deposited if the person liable for the tax so desires.

(2) *Deposits for 1967 and prior years.* Each remittance of amounts required to be deposited for periods prior to 1968 shall be accompanied by a Depositary Receipt for Federal Excise Taxes (Form 537) which shall be prepared in accordance with the instructions applicable thereto. The person so required to deposit shall forward such remittance, together with such depositary receipt, to a Federal Reserve bank or, at his election, to a commercial bank authorized in accordance with Treasury Department Circular No. 848, 31 CFR Part 213, to accept remittances of the taxes for transmission to a Federal Reserve bank. After the Federal Reserve bank has validated the depositary receipt, such depositary receipt will be returned to the person. Every person making deposits pursuant to this section shall attach to his return for the period with respect to which such deposits are made, in part or in full payment of the taxes shown thereon, depositary receipts so validated, and shall pay the balance, if any, of the taxes due for such period. If a voluntary deposit for a period prior to 1968 is made, the person liable for the tax shall make it in ample time to enable the Federal Reserve bank to return the validated receipt to the person so that it can be attached to and filed with the person's return.

(3) *Deposits for 1968 and subsequent years.* Each remittance of amounts required to be deposited for periods subsequent to 1967 shall be accompanied by a Federal Tax Deposit, Excise Taxes, form (Form 504) which shall be prepared in accordance with the instructions applicable thereto. The remittance, together with Form 504, shall be forwarded to a Federal Reserve bank or, at the election of the person making the remittance, to a commercial bank authorized in accordance with Treasury Department Circular No. 1079, 31 CFR Part 214, to accept remittances of the taxes for transmission to a Federal Reserve bank. The timeliness of the deposit will be determined by the date of receipt by a Federal Reserve bank or by the authorized commercial bank, whichever is earlier. Each person making deposits pursuant to this section shall report on the return for the period with respect to which such deposits are made information regarding such deposits in accordance with the instructions applicable to such return and pay therewith (or deposit by the due date of such return) the balance, if any, of the taxes due for such period.

(4) *Time deemed paid.* Amounts deposited under subparagraph (3) of this paragraph shall be considered as paid

on the last day prescribed for filing the return in respect of such tax (determined without regard to any extension of time for filing such return), or at the time deposited, whichever is later.

(d) *Procurement of prescribed forms.* Copies of the applicable deposit form will so far as possible be furnished persons required to deposit. Such a person will not be excused from making a deposit, however, by the fact that no form has been furnished to him. A person not supplied with the proper form should make application therefor in ample time to make the required deposits within the time prescribed. The person may secure the form or additional forms by applying therefor and supplying his name, identification number, address and the taxable period to which the deposits will relate. Copies of Form 537 for deposits for periods prior to 1968 may be secured by application to the district director or to a Federal Reserve bank. The address of the person as entered on such form should be the address to which the receipt should be returned following validation by the Federal Reserve bank. Copies of Form 504 for deposits for periods subsequent to 1967 may be secured by application therefor to the district director or director of a service center.

PAR. 11. Section 49.6302(c)-1 is amended by deleting subparagraph (2) of paragraph (a), and revising paragraph (c). The revised paragraph (c) reads as follows:

§ 49.6302(c)-1 Use of Government depositaries.

* * * * *

(c) *Depositary forms*—(1) *In general.* A person required to make deposits by paragraph (a) of this section may make one, or more than one, remittance of the amount required to be deposited. An amount of such tax which is not required to be deposited may nevertheless be deposited if the person liable for the tax so desires.

(2) *Deposits for 1967 and prior years.* Each remittance of amounts required to be deposited for periods prior to 1968 shall be accompanied by a Depositary Receipt for Federal Excise Taxes (Form 537) which shall be prepared in accordance with the instruction applicable thereto. The person so required to deposit shall forward such remittance, together with such depositary receipt, to a Federal Reserve bank or, at his election, to a commercial bank authorized in accordance with Treasury Department Circular No. 848, 31 CFR Part 213, to accept remittances of the taxes for transmission to a Federal Reserve bank. After the Federal Reserve bank has validated the depositary receipt, such depositary receipt will be returned to the person. Every person making deposits pursuant to this section shall attach to his return for the period with respect to which such deposits are made, in part or in full payment of the taxes shown thereon, depositary receipts so validated, and shall pay the balance, if any, of the taxes due for such period. If a voluntary deposit for a period prior to 1968 is made, the person liable for the tax shall make it in ample time to enable the Federal Reserve bank to return the validated receipt to the person so that it can be attached to and filed with the person's return.

(3) *Deposits for 1968 and subsequent years.* Each remittance of amounts required to be deposited for periods subsequent to 1967 shall be accompanied by a Federal Tax Deposit, Excise Taxes, form (Form 504) which shall be prepared in accordance with the instructions applicable thereto. The remittance, together with Form 504, shall be forwarded to a Federal Reserve bank or, at the election of the person making the remittance to a commercial bank authorized in accordance with Treasury Department Circular No. 1079, 31 CFR Part 214, to accept remittances of the taxes for transmission to a Federal Reserve bank. The timeliness of the deposit will be determined by the date of receipt by a Federal Reserve bank or by the authorized commercial bank, whichever is earlier. Each person making deposits pursuant to this section shall report on the return for the period with respect to which such deposits are made information regarding such deposits in accordance with the instructions applicable to such return and pay therewith (or deposit by the due date of such return) the balance, if any, of the taxes due for such period.

(4) *Time deemed paid.* Amounts deposited under subparagraph (3) of this paragraph shall be considered as paid on the last day prescribed for filing the return in respect of such tax (determined without regard to any extension of time for filing such return), or at the time deposited, whichever is later.

(5) *Procurement of prescribed forms.* Copies of the applicable deposit form will so far as possible be furnished persons required to deposit. Such a person will not be excused from making a deposit, however, by the fact that no form has been furnished to him. A person not supplied with the proper form should make application therefor in ample time to make the required deposits within the time prescribed. The person may secure the form or additional forms by applying therefor and supplying his name, identification number, address and the taxable period to which the deposits will relate. Copies of Form 537 for deposits for periods prior to 1968 may be secured by application to the district director or to a Federal Reserve bank. The address of the person as entered on such form should be the address to which the receipt should be returned following validation by the Federal Reserve bank. Copies of Form 504 for deposits for periods subsequent to 1967 may be secured by application therefor to the district director or director of a service center.

[F.R. Doc. 67-13615; Filed, Nov. 17, 1967; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 3100, 3120]

PUBLIC DOMAIN LEASING UNDER 1920 ACT

Qualifications for Associations

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 32 of the Act of February 25, 1920 (41 Stat. 450, 30 U.S.C. 189) and section 2478 of the Revised Statutes (43 U.S.C. 1201), it is proposed to amend 43 CFR Part 3100 as set forth below. The purpose of these amendments is to state in the regulations the fact that associations, including partnerships, which meet certain requirements may hold a lease or permit under the Mineral Leasing Act, and that such associations may furnish qualifications in a manner similar to that permitted to be followed by corporations.

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 amendments to the Bureau of Land Management, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Subpart 3101—Lessees

Section 3101.1 is amended to read as follows:

§ 3101.1 Who may hold leases and permits.

Mineral prospecting permits and mineral leases may be issued only to (a) citizens of the United States; (b) associations of such citizens organized under the laws of the United States or of any State thereof, which are authorized to hold such interests by the statute under which organized and by the instrument establishing the association; (c) corporations organized under the laws of the United States or of any State thereof; or (d), in the case of coal, oil, oil shale, or gas, municipalities. A mineral lease or permit will not be issued to a minor, but oil and gas leases may be issued to legal guardians or trustees of minors in their behalf. As used in this group, "association" includes "partnership."

Subpart 3123—Noncompetitive Leases

In § 3123.2 paragraphs (c)(1) and (f) are amended to read as follows:

§ 3123.2 What should accompany offer.

* * * * *

(c) (1) Except in the case where a member or a partner signs an offer on behalf of an association (as to which, see paragraph (f)(1) of this section), or where an officer of a corporation signs an

offer on behalf of the corporation (as to which, see paragraph (g) of this section), evidence of the authority of the attorney-in-fact or agent to sign the offer and lease, if the offer is signed by such attorney or agent on behalf of the offeror. Where such evidence has previously been filed in the same land office where the offer is filed, a reference to the serial number of the record in which it has been filed, together with a statement by the attorney-in-fact or agent that such authority is still in effect will be accepted.

* * * * *

(f) (1) If the offeror is an association which meets the requirement of § 3101.1 of this chapter, the offer shall be accompanied by a certified copy of its articles of association or partnership, together with a statement showing (i) that it is authorized to hold oil and gas leases; (ii) that the member or partner executing the lease is authorized to act on behalf of the association in such matters; and (iii) the names and addresses of all members owning or controlling more than 10 percent of the association. A separate statement from each person owning or controlling more than 10 percent of the association, setting forth his citizenship and holdings, shall also be furnished. Where such material has previously been filed, a reference by serial number to the record in which it has been filed, together with a statement as to any amendments, will be accepted.

(2) If the offer is made by an association which does not meet the requirements of § 3101.1 of this chapter, the same showing as to citizenship and holdings of its members shall be made as is required of an individual.

* * * * *

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

NOVEMBER 14, 1967.

[F.R. Doc. 67-13586; Filed, Nov. 17, 1967; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 959]

ONIONS GROWN IN SOUTH TEXAS

Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the South Texas Onion Committee, established pursuant to Marketing Agreement No. 143 and Marketing Order No. 959, both as amended (7 CFR Part 959). This marketing program regulates the handling of onions grown in designated counties in South Texas, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same in quadruplicate with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 30th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

§ 959.208 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning August 1, 1967, through July 31, 1968, by the South Texas Onion Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate, will amount to $35,500.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be one-half cent ($0.005) per 50-pound sack of onions, or equivalent quantity, handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

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

Dated: November 14, 1967.

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

[F.R. Doc. 67-13604; Filed, Nov. 17, 1967; 8:48 a.m.]

[7 CFR Part 966]

[Docket No. AO-265-A1]

TOMATOES GROWN IN FLORIDA

Notice of Hearing Regarding Proposed Amendments to Marketing Agreement and Order

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Auditorium of the Florida Fruit and Vegetable Association, 4401 East Colonial Drive, Orlando, Fla., beginning at 9:30 a.m., local time, December 1, 1967, with respect to proposed amendments to Marketing Agreement No. 125 and Order No. 966 (7 CFR Part 966), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of tomatoes grown in the State of Florida production area. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic, marketing, and other conditions relating to the proposed amendments, hereinafter set forth, and to any appropriate modifications thereof.

The proposed amendments to the marketing agreement and order were submitted by the Florida Tomato Committee, the administrative agency established pursuant to the marketing agreement and order, with a request for a hearing thereon. The proposals are as follows:

1. Delete § 966.4, *Production area*, and in lieu thereof insert a new § 966.4 as follows:

§ 966.4 Production area and regulation area.

(a) "Production area" means the Counties of Pinellas, Hillsborough, Polk, Osceola, and Brevard in the State of Florida, and all the counties of that State situated south of such counties.

(b) "Regulation area" means that portion of the State of Florida which is bounded by the Suwannee River, the Georgia border, the Atlantic Ocean, and the Gulf of Mexico.

2. Delete § 966.6, *Handler*, and in lieu thereof insert a new § 966.6 as follows:

§ 966.6 Handler.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier transporting tomatoes for another person) who, as owner, agent, or otherwise, handles fresh tomatoes or causes fresh tomatoes to be handled.

3. Delete § 966.7, *Handle*, and in lieu thereof insert a new § 966.7 as follows:

§ 966.7 Handle.

"Handle" or "ship" means to sell, transport or in any other way to place fresh tomatoes, produced in the production area, in the current of commerce between the regulation area and any point outside thereof in the United States, Canada, or Mexico.

4. Amend § 966.22, *Establishment and membership*, to read as follows:

§ 966.22 Establishment and membership.

(a) The Florida Tomato Committee, consisting of 12 producer members, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Each person selected as a committee member or alternate shall be an individual who is a producer, or an officer or an employee of a corporate producer, in the district for which selected and a resident of the production area.

5. Amend § 966.24, *Districts*, by deleting District No. 5, to read as follows:

§ 966.24 Districts.

For the purpose of determining the basis for selecting committee members the following districts of the production area are hereby initially established:

District No. 1. The counties of Broward and Dade in the State of Florida;

District No. 2. The counties of Brevard, Glades, Indian River, Martin, Osceola, Okeechobee, Palm Beach, and St. Lucie in the State of Florida;

District No. 3. The counties of Charlotte, Collier, Hendry, Lee, and Monroe in the State of Florida; and

District No. 4. The counties of De Soto, Hardee, Highlands, Hillsborough, Manatee, Pinellas, Polk, and Sarasota in the State of Florida.

6. In § 966.27, *Nomination*, amend paragraphs (a), (b), and (c) to read as follows:

§ 966.27 Nomination.

* * * * *

(a) A meeting or meetings of producers shall be held in each district to nominate members and alternates for the committee. The committee shall hold such meetings or cause them to be held prior to June 15 of each year or by such other date as may be approved by the Secretary pursuant to recommendation of the committee.

(b) At each such meeting at least one nominee shall be designated for each position as member and for each position as alternate on the committee.

(c) Nominations for committee members and alternates shall be supplied to the Secretary in such manner and form as he may prescribe, not later than July 15 of each year, or by such other date as may be approved by the Secretary pursuant to recommendation of the committee.

* * * * *

7. In § 966.32, *Procedure*, amend paragraph (a) to read as follows:

§ 966.32 Procedure.

(a) Eight members of the committee shall be necessary to constitute a quorum and the same number of concurring votes shall be required to pass any motion or approve any committee action.

* * * * *

8. Delete § 966.44, *Refunds*, and in lieu thereof insert a new § 966.44 as follows:

§ 966.44 Excess funds.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this paragraph, to the extent practical it shall be refunded proportionately to the persons from whom it was collected.

(2) The committee, with the approval of the Secretary, may establish an operating monetary reserve and may carry over to subsequent fiscal periods such excess in a reserve so established: *Provided*, That funds in the reserve shall not exceed approximately one fiscal period's expenses. Such reserve funds may be used (i) to defray expenses, during any fiscal period, prior to the time assessment income is sufficient to cover such expenses, (ii) to cover deficits incurred during any fiscal period when assessment income is less than expenses, (iii) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, (iv) to cover necessary expenses of liquidation in the event of termination of this part. Upon such termination any funds not required to defray the necessary expenses of liquidation; and after reasonable effort by the committee, it is found impracticable to return such remaining funds to handlers, such funds shall be disposed of in such manner as the Secretary may determine to be appropriate.

9. In § 966.52, *Issuance of regulations*, amend paragraph (a) by adding the word "maturities" so as to read as follows:

§ 966.52 Issuance of regulations.

* * * * *

(a) Limit, in any or all portions of the production area, the handling of particular grades, sizes, qualities, maturities, or packs of any or all varieties of tomatoes, during any period; or

* * * * *

Copies of this notice may be obtained from the Vegetable Branch, Fruit and Vegetable Division, C&MS, U.S. Department of Agriculture, Washington, D.C. 20250, or from M. F. Miller, Field Representative, Fruit and Vegetable Division, Consumer and Marketing Service, P.O. Box 9, Lakeland, Fla. 33802.

Dated: November 15, 1967.

ALEXANDER SWANTZ,
Acting Deputy Administrator, Regulatory Programs.

[F.R. Doc. 67-13621; Filed, Nov. 17, 1967; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67-SO-4]

FEDERAL AIRWAY SEGMENTS

Proposed Alteration and Designation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would realign the segment of VOR Federal airway No. 115 between Crestview, Fla., and Montgomery, Ala., and designate VOR Federal airway No. 329.

The FAA proposes to realign V-115 airway segment from Crestview to Montgomery via the intersection of the Crestview 001° T (358° M) and the Montgomery 204° T (201° M) radials, and designate VOR Federal airway No. 329 from the intersection of the Crestview, Fla., 091° T (088° M) and the Eglin, Fla., VOR 003° (360° M) radials to Montgomery, Ala., via the intersection of the Eglin 003° (360° M) and the Montgomery 188° (185° M) radials.

The existing airway structure over Crestview is inadequate to handle the large volume of air traffic generated by the Eglin Air Force Base and the Navy Pensacola complexes. In addition, the presence of Restricted Areas R-2914, R-2915A, and R-2915B, the Navy Pensacola training activities and the Army Fort Rucker training activities adjacent to the airway structure in the Crestview area tends to constrict the flow of en route traffic to the airway system over Crestview. The alignment of V-115 and the designation of V-329 proposed herein will provide additional route structure to facilitate the movement of the large volume of traffic into and from the Eglin and Pensacola complexes.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. 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 amendments. The proposals contained in this notice may be changed in the light of comments received.

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

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

Issued in Washington, D.C., on November 13, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-13597; Filed, Nov. 17, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-EA-102]

FEDERAL AIRWAY

Proposed Designation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would establish a VOR Federal airway from Whitesburg, Ky., to Newcombe, Ky., with a 1,200-foot AGL floor, and designate Newcombe as a compulsory reporting point.

The proposed airway and reporting point would provide a direct route between Whitesburg and Newcombe and would permit improved traffic handling in the Huntington, W. Va., terminal area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention:

Chief, Air Traffic Division, Federal Aviation Administration, JFK International Airport, N.Y. 11430. 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 amendments. The proposals contained in this notice may be changed in the light of comments received.

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

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

Issued in Washington, D.C., on November 13, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-13598; Filed, Nov. 17, 1967; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S 573; R 598]

CALIFORNIA

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

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

2. Publication of this notice segregates (a) all public lands described below from appropriation only under the agricultural land laws (43 U.S.C., Chs. 7 and 9; 25 U.S.C., sec. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171) and (b) the lands described in paragraph 4 from appropriation under the mining laws (30 U.S.C., Ch. 2).

The public lands are located within Kern County in the vicinity of Lake Isabella. For the purposes of this proposed classification, the lands have been divided into three blocks and each has been studied in detail and described on documents and maps available for inspection at the Bakersfield District Office, Room 311, Federal Building, 800 Truxtun Avenue; at the Riverside Land Office, 1414 University Avenue, Riverside, Calif., and at the Land Office, 650 Capitol Mall, Sacramento, Calif.

The overall descriptions of the areas are as follows:

MOUNT DIABLO MERIDIAN, CALIFORNIA

BLOCK NO. 1

All public lands in:
T. 25 S., R. 32 E.,
Secs. 25, 35, and 36.
T. 26 S., R. 32 E.,
Secs. 1 and 2;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34, 35, and 36.
T. 27 S., R. 32 E.,
Secs. 1 and 2;
Secs. 12 and 13;
Secs. 23 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 25 S., R. 33 E.,
Sec. 15, SW¼;
Sec. 16, S½;
Secs. 21, 22, 23, 25, 26, 28, 29, and 30;
Sec. 34, SE¼;
Secs. 35 and 36.
T. 26 S., R. 33 E.,
Secs. 1, 2, 3, and 7;
Sec. 8, SW¼;
Secs. 10, 11, and 12;
Secs. 17 to 21, inclusive;
Sec. 22, W½;
Secs. 28 to 34, inclusive;
Sec. 36.
T. 27 S., R. 33 E.,
Secs. 1 to 4, inclusive;
Sec. 5, N½;
Sec. 7, NW¼;
Secs. 9 to 17, inclusive;
Secs. 19 to 24, inclusive.
T. 25 S., R. 34 E.,
Secs. 30 and 31.
T. 26 S., R. 34 E.,
Secs. 6, 7, and 20;
Secs. 23 to 29, inclusive;
Secs. 31 to 36, inclusive.

Except the public lands within the following descriptions:

T. 25 S., R. 32 E.,
Sec. 35, E½SW¼, SE¼.
T. 26 S., R. 32 E.,
Sec. 12, S½SW¼, SE¼;
Sec. 13, lots 2, 4, 5, and 6;
Sec. 15, W½W½.
T. 25 S., R. 33 E.,
Sec. 21, N½NW¼, NW¼NE¼, NE¼SE¼.
T. 26 S., R. 33 E.,
Sec. 21, W½SE¼, SE¼SE¼.
T. 26 E., R. 34 E.,
Sec. 24, S½SW¼, SW¼SE¼.

BLOCK NO. 2

All public lands in:
T. 25 S., R. 34 E.,
Sec. 36, W½.
T. 26 S., R. 34 E.,
Secs. 1 and 12.
T. 25 S., R. 35 E.,
Secs. 24, 25, 34, 35, and 36.
T. 26 E., R. 35 E.,
Secs. 1 to 6, inclusive;
Secs. 9, 10, and 11;
Secs. 14 to 17, inclusive;
Secs. 20 to 23, inclusive;
Secs. 26 to 29, inclusive;
Secs. 31 to 35, inclusive.
T. 27 S., R. 35 E.,
Secs. 2 to 11, inclusive;
Secs. 14 to 18, inclusive.
T. 25 S., R. 36 E.,
Secs. 1 to 36, inclusive.
T. 26 S., R. 36 E.,
Sec. 1, NE¼;
Sec. 6.
Except the following public lands:
T. 26 S., R. 34 E.,
Sec. 1, lots 6, 11, 13, 14, 16 to 19, inclusive, and SW¼NW¼.

BLOCK NO. 3

All public lands in:
T. 25 S., R. 33 E.,
Sec. 15, E½NE¼.
T. 26 S., R. 33 E.,
Sec. 6, NW¼NE¼, and lot 1.
T. 26 S., R. 34 E.,
Sec. 2, NE¼SE¼;
Sec. 9, S½SE¼.

The Public Lands proposed to be classified aggregate approximately 24,821.68 acres.

4. The following public lands are further segregated from appropriation under the mining laws (totaling approximately 1,486.66 acres):

MOUNT DIABLO MERIDIAN, KERN COUNTY

T. 26 E., R. 32 E.,
Sec. 15, E½ and E½W½;
Sec. 22, N½;
Sec. 25, SE¼;
Sec. 36, N½NE¼, SW¼NW¼, and SE¼.
T. 25 S., R. 33 E.,
Sec. 15, E½NE¼.
T. 25 S., R. 36 E., and all public lands within 200 feet on either side of the centerline of the following road: (1) BLM Road Project No. 104, Canebrake Creek Extension of Lamont Meadows Road No. 1619, extending from the Kern County line in secs. 1 through 2, 11, 12, 14, and 15.

5. For a period of sixty (60) days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Bakersfield District Manager, Bureau of Land Management, Room 311, Federal Building, 800 Truxtun Avenue, Bakersfield, Calif. 93301 or at the public hearing.

6. A public hearing on this proposed classification will be held at 2 p.m., Tuesday, December 5, 1967, at Kern River Veterans' Hall, Highway 178, Lake Isabella, Calif.

JAMES B. GARNER,
Acting State Director.

[F.R. Doc. 67-13584; Filed, Nov. 17, 1967; 8:46 a.m.]

[Montana 3843 (ND)]

NORTH DAKOTA

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 13, 1967.

The Corps of Engineers, on behalf of the Department of the Army, has filed application, Montana 3843 (ND), for the withdrawal of the lands described below, from all forms of appropriation, including the mining and mineral leasing laws, except for oil and gas, subject to existing valid claims.

The applicant desires the land for use in connection with the construction, operation, and maintenance of the Oahe Dam and Reservoir Project, N. Dak.

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, 316 North 26th Street, Billings, Mont. 59101.

The Department's regulations (43 CFR 2311.1–3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant

agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for the purpose other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

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

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

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

The lands involved in the application are:

FIFTH PRINCIPAL MERIDIAN, NORTH DAKOTA

T. 129 N., R. 79 W.,
Sec. 4, lots 4, 5, and 6;
Sec. 5, lots 1, 2, and 3.
T. 130 N., R. 79 W.,
Sec. 18, lot 1;
Sec. 33, lot 4.
T. 133 N., R. 79 W.,
Sec. 12, lots 1, 2, 3, and 4.
T. 134 N., R. 79 W.,
Sec. 3, lot 7 and E½SE¼.
T. 136 N., R. 79 W.,
Sec. 11, lots 5, 6, 7, 8, and 9;
Sec. 12, lots 9 and 10;
Sec. 13, lots 7 and 8, SW¼NE¼, and SE¼NW¼;
Sec. 14, lot 1;
Sec. 23, NE¼NE¼.
T. 137 N., R. 79 W.,
Sec. 19, lots 6 and 8;
Sec. 30, lot 1, NW¼NE¼, and NE¼NW¼.
T. 137 N., R. 80 W.,
Sec. 9, lots 7 and 8, and SE¼SE¼;
Sec. 10, lots 2, 4, 5, 6, and 7.

The areas described aggregate 1,310.74 acres.

KENNETH J. SIRE,
Acting Land Office Manager.

[F.R. Doc. 67-13587; Filed, Nov. 17, 1967; 8:46 a.m.]

[OR 2600]

OREGON

Amendment of Notice of Offering of Land for Sale

NOVEMBER 13, 1967.

The Notice of Offering of Land for Sale appearing as F.R. Doc. 67-12617 on page 14718 of the issue for Tuesday, October 24, 1967, is hereby amended to include the following land:

WILLAMETTE MERIDIAN

OREGON

Tract No. 24

T. 5 N., R. 27 E.,
Sec. 30, NE¼SE¼.

DANIEL P. BAKER,
Acting State Director.

[F.R. Doc. 67-13585; Filed, Nov. 17, 1967; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

NATIONAL SCHOOL LUNCH PROGRAM

Reporting of Free and Reduced Price Lunches

The following notice is issued in connection with the reporting requirements for the National School Lunch Program Regulations (7 CFR Part 210):

I. *Purpose.* This notice prescribes the lunches that should be reported on the monthly claims as served free or at less than full price and on the Monthly Report of School Lunch Operations as served free or at reduced price.

II. *General.* In accordance with § 210.8(d) of the regulations, schools participating in the National School Lunch Program must supply lunches without cost or at a reduced price to all children who are determined by local school authorities to be unable to pay the full price thereof because of their economic need. Accurate reporting of such lunches is needed for program administrative purposes and for use in the apportionment of funds provided for special assistance to needy schools under section 11 of the Act.

III. *To be reported as free or reduced price lunches—A. Lunches exchanged for labor by economically needy children.* The fact that a needy child renders an essential service for his lunch or a token service, does not modify or change the character of the lunch as a free lunch. Neither does the fact that a needy child may be paid cash for his services and uses the cash thus earned to pay for his lunch. The controlling factor is that the local school officials have made a determination that in one way or another the child should be given a free lunch because he cannot afford to buy one.

B. *Lunches financed by school boards and outside organizations.* Lunches paid for by school boards, outside charitable or civic organizations, public or private welfare agencies, labor unions, city governments, the Bureau of Indian Affairs, Office of Education (Title I, ESE Act), OEO, or other agencies or organizations, that are served to economically needy children should be reported as free or reduced price lunches.

C. *Lunches financed out of program operations.* Lunches financed by program operations which are served free or at reduced price to economically needy children should be reported as free or reduced price lunches.

D. *Family rates for economically needy families.* Lunches sold at "family rates" should be counted as free or reduced price lunches when such rates are extended only to the children of families that qualify as economically needy. Such arrangements may provide that one or more of the children of a needy family pay the full lunch price while the remaining children of a family pay a reduced price (at least 10 cents below the established lunch price) or receive their lunches free. Lunches served to all children of a family that qualifies for the family rate because of economic need should be reported as free or reduced price lunches.

E. *Credit lunches.* Lunches served on credit may be paid for later as expected or the recipient may not be able to pay later although originally he intended to pay. Also, a school may term free lunches as "credit lunches" to prevent identification of free lunch recipients. (In this latter case the school does not expect payment nor does the recipient intend to pay). All lunches served on credit which are not paid for by the end of the reporting period should be reported by the school as free or reduced price lunches. If, subsequently, they are paid for, an adjustment can be made in the number of free or reduced price lunches reported for the period during which payment was received.

F. *Lunches served by needy schools which follow maximum price reduction policies.* Schools which draw attendance from poor economic areas, which need additional financial help to provide additional free or reduced price lunches, are eligible for special assistance under either section 4 or section 11 of the Act. Such schools may also receive special assistance from State or local funds.

These needy schools may choose to use the special financial assistance to provide free lunches to the highest possible proportion of program participants and at the same time maintain the lunch price at the usual level for the paying children.

Alternatively, the special financial assistance received may be used to effect an across-the-board reduction in the lunch price to all children. This permits a greater proportion of the participants to pay for their lunches; it helps increase participation; it increases program income and helps the school to sustain the financial burden of providing lunches at no charge to children who cannot pay anything.

Where a general reduction of the lunch price is made in such needy schools, as a result of the special assistance, all the lunches served should be reported as free or reduced price lunches provided that the price reduction made is at least 10 cents below the price charged prior to the granting of the special financial assistance.

G. *Lunches served by needy schools receiving combination reimbursement (section 4 and section 11 funds).* Needy schools may receive reimbursement from section 4 funds for all lunches served and additional reimbursement from section 11 funds for the free or reduced price lunches served, resulting in total reimbursement of up to 24 cents per lunch for the free or reduced price lunches (up to 9 cents from section 4 funds and additional reimbursement of up to 15 cents from section 11 funds). In such schools only the lunches receiving the additional reimbursement from section 11 funds should be reported as free or reduced price lunches.

IV. *Not to be reported as free or reduced price lunches—A. Lunches exchanged for labor by children who are*

not needy. Lunches served without charge or at reduced cost to nonneedy children who render a service to the school or the lunch program should not be reported as free or reduced price lunches.

B. *Family rates for nonneedy*. Lunches sold at "family rates" (two or more in the family) should not be reported as free or reduced price lunches when such rates are extended to all families having children in attendance at the school and the "family rate" plan is a part of the established price structure, based on the number of children in the family attending the school rather than on economic need. Likewise, lunches sold at small reductions in price as a result of the sale of weekly or monthly lunch tickets should not be reported as free or reduced price lunches.

V. *Effective date*. This notice shall be effective upon publication.

Dated: November 14, 1967.

RODNEY E. LEONARD,
Deputy Assistant Secretary.

[F.R. Doc. 67-13601; Filed, Nov. 17, 1967; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

FLORIDA STATE UNIVERSITY

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

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

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

Docket No. 67-00135-33-46040. Applicant: Florida State University, Tallahassee, Fla. 32306. Article: Electron Microscope, Model HU-11C. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used in the following research programs currently in progress: (a) Interpretation of the arrangement of nucleoprotein fibrils of meiotic chromosomes in relation to the mechanisms of synapsis and division; (b) determination of nerve synaptic organization by interpretation of the membrane systems within a synaptic region; (c) visualization of the sequence of purine and pyrimidine bases in DNA (Deoxyribonucleic Acid), using the base analog, 5-iodouridine, to allow more precise localization of the thymidine analog without uranyl salt staining; (d) study in vitro protein synthesis through investigation of the role of template DNA, messenger RNA (Ribonucleic Acid) and DNA associated histones that have been negatively stained; and (e) studies of smaller size nuclei on evaporated gold film. Comments: Comments have been received from the Radio Corporation of America (RCA), which alleged inter alia that the "RCA Type EMU-4 Electron Microscope is of equivalent scientific value to the instrument for which duty-free entry has been requested for the purposes stated in the application for which the instrument is intended to be used." (RCA's comments dated July 24, 1967.) Decision: Application approved. No instrument of equivalent scientific value to the foreign article, for the purpose for which such article is intended, is being manufactured in the United States. Reasons: (1) The foreign article offers a guaranteed resolution of 5 Angstroms whereas the RCA Model EMU-4 guarantees 8 Anstrom resolution. The National Bureau of Standards (NBS) advises that the above difference in resolution is very significant in connection with the purpose of the applicant to extend his observations to achieve the finest observable structure. (See NBS memorandum dated Aug. 10, 1967.) (2) The foreign article provides an accelerating voltage of 25 kilovolts whereas the RCA Model EMU-4 provides accelerating voltages of 50 and 100 kilovolts. In this regard, NBS advises that it is essential to the applicant's research objectives to have lower accelerating voltage capability to obtain improved contrast. (See NBS memorandum cited above.) The availability of the lower accelerating voltage of 25 kilovolts is, therefore, considered pertinent.

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

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

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

[F.R. Doc. 67-13570; Filed, Nov. 17, 1967; 8:45 a.m.]

FORSYTH DENTAL CENTER

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

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

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

Docket No. 67-00126-33-46500. Applicant: Forsyth Dental Center, 140 The Fenway, Boston, Mass. 02115. Article: Diamond Knife for ultrathin sectioning, Microtoms Model, Polyester III. Manufacturer: Walter Rawyler, Switzerland. Intended use of article: Applicant states: "For preparing ultrathin sections of calcified tissues for study with the electron microscope." Comments: No comments have been received with respect to this application. Decision: Application denied. There are domestically manufactured instruments or apparatus of equivalent scientific value to the foreign article for the purposes of the states' intended use. Reasons: The pertinent characteristics and pertinent specifications of the foreign instrument, when compared with the pertinent characteristics and pertinent specifications of domestic instruments, show that scientific equivalency exists. The Department of Health, Education, and Welfare (HEW) reports that it cannot recommend duty-free entry of the foreign article, and that it is unable to reveal "Experience to support the applicant's contention that there is a demonstrable difference between the knives made by Rawyler and those from duPont [a domestic manufacturer]." (See HEW memorandum dated Sept. 6, 1967)

For the foregoing reasons, we find that an instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States.

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

[F.R. Doc. 67-13571; Filed, Nov. 17, 1967; 8:45 a.m.]

HEALTH RESEARCH, INC.

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

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

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

Docket No. 67-00121-00-46040. Applicant: Health Research, Inc., 666 Elm Street, Buffalo, N.Y. 14203. Article: Electron Microscope Accessory Model 171460, Shutter for applicant's foreign made Electron Microscope. Manufacturer: Siemens Aktiengesellschaft, West

Germany. Intended use of article: Applicant states: "The article will be used to expose photoplates during operation of the electron microscope." Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an accessory which is intended to be used with a Siemens electron microscope which is manufactured in West Germany. The accessory must be specially designed to work with the Siemens electron microscope. The only known source for such accessory is the manufacturer of the Siemens electron microscope. The Department of Commerce knows of no comparable accessory which is being manufactured in the United States.

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

[F.R. Doc. 67-13572; Filed, Nov. 17, 1967; 8:45 a.m.]

OHIO STATE UNIVERSITY

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 (Pub. Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

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

Docket No. 67-00158-65-46040. Applicant: The Ohio State University, Department of Metallurgical Engineering, 190 North Oval Drive, Columbus, Ohio 43210. Article: Norelco Electron Microscope Model EM 300 with ancillary equipment. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: Applicant states:

1. Examination of thin foils of pure metals, alloys, and other solids such as crystalline and amorphores reaction products, and minerals.
2. Examination of metal foils under special conditions of low and high temperature and dynamic straining as well as under conditions where dynamic solid state reactions are occurring. These dynamic solid state reactions include precipitation, diffusion, and oxidation.
3. Examination of surface replicas of metal surfaces.
4. Determination of crystalline structure of solids with maximum possible accuracy.

Comments: No comments were received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article provides a guaranteed resolution of 5 Angstroms (specification sheet for the Norelco EM 300 Electron Microscope attached to application), whereas the only domestic instrument, the Model EMU-4 manufactured by Radio Corporation of America (RCA), provides a guaranteed resolution of 8 Angstroms (specifications for Model EMU-4 attached to application). (The lower the numerical rating in terms of Angstroms, the better the resolution.) The Department of Health, Education, and Welfare (memorandum dated Aug. 17, 1967) advised that the planned uses of the Philips EM 300 electron microscope will require the ultimate in resolutions. (2) The foreign article has a variable accelerating voltage of 20, 40, 80, and 100 kilovolts, whereas the domestic article has 50 and 100 kilovolts. In an application for duty-free entry of another electron microscope for similar intended uses the National Bureau of Standards (see memorandum dated July 17, 1967 with Docket No. 67-00038-65-46040) has noted that it is essential to the applicant's research objectives that the applicant have the capability to attempt to obtain improved contrast through the use of the lower accelerating voltage. The availability of the lower accelerating voltage of 20 kilovolts is, therefore, considered pertinent.

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

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

[F.R. Doc. 67-13573; Filed, Nov. 17, 1967; 8:45 a.m.]

Office of the Secretary

[Administrative Order 208-14]

CONTRACTS AND GRANTS

Patent Policy

The following order was issued by the Secretary of Commerce.

SECTION 1. *Purpose.* .01 The President of the United States issued a Memorandum and Statement on Government Patent Policy on October 10, 1963 (28 F.R. 10943, Oct. 12, 1963) to establish common criteria and guidelines for use by the Federal departments and agencies, to the extent consistent with their statutory responsibilities, on the disposition of rights to inventions resulting from federally financed research and development. This order implements the Presidential Memorandum and Statement, and sets forth the Department of Commerce policies and procedures pertaining to the disposition of rights to inventions resulting from contracted or granted research and development supported by the Department of Commerce including its operating units.

.02 Among the most important objectives of this order are those which (a) foster the widest practicable dissemination of new technology and the fullest commercial exploitation for the public benefit of inventions made under Government-supported research and development, (b) consider the equities of the Government's contractors and grantees, and (c) protect the interests of the general public.

SEC. 2. *Definitions.* As used in this order, the stated terms are defined as follows:

a. Invention means any art, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the patent laws of the United States of America or any foreign country.

b. Subject invention means any invention or discovery conceived or first actually reduced to practice in the course of or under the contract, and includes any art, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the patent laws of the United States of America or any foreign country.

c. Contractor means any individual, partnership, public or private corporation, association, institution, or other entity which is a party to the contract or a subcontract thereunder.

d. Contract means any contract, subcontract, grant, or other agreement where there is an understanding in writing that such a contract, subcontract, grant, or agreement would be awarded, entered into with or for the benefit of the Government, where a purpose of the contract is the conduct of experimental, developmental, or research work.

e. Made when used in relation to any invention means the conception or first actual reduction to practice of such invention in the course of or under the contract.

f. Governmental purpose means the right of the Government of the United States, any agency thereof, State, or domestic municipal government to practice and have practiced, make or have made, use or have used, sell, or have sold throughout the world by or on behalf of the Government of the United States and by or on behalf of any State or domestic municipal government.

g. To the point of practical application means to manufacture in the case of a composition or product, to practice in the case of a process, or to operate in the case of a machine and under such conditions as to establish that the invention is being worked and that its benefits are reasonably accessible to the public.

SEC. 3. *Patent clauses and their application*—.01 *Policy.* a. It is the policy of the Department of Commerce to allocate

rights to inventions resulting from research and development contracts and grants supported by the Department in accordance with the guidance and criteria established by the President's October 10, 1963, Memorandum and Statement of Government Patent Policy. The Presidential Memorandum and Statement prescribed three basic methods of allocation of invention rights, under normal contracting situations, described below in subparagraphs .01b, .01c, and .01d of this section.

b. The first method (described in paragraph .02 of this section) applies to contracts in which the principal or exclusive rights should normally be acquired by the Government at the time of contracting.

c. When the criteria of paragraph .02 of this section are not applicable to a contract, the second method (described in paragraph .03 of this section) applies if the situation is one in which the principal or exclusive rights to inventions are normally acquired by the contractor at the time of contracting.

d. The third method (described in paragraph .04 of this section) applies to contract situations which do not appear to fall within either of the methods described in subparagraphs .01b and .01c of this section. In these situations, the allocation of invention rights is deferred until after the inventions have been identified.

e. Because the mission responsibilities of the Department vary, research supported by the Department is likely to come within each of the three categories of contract situations set forth in subparagraphs .01b, .01c, and .01d of this section, and for this reason a patent rights clause to be used for each of these categories is indicated in paragraphs .02, .03, and .04 of this section. It is the responsibility of the contracting officer to determine which of these three clauses should be included in any particular contract, and to fully document the contract file to support the determination.

.02 *Principal or exclusive rights acquired by the Government.* a. Principal or exclusive rights throughout the world shall normally be acquired by the Government and a nonexclusive license by the contractor at the time of contracting in and to any inventions made in the course of or under any contract where:

1. A principal purpose of the contract is to create, develop, or improve products, processes, or methods which are intended for commercial use (or which are otherwise intended to be made available for use) by the general public at home or abroad, or which will be required for such use by governmental regulation; or

2. A principal purpose of the contract is for exploration into fields which directly concern the public health and public welfare; or

3. The contract is in a field of science or technology in which there has been little significant experience outside of work funded by the Government, or where the Government has been the principal developer of the field, and acquisition of exclusive rights at the time of contracting might confer on the contractor a preferred or dominant position; or

4. The services of the contractor are for the operation of a Government-owned research or production facility; or

5. The services of the contractor are for coordinating and directing the work of others.

b. In exceptional circumstances the contractor may acquire greater rights than a nonexclusive license at the time of contracting even though the contract falls within the criteria of subparagraph .02a of this section, where the Assistant Secretary for Science and Technology certifies such action will best serve the public interest. (See subparagraph 4.01a.1 of this order.)

c. The contractor may also acquire greater rights than a nonexclusive license to inventions made in the course of or under contracts falling within the criteria of subparagraph .02a of this section after an invention has been identified, where the invention is not a primary object of the contract, and where the acquisition of such greater rights is consistent with the intent of the policy set forth in these procedures and is a necessary incentive to call forth private risk capital and expense to bring the invention to the point of practical application.

d. When it is determined that principal or exclusive rights throughout the world in and to any inventions made in the course of or under a contract should be acquired by the Government at the time of contracting, the clause set forth in Appendix A to this order shall be included in the contract.

.03 *Principal or exclusive rights acquired by contractor.* a. Principal or exclusive rights throughout the world shall normally be acquired by the contractor at the time of contracting in and to any inventions made in the course of or under any contract where:

1. The contract is not of the type defined in subparagraph .02a of this section; and

2. The purpose of the contract is to build upon existing knowledge or technology, and to develop information, products, or processes for use by the Government; and

3. The work called for by the contract is in a field of technology in which the contractor has acquired technical competence, as demonstrated by factors such as know-how, experience, and patent position; and

4. The contractor has an established nongovernmental commercial position in an area of his business which is directly related to this same field of technology.

b. Where the contractor's commercial interests are not sufficiently established to meet the criterion of subparagraph .03a.4 of this section, although all other criteria of subparagraph .03a of this section are met, principal or exclusive rights throughout the world may be acquired by the contractor at the time of contracting in and to any inventions made in the course of or under the contract in special situations designated by the Assistant Secretary for Science and Technology where it appears that the public interest in the availability of the inventions would best be served thereby. (See subparagraph 4.01a.4 of this order.)

c. When it is determined that the criteria of subparagraphs .03a or .03b of this section have been met, and that the contractor should be permitted to retain principal or exclusive rights throughout the world in and to any invention made in the course of or under a contract at the time of contracting, the clause set forth in Appendix B to this order shall be included in the contract.

.04 *Allocation of rights deferred.* a. Where the contracting situation is not of the type falling within paragraph .02 of this section and the commercial interests of the contractor are not sufficiently established to be covered by the criteria specified in subparagraphs .03a or .03b of this section, allocation of rights between the Government and the contractor in and to any invention made in the course of or under the contract shall be made after the invention has been identified, in a manner deemed most likely to serve the public interest, provided the contractor requests rights in any such invention greater than the nonexclusive license normally reserved in the contract. Otherwise, principal or exclusive rights throughout the world shall be acquired by the Government.

b. When it is determined that the allocation of rights between the Government and the contractor in and to any invention made in the course of or under the contract shall be deferred until after the invention has been identified, the clause set forth in Appendix C of this order shall be included in the contract.

0.5 *Patent rights clause in subcontracts.* The patent rights clause that is applicable to a prime contractor under a specific contracting situation will not necessarily be applicable to a subcontractor who is performing a portion of the work for the prime contractor. For this reason, and because the volume of contracted research, development, and experimental work supported by the Department of Commerce is sufficiently small to permit review on a case-by-case basis, the contracting officer shall determine, in accordance with this policy and other guidance established hereunder, the patent rights clause that shall be included in each subcontract where a purpose of the subcontract is the conduct of research, development, or experimental work.

.06 *Foreign rights.* In any case where principal or exclusive rights to an invention is acquired by the Government, and the Government does not elect to secure a patent in a foreign country, the contractor shall have the right to acquire, upon written notice furnished to the contracting officer, full right, title, and interest in and to the invention in any country where the Government does not elect to secure patent protection. In such cases, the Government shall retain an irrevocable, nonexclusive, nontransferable, royalty-free license to practice the invention in such countries for all governmental purposes, with the right to

grant sublicenses of similar scope to any foreign country pursuant to any existing or future treaty or agreement with the United States.

SEC. 4. *Coordination of Department of Commerce Policy—.01 Responsibilities of the Assistant Secretary for Science and Technology.* a. In order to insure consistent application of this policy throughout the Department, the Assistant Secretary for Science and Technology, hereinafter called the Assistant Secretary, shall:

1. Determine on a case-by-case basis, upon request by the contracting officer, those circumstances that may be considered as exceptional under subparagraph 3.02b of this order.

2. Determine those areas of research and development supported by the Department which meet the criteria of subparagraphs 3.02a 1, 2, and 3 of this order;

3. Determine, upon request by the contractor through the contracting officer, whether greater rights may be granted to the contractor by the contracting officer to identified inventions pursuant to the criteria of subparagraph 3.02c of this order;

4. Determine those situations which may be considered as being special under subparagraph 3.03b of this order;

5. Determine upon request by the contractor through the contracting officer, and in accordance with subparagraph 3.04a of this order, the allocation of rights between the Government and the contractor in and to any identified invention made in the course of or under a contract containing the Patent Rights Contract Clause (Deferred);

6. Provide, upon request by the contracting officer, advisory opinions on the appropriate patent rights clause to be used in any particular contracting situation;

7. Review for approval any modified patent rights clause drafted to meet a particular contracting situation;

8. Determine whether and to what extent that an invention is required for contractor to grant licenses either (a) on a nonexclusive royalty-free basis for failure to take effective steps within 3 years after a patent issued to bring an invention to the point of practical application or to make the invention available for licensing royalty-free or on terms that are reasonable in the circumstances, or (b) on a nonexclusive royalty-free basis or on terms that are reasonable in the circumstances when and to the extent than an invention is required for public use by governmental regulation or as may be necessary to fulfill health needs, or for other public purposes stipulated in the contract;

9. Establish procedures for the disposition of contractors' requests made through the contracting officer for allocation of rights under subparagraphs .01a.3 and .01a.5 of this section, and for determinations to require the granting of licenses under subparagraph .01a.8 of this section. The procedures may provide the contractor an opportunity to present his position in any such matter either in writing or in person, and in the case of requirements to grant licenses under subparagraph .01a.8 of this section, the contractor shall be afforded the opportunity to show cause why such requirements should not be made;

10. Obtain such data as may be necessary to reflect the overall operation of the Department of Commerce under this order;

11. Recommend to the Secretary of Commerce such revisions or modifications of this order as in the opinion of the Assistant Secretary are deemed advisable;

12. Issue additional guidelines and recommend related procurement or other appropriate regulations implementing this order; and

13. Consistent with Department Order 64, make available to the public the recommendations which have been approved by the Secretary of Commerce, determinations, approvals, and advisory opinions made under the provisions of this section.

b. Before carrying out the above responsibilities in a particular contracting situation, the Assistant Secretary shall obtain the written opinion and recommendation of the Department of Commerce Contract Inventions Committee established under paragraph .02 of this section, unless he determines that an emergency situation exists, requiring his immediate action. In nonemergency contracting situations, he shall consider the opinion of the Committee before acting, and may act by adopting or modifying its recommendation. His actions in carrying out the above responsibilities shall be based upon the criteria of this order and such guidelines as may from time to time be recommended by the Patent Advisory Panel of the Federal Council for Science and Technology.

c. The determinations made by the Assistant Secretary pursuant to subparagraphs .01a.3, .01a.5, and .01a.8 of this section shall be the final action for the Department and shall not be considered as disputes under a contract containing a Disputes Clause (Standard Form 32, as revised, clause 12, entitled "Disputes", 41 CFR 1–16.901–32).

.02 *Department of Commerce Contract Inventions Committee.* a. There shall be established a Department of Commerce Contract Inventions Committee for the purpose of assisting and advising the Assistant Secretary in the performance of the specific duties outlined in paragraph .01 of this section. The members appointed by the Assistant Secretary shall include one or more persons representing the following:

(1) Environmental Science Services Administration;

(2) Maritime Administration;

(3) National Bureau of Standards;

(4) Economic Development Administration; and

(5) Office of Administrative Services, Office of the Secretary.

b. Each member shall be selected in consultation with the head of the particular organization he represents. Insofar as possible, members should have a technical background and be knowledgeable of contract practices, specifically with regard to the patent aspects thereof. The Assistant Secretary shall designate one of the members to serve as the Committee's Chairman. The Committee may adopt such rules and procedures as it deems appropriate, with the approval of the Assistant Secretary.

.03 *Responsibilities of the General Counsel.* a. To secure and protect the rights of the Government in Subject Inventions made under contracts with the Department, the General Counsel shall:

1. Take all suitable and necessary steps to protect any Subject Invention, title to which has been granted to the Government under this order;

2. Secure and properly record all instruments confirmatory of the rights reserved to the Government in any Subject Invention, title to which is retained by the contractor;

3. Take all other steps which he shall deem appropriate to secure, protect, and enforce the rights of the Government in Subject Inventions under this order; and

4. Determine whether the contractor shall be required to forfeit any rights he may have under a contract to any Subject Invention pursuant to the criteria of section D, Appendix A or section D, Appendix B of this order.

b. Any determination made by the General Counsel of the Department pursuant to subparagraph .03a.4 of this section shall be the final action of the Department and shall not be considered a dispute under a contract containing a Disputes Clause (Standard Form 32, as revised, clause 12, entitled "Disputes", 41 CFR 1–16.901–32). Before such a determination is made, the contractor shall be afforded an opportunity to show cause why he should not forfeit any rights he may have under the contract in any Subject Invention.

c. The Patent Advisor, National Bureau of Standards, under the supervision of the General Counsel and on behalf of the Department, shall maintain a docket of all Subject Inventions, advise the Department of Commerce Contract Inventions Committee and take other appropriate steps to secure and protect the rights of the Government in Subject Inventions, as may be designated by the General Counsel.

.04 *Responsibilities of the Contracting Officer.* The contracting officer shall furnish the Patent Advisor, National Bureau of Standards, promptly upon the receipt thereof:

a. The written disclosure of each Subject Invention made under a contract;

b. Information of any past or contemplated public use, sale, or publication of any Subject Invention;

c. Each final report from a contractor listing all Subject Inventions or certifying that no Subject Inventions were made under the contract;

d. Each instrument confirmatory of rights of the Government in Subject Inventions;

e. Each notice received from a contractor that he elects to file a patent application on a Subject Invention in any foreign country; and

f. All other reports and papers (other than documents addressed to the Assistant Secretary) which may be submitted under the Patent Rights Clause.

Effective date: October 18, 1967.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

APPENDIX A

PATENT RIGHTS CONTRACT CLAUSE (TITLE)

A. *Definitions.* As used in this clause, the following terms shall have the meanings set forth below:

1. Subject invention means any invention or discovery conceived or first actually reduced to practice in the course of or under this contract, and includes any art, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the patent laws of the United States of America or any foreign country.

2. Subcontract means any contract of the Contractor or lower-tier subcontract under this contract entered into with or for the benefit of the Government where a purpose of the contract or subcontract is the conduct of experimental, developmental, or research work.

3. Governmental purpose means the right of the Government of the United States, any agency thereof, State or domestic municipal government to practice or have practiced, make or have made, use or have used, sell or have sold throughout the world by or on behalf of the Government of the United States, and by or on behalf of any State or domestic municipal government.

4. To the point of practical application means to manufacture in the case of a composition or product, to practice in the case of a process, or to operate in the case of a machine and under such conditions as to establish that the Invention is being worked and that its benefits are reasonably accessible to the public.

B. *Invention disclosures and reports.* With respect to Subject Inventions made by the Contractor, the Contractor shall furnish the following to the Contracting Officer:

1. A written disclosure of each Subject Invention within six (6) months after conception or first actual reduction to practice, whichever occurs first under this contract, sufficiently complete as to technical detail to convey a clear understanding of the nature, purpose, operation, and the physical, chemical, or electrical characteristics of the Invention.

2. Information in writing, with the invention disclosure or as soon as it is known to the Contractor, on any past or contemplated public use, sale, or publication of any Subject Inventions.

3. Within one (1) month after all deliverable items have been delivered to and accepted by the Contracting Officer, a final report listing all Subject Inventions, or certifying that no Subject Inventions were made under the contract.

C. *Examination of records relating to inventions.* The Contracting Officer, or his authorized representative shall, until the expiration of three (3) years after final payment under this contract, have the right to examine any books, records, documents, and other supporting data of the Contractor which the Contracting Officer or his authorized representative shall deem pertinent to the discovery or identification of Subject Inventions or to compliance by the Contractor with the requirements of this clause.

D. *Allocation of rights to Subject Inventions.* Right to Subject Inventions are allocated as follows:

1. The Contractor agrees that he shall forfeit, upon request by the General Counsel of the Department of Commerce, any rights which the Contractor may have under the contract to any Subject Invention with respect to which he has failed either to:

a. Submit at or prior to the time he files or causes to be filed an application for a patent, or submits the final report required by paragraph B.3 of this clause, whichever is later, a written disclosure; or

b. Deliver to the Contracting Officer prior to the issuance of a patent on said Subject Invention an instrument confirmatory of the rights reserved to the Government under this clause when the Contractor, pursuant to paragraph 3 of this section, has been granted greater rights than the license reserved to the Contractor in paragraph 5 of this section;

Provided, however, That the Contractor will not be required to forfeit these rights if he establishes that the failure to submit the disclosure or deliver the confirmatory instrument was due entirely to conditions beyond his control and without his fault or negligence.

2. The Contractor agrees to and does hereby grant to the Government full right, title, and interest in and to each Subject Invention made by the Contractor, except to any Subject Invention:

a. Specifically identified and listed in the contract schedule to which the Contractor has been granted at the time of contracting greater rights than the license reserved to the Contractor in paragraph 5 of this section; or

b. To which the Contractor, pursuant to paragraph 3 of this section, has been granted after the Invention has been identified greater rights than the license reserved to the Contractor in paragraph 5 of this section.

3. The Contractor, when disclosing a Subject Invention but not later than three (3) months thereafter, may submit to the Contracting Officer a written request, addressed to the Assistant Secretary for Science and Technology, for greater rights than the license reserved to the Contractor in paragraph 5 of this section. Such a request should set forth information and facts tending to show that:

a. The Subject Invention, or any specified use thereof, is not the primary object of this contract; and

b. The acquisition of such greater rights is necessary to call forth private risk capital and expense to bring the Invention to the point of practical application, and is otherwise consistent with the Department of Commerce patent policy.

4. The Contractor shall have the right to acquire, upon written notice submitted to the Contracting Officer and addressed to the Assistant Secretary for Science and Technology, the entire right, title, and interest in and to any Subject Invention (to which the Government acquires title) in any foreign country where the Government makes a determination not to file or where the Government does not elect within seven (7) months from the date of filing a U.S. patent application to secure patent protection.

5. There shall be reserved in the Contractor a nonexclusive and royalty-free license to practice any Subject Invention to which the Government acquires title. The license shall extend to existing and future associated and affiliated companies, if any, within the corporate structure of which the Contractor is a part and shall be assignable to the successor of that part of the Contractor's business to which the Invention pertains.

6. Where the Contractor acquires greater rights than the license reserved to the Contractor in paragraph 5 of this section to Subject Inventions, such rights shall be subject to the following rights reserved by the Government:

a. An irrevocable, nonexclusive, nontransferable, royalty-free license to practice the Invention throughout the world for all governmental purposes;

b. The right of the Government to require the granting of licenses to applicants on a nonexclusive, royalty-free basis when the Contractor, his licensee, or his assignee has failed to take effective steps within three (3) years after a patent issued on the Invention, to bring the Invention to the point of practical application or to make the Invention available for licensing royalty free or on terms that are reasonable in the circumstances, unless the Contractor can show cause why the granting of such licenses should not be required by the Government for a further period of time;

c. The right of the Government to require the granting of nonexclusive licenses within the United States to applicants royalty free or on terms that are reasonable in the circumstances, when and to the extent that the Invention is required for public use by governmental regulation or as may be necessary to fulfill health needs, or for other public purposes stipulated in this contract; and

d. The right of the Government to acquire full right, title, and interest in the Invention in each foreign country in which the Contractor does not file a patent application within seven (7) months from the filing of a corresponding U.S. patent application, subject to the license in the Contractor specified in paragraph 5, of this section.

7. Where the Contractor acquires title to Subject Inventions in selected foreign countries where the Government elected not to secure patent protection, the Contractor's rights shall be subject to the retention by the Government of an irrevocable, nonexclusive, nontransferable, royalty-free license to practice the Invention within such countries for all governmental purposes, with the right to grant sublicenses of similar scope to any foreign government pursuant to any existing or future treaty or agreement with the United States.

8. Upon receipt of the notices provided in subparagraphs E.2 (f) or (g) of this clause, the Government shall be entitled to all rights, title, and interest in the Invention subject to the reservation to the Contractor of the license specified in paragraph 5 of this section.

9. The following decisions and determinations of the Department of Commerce shall be final and shall not be considered as disputes under the Disputes Clause:

a. Determinations made on requests for greater rights under paragraph 3 of this section; and

b. Decisions to require the granting of licenses under subparagraphs 6(b) and 6(c) of this section.

10. The decision of the General Counsel of the Department under paragraph 1 of this section to require the Contractor to forfeit any rights which he may have under the contract to any Subject Invention shall be the final action of the Department of Commerce and shall not be considered a dispute under the Disputes Clause.

11. In making the determinations and decisions under paragraphs 9 and 10 of this section, notice shall be given the Contractor to show cause why he should not be required to grant licenses or why he should not forfeit any rights he may have under the contract to any Subject Invention.

12. Nothing contained in this Patent Rights Clause shall be deemed to grant any rights to the Government with respect to any inventions other than Subject Inventions.

E. *Duties of the Contractor.* 1. When the Government acquires title to Subject Inventions, the Contractor shall, upon request, furnish such full and complete technical and other information, and execute or secure the execution of all documents and instruments, as are deemed necessary to vest in the Government the rights granted it under this clause and to enable the Government to apply for and prosecute a patent application in any country covering such Invention.

2. When the Contractor acquires title to Subject Inventions within the United States, the Contractor shall:

a. Promptly file an application for U.S. Letters Patent on each Invention, and, as soon as identifying information is known, deliver to the Contracting Officer an instrument confirmatory of the rights reserved to the Government under this clause, identifying the application by serial number and filing date;

b. Include as the first paragraph of the application specification a statement that the Invention was made under contract with the U.S. Government, identifying the contract by agency and number, and stating that the Government is licensed under the patent and has reserved the rights set forth in sections 1(f) and 1(g) of the October 10, 1963, Presidential Statement of Government Patent Policy;

c. Furnish, upon request, an irrevocable power of attorney to inspect and make copies of each application covering any such Invention;

d. Furnish reports at reasonable intervals, upon request, on the commercial use that is being made or is intended to be made of such Invention, and on the steps taken by the Contractor to bring the Invention to the point of practical application, or to make the Invention available for licensing;

e. Notify the Contracting Officer, within seven (7) months from the filing of the U.S. patent application of the countries in which corresponding foreign patent applications have been filed, and furnish, upon request, to enable the Government to seek protection the information, documents, and instruments required in paragraph 1 of this section necessary for the filing and prosecution of patent applications in those countries in which the Contractor has not sought patent protection;

f. Notify the Contracting Officer promptly, or in any event not later than six (6) months after first publication, public use or sale of the Invention, of a decision not to file a U.S. patent application, and furnish, upon request, to enable the Goverment to seek protection, the information, documents, and instruments required in paragraph 1 of this section; and

g. Notify the Contracting Officer not less than thirty (30) days before the expiration of a response period of an election not to continue prosecution of any application, domestic or foreign covering the Invention, and furnish, upon request, the information, documents, and instruments required in paragraph 1 of this section.

3. When the Contractor submits written notice and acquires title to Subject Inventions in selected foreign countries where the Government elected not to secure patent protection, the Contractor shall promptly file an application for patent in each selected country, and deliver to the Contracting Officer an instrument confirmatory of the rights reserved to the Government under this clause, identifying the application.

F. *Subcontracts.* The Contractor shall notify the Contracting Officer of all subcontracts hereunder where a purpose of the subcontract is the conduct of experimental, developmental, or research work, providing information concerning the subcontract and subcontractor, and requesting a determination on which Patent Rights Clause should be included in the subcontract. The Contractor shall include the Patent Rights Clause identified by the Contracting Officer in the subcontract.

APPENDIX B

PATENT RIGHTS CONTRACT CLAUSE (LICENSE)

A. *Definitions.* As used in this clause, the following terms shall have the meanings set forth below:

1. Subject Invention means any invention or discovery conceived or first actually reduced to practice in the course of or under this contract, and includes any art, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the patent laws of the United States of America or any foreign country.

2. Subcontract means any contract of the Contractor or lower-tier subcontract under this contract entered into with or for the benefit of the Government where a purpose of the contract or subcontract is the conduct of experimental, developmental, or research work.

3. Governmental purpose means the right of the Government of the United States, any agency thereof, State or domestic municipal government to practice or have practiced, make or have made, use or have used, sell or have sold throughout the world by or on behalf of the Government of the United States, and by or on behalf of any State or domestic municipal government.

4. To the point of practical application means to manufacture in the case of a composition or product, to practice in the case of a process, or to operate in the case of a machine and under such conditions as to establish that the Invention is being worked and that its benefits are reasonably accessible to the public.

B. *Invention disclosures and reports.* With respect to Subject Inventions made by the Contractor, the Contractor shall furnish the following to the Contracting Officer:

1. A written disclosure of each Subject Invention within six (6) months after conception or first actual reduction to practice, whichever occurs first under this contract, sufficiently complete as to technical detail to convey a clear understanding of the nature, purpose, operation, and the physical, chemical, or electrical characteristics of the Invention. With each disclosure, the Contractor shall make a written statement on whether he elects to file a U.S. patent application claiming the Invention.

2. Information in writing, with the invention disclosure or as soon as it is known to the Contractor, of any past or contemplated public use, sale, or publication of any Subject Inventions.

3. Within one (1) month after all deliverable items have been delivered to and accepted by the Contracting Officer, a final report listing all Subject Inventions, or certifying that no Subject Inventions were made under the contract.

C. *Examination of records relating to inventions.* The Contracting Officer, or his authorized representative shall, until the expiration of three (3) years after final payment under this contract, have the right to examine any books, records, documents, and other supporting data of the Contractor which the Contracting Officer or his authorized representative shall deem pertinent to the discovery or identification of Subject Inventions or to compliance by the Contractor with the requirements of this clause.

D. *Allocation of rights to Subject Inventions.* Rights to Subject Inventions are allocated as follows:

1. The Contractor shall retain full right, title, and interest in and to each Subject Invention made by the Contractor, except that, the Contractor agrees to grant to the Government, upon request by the General Counsel of the Department of Commerce, full right, title, and interest in and to any Subject Invention with respect to which the Contractor has failed either to:

a. Submit at or prior to the time he files or causes to be filed an application for patent or submits the final report required by paragraph B.3 of this clause, whichever is later, a written disclosure together with an election to file; or

b. Deliver to the Contracting Officer prior to the issuance of a patent on said Subject Invention an instrument confirmatory of the rights reserved to the Government under this clause;

Provided, however, That the Contractor shall not be required to convey to the Government the full right, title, and interest in and to a Subject Invention, if the Contractor establishes that the failure to submit the disclosure or deliver the confirmatory instrument was due entirely to conditions beyond his control and without his fault or negligence.

2. Where the Contractor acquires full right, title, and interest in and to Subject Inventions, such rights shall be subject to the following rights reserved by the Government:

a. An irrevocable, nonexclusive, nontransferable, royalty-free license to practice the Invention throughout the world for all governmental purposes;

b. The right of the Government to require the granting of licenses to applicants on a nonexclusive, royalty-free basis when the Contractor, his licensee, or his assignee has failed to take effective steps within three (3) years after a patent issues on the Invention, to bring the Invention to the point of practical application or to make the Invention available for licensing royalty free or on terms that are reasonable in the circumstances, unless the Contractor can show cause why the granting of such licenses should not be required by the Government for a further period of time;

c. The right of the Government to require the granting of nonexclusive licenses to applicants royalty free or on terms that are reasonable in the circumstances, when and to the extent that the Invention is required for public use by governmental regulation or as may be necessary to fulfill health needs, or for other public purposes stipulated in this contract; and

d. The right of the Government to acquire full right, title, and interest in the Invention in each foreign country in which the Contractor does not file a patent application within seven (7) months from the filing of a corresponding U.S. patent application, subject to the license in the Contractor specified in paragraph 3 of this section.

3. There shall be reserved to the Contractor a nonexclusive and royalty-free license to practice any Subject Invention to which the Government acquires title. The license shall extend to existing and future associated and affiliated companies, if any, within the corporate structure of which the Contractor is a part and shall be assignable to the successor of that part of the Contractor's business to which the Invention pertains.

4. The decisions of the Department of Commerce to require the granting of licenses under subparagraphs 2(b) and 2(c) of this section shall be final and shall not be considered as disputes under the Disputes Clause.

5. The decision of the General Counsel of the Department under paragraph 1 of this section to require the Contractor to grant to the Government full right, title and interest in and to any Subject Invention shall be the final action of the Department of Commerce and shall not be considered a dispute under the Disputes Clause.

6. In making the determinations and decisions under paragraphs 4 and 5 of this section, notice shall be given the Contractor to show cause why he should not be required to grant licenses or why he should not grant to the Government full right, title, and interest in and to any Subject Invention.

7. Upon receipt of the notices provided in subparagraphs E.2 (f) or (g) or subparagraph E.3 of this clause, the Government shall be entitled to all rights, title, and interest in the Invention subject to the reservation to the Contractor of the license specified in paragraph 3 of this section.

8. Nothing contained in this Patent Rights Clause shall be deemed to grant any rights to the Government with respect to any inventions other than Subject Inventions.

E. *Duties of the contractor.* 1. When the Government acquires title to Subject Inventions, the Contractor shall, upon request, furnish such full and complete technical and other information, and execute or secure the execution of all documents and instruments, as are deemed necessary to vest in the Government the rights granted it under this clause and to enable the Government to apply for and prosecute a patent application in any country covering such Inventions.

2. When the Contractor acquires title to Subject Inventions within the United States, the Contractor shall:

a. Promptly file an application for U.S. Letters Patent on each Invention, and, as soon as identifying information is known, deliver to the Contracting Officer an instrument confirmatory of the rights reserved to the Government under this clause, identifying the application by serial number and filing date;

b. Include as the first paragraph of the application specification a statement that the Invention was made under contract with the U.S. Government, identifying the contract by agency and number, and stating that the Government is licensed under the patent and has reserved the rights set forth in sections 1(f) and 1(g) of the October 10, 1963, Presidential Statement of Government Patent Policy;

c. Furnish, upon request, an irrevocable power of attorney to inspect and make copies of each application covering any such Invention;

d. Furnish reports at reasonable intervals, upon request, on the commercial use that is being made or is intended to be made of such Invention, and on the steps taken by the Contractor to bring the Invention to the point of practical application, or to make the Invention available for licensing;

e. Notify the Contracting Officer, within seven (7) months from the filing of the U.S. patent application, of the countries in which corresponding foreign patent applications have been filed, and furnish, upon request, to enable the Government to seek protection, the information, documents, and instruments required in paragraph 1 of this section, necessary for the filing and prosecution of patent applications in those countries in which the Contractor has not sought patent protection;

f. Notify the Contracting Officer promptly, or in any event not later than six (6) months after first publication, public use or sale of the Invention, of a decision not to file a U.S. patent application, and furnish, upon request, to enable the Government to seek protection the information, documents, and instruments required in paragraph 1 of this section; and

g. Notify the Contracting Officer not less than thirty (30) days before the expiration of a response period of an election not to continue prosecution of any application, domestic or foreign, and furnish, upon request, the information, documents, and instruments required in paragraph 1 of this section.

3. When the Contractor elects to file a U.S. patent application claiming the Invention, and subsequently decides not to file, he shall notify the Contracting Officer promptly, or in any event not later than six (6) months after first publication, public use, or sale of the Invention, of such decision, and furnish, upon request, the information, documents, and instruments required in paragraph 1 of this section.

F. *Subcontracts.* The Contractor shall notify the Contracting Officer of all subcontracts hereunder where a purpose of the subcontract is the conduct of experimental, developmental, or research work, providing information concerning the subcontract and subcontractor, and requesting a determination on which Patent Rights Clause should be included in the subcontract. The Contractor shall include the Patent Rights Clause identified by the Contracting Officer in the subcontract.

APPENDIX C

PATENT RIGHTS CONTRACT CLAUSE (DEFERRED)

This clause will be the same as the Patent Rights Contract Clause (Title) set forth in Appendix A to this order, except that the following paragraph 3 will be substituted for paragraph 3 of section D of Appendix A and the name of the clause will be changed to "Patent Rights (Deferred)".

3. The Contractor, when disclosing a Subject Invention but not later than three (3) months thereafter, may submit to the Contracting Officer a written request addressed to the Assistant Secretary for Science and Technology for greater rights than the license reserved to the Contractor in paragraph 5 of this section. Such a request should include a statement of the Contractor's intentions to bring the Invention to the point of practical application as well as other information and facts concerning the Contractor's business tending to show his capability to promote the utilization of the Invention either directly through his own commercial use or indirectly through his licensing program.

[F.R. Doc. 67-13574; Filed, Nov. 17, 1967; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 67-80]

LAUNCHING OF "PONCE DE LEON"

Closing of Delaware River to Navigation

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by 49 CFR 1.4 (32 F.R. 5606) and Executive Order 10173 as amended by Executive Orders 10277, 10352, and 11249, I hereby affirm for publication in the FEDERAL REGISTER the order of A. J. Carpenter, Rear Admiral, U.S. Coast Guard, Commander, 3d Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

SPECIAL NOTICE DELAWARE RIVER

Under the authority of Title II of the Espionage Act of June 15, 1917, 40 Stat. 220, 50 U.S.C. 191 and Executive Order 10173 as amended, I declare that from 12 p.m. e.s.t., on Thursday, November 16, 1967, the following area is a security zone and I order that it be closed to any person or vessel due to the launching of Hull No. 647, the "Ponce De Leon":

The waters of the Delaware River, Chester, Pa., within the coordinates of latitude 39°-50'55" N., longitude 75°20'46" W., at the shoreline of Chester, Pa., thence southeasterly to latitude 39°50'34" N., longitude 75°-20'33" W., thence northeasterly to latitude 39°50'45" N., longitude 75°19'29" W., thence north to latitude 39°51'22" N., longitude 75°19'32" W.

No person or vessel may remain in or enter this security zone.

The Captain of the Port, Philadelphia, Pa., shall enforce this order.

The Captain of the Port may be assisted by employees and facilities of any State or political subdivision thereof or any Federal agency.

For violation of this order Title II of the Espionage Act of June 15, 1917 (40 Stat. 220 as amended, 50 U.S.C. 192), provides:

"If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or obstructs or interferes with the exercise of any power conferred by this chapter, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than 10 years and may, in the discretion of the court, be fined not more than $10,000.

"If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or knowingly obstructs or interferes with the exercise of any power conferred by this chapter, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than $10,000."

Dated: November 15, 1967.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 67-13614; Filed, Nov. 17, 1967; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-184]

NATIONAL BUREAU OF STANDARDS

Notice of Issuance of Provisional Operating License

Please take notice that no request for a hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Provisional Operating License No. TR-5 authorizing the National Bureau of Standards (NBS) to possess, use and operate the National Bureau of Standards Reactor (NBSR) located on the NBS site

approximately 1 mile southwest of Gaithersburg in Montgomery County, Md. The license authorizes operation of the reactor at power levels up to 10 megawatts thermal, and incorporates Technical Specifications.

The Commission has inspected the facility and determined that it has been constructed in accordance with the provisions of Provisional Construction Permit No. CPTR-5.

The provisional operating license, as issued, is as set forth in the Notice of Proposed Issuance of Provisional Operating License published in the FEDERAL REGISTER on August 25, 1967, 32 F.R. 12411.

Dated at Bethesda, Md., this 13th day of November 1967.

For the Atomic Energy Commission.

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

[F.R. Doc. 67-13568; Filed, Nov. 17, 1967; 8:45 a.m.]

[Docket No. 50-174]

PENNSYLVANIA STATE UNIVERSITY

Order of Termination of Interest

The Atomic Energy Commission has found that the transfer of Facility License No. R-72 to the Department of Forests and Waters of the Commonwealth of Pennsylvania to possess legal title to the Curtiss-Wright Nuclear Research Laboratory located at Quehanna, Pa., and to the Nuclear Materials and Equipment Corp. to possess, but not to operate, the facility is in accordance with the provisions of the Atomic Energy Act of 1954, as amended, and has given its consent.

Therefore, the interest of the Pennsylvania State University in License No. R-72 is hereby terminated effective as of this date, and Docket No. 50-174 is closed.

Dated: November 9, 1967.

For the Atomic Energy Commission.

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

[F.R. Doc. 67-13569; Filed, Nov. 17, 1967; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18577; Order E-25971]

OZARK AIR LINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of November 1967.

Application of Ozark Air Lines, Inc., Docket 18577, for amendment of its certificate of public convenience and necessity.

On May 22, 1967, Ozark Air Lines, Inc. (Ozark), filed an application requesting that its certificate for Route 107 be amended by the addition, subject to certain conditions,[1] of two new segments which would extend (1) between the coterminal points Peoria, Springfield, and Champaign/Urbana, Ill., and the coterminal points Washington, D.C., and New York, N.Y., and (2) between the coterminal points Peoria, Springfield, and Champaign/Urbana, Ill., and the terminal point Waterloo, Iowa. Thereafter, on May 29, 1967, Ozark petitioned the Board for issuance of an order to show cause why the above application should not be granted, and, in the alternative, moved that the Board set the application down for an expedited hearing.

In support of its petition and motion Ozark stated, inter alia, that: The grant of the application would permit Ozark to inaugurate first single-plane service between Sioux Falls, S. Dak., Sioux City, Iowa, Waterloo, Iowa, and Peoria, Ill., on the one hand, and Washington, D.C., and New York, N.Y.,[2] on the other, in addition to providing on-line connecting service to Washington and New York for 13 other of its system cities; the requested authority would permit Ozark to offer at a later date single-plane service between Champaign/Urbana[3] and Springfield, Ill., on the one hand, and Washington and New York, on the other; 73,607 passengers, which includes 28,465 self-diverted passengers, would be benefited; the award of this authority would permit a subsidy reduction of $159,452, and Ozark would accept an ad hoc subsidy reduction in this amount; this proposal would have no adverse impact on any other carrier; and, the application filed herein is identical in principle to that filed by Piedmont Aviation in Docket 16456, which the Board disposed of by a show cause order, and identical to Central Airlines' application in Docket 18127, which the Board has set down for an expedited hearing.

The city of Sioux City, Iowa, the Sioux City Chamber of Commerce, the city of Waterloo, Iowa, and the Waterloo Airport Commission filed statements in support of Ozark's petition and motion. The Peoria, Ill., Association of Commerce filed a letter in support of Ozark's application and requested to be named as a party to the proceeding. The city of Sioux Falls, S. Dak., and the Sioux Falls Chamber of Commerce filed a petition for intervention and a motion for an expedited hearing.

Answers requesting the denial or dismissal of Ozark's petition and motion were filed by American Airlines, Inc. (American), and United Air Lines, Inc. (United). In their answers both American and United stated that the complex and controversial issues presented by this application could only be resolved through the hearing process. Moreover, stating that Ozark's proposal involved a great outlay of expenses for the carrier and that only a slight reduction in Ozark's traffic forecast, which was greatly overestimated, would convert Ozark's prediction of a subsidy reduction into a subsidy need, both American and United pointed out that this proposal presented a great risk for Ozark. In this connection, both American and United assert that Ozark's traffic forecast is overstated by reason of excessive growth, stimulation and participation factors. American also stated that Ozark's expense estimate was too low and there was no public need for the proposal. United added that the proposal would lead to the injury of other carriers, that few public benefits would flow from the proposal, and that, while a hearing was necessary in this case, Ozark had presented no sound reasons for proceeding on an expedited basis.[4]

We have decided to process Ozark's application by show cause procedure; and we tentatively find and conclude that Ozark's certificate of public convenience and necessity for Route 107 should be amended by adding a new segment between the terminal point Waterloo, Iowa, the intermediate points Peoria, Springfield, and Champaign/Urbana, Ill., and Washington, D.C. (to be served through Dulles International Airport), and the terminal point New York, N.Y., subject to the following restrictions: (1) Flights over the new segment shall serve both (a) Washington or New York, and (b) Peoria, Springfield, Champaign/Urbana, or Waterloo, Iowa; (2) single-plane service shall not be scheduled between Washington or New York, on the one hand, and Chicago, St. Louis, Tulsa, Kansas City, Omaha, or Minneapolis/St. Paul, on the other; and (3) Washington and New York will not be deemed "stations" for subsidy purposes, and flights serving those points will be ineligible for subsidy in their entirety as operated, regardless of their points of origin or termination.[5] Conditions (3), (4), and (5) of Ozark's present certificate will not be made applicable to the new segment, thus relieving the carrier of any compulsory-stop requirements other than those specified in (1) above.

We tentatively find that the service improvements resulting from Ozark's proposal will substantially benefit the traveling public.[6] As Ozark points out, this

[1] Ozark suggested conditions (a) prohibiting single-plane service between New York or Washington, on the one hand, and Chicago, St. Louis, Tulsa, Kansas City, Omaha, or Minneapolis/St. Paul, on the other; (b) imposing a long-haul restriction on Washington-New York flights; and (c) making conditions (4) and (5) of its existing certificate inapplicable to the new segments.

[2] In its petition, Ozark expressed its willingness to serve Washington exclusively through Dulles International Airport and New York exclusively through LaGuardia Airport.

[3] According to Ozark, at the present time the Champaign airport cannot accommodate jet aircraft without restrictions which are unacceptable to Ozark.

[4] Ozark filed a reply which is an unauthorized document under our rules of practice. Ozark has not filed a motion to accept the reply and we will not entertain it.

[5] Compare Order E-23897, July 5, 1966.

[6] Ozark forecasts that over 73,600 passengers would benefit (including over 28,400 self-diverted passengers). Although, as discussed below, we find this forecast to be somewhat overstated, nevertheless, a substantial number of passengers will unquestionably be benefited.

proposal will provide first single-plane service between Sioux Falls, Sioux City, Waterloo, and Peoria, on the one hand, and Washington and New York, on the other. On-line connecting service to Washington and New York will be made available for 13 other Ozark cities; and the authority granted herein will permit the inauguration of single-plane service at a later date between Champaign/Urbana and Springfield, on the one hand, and Washington and New York, on the other. Moreover, this service will enable many passengers now moving on Ozark's system via connections at Chicago to Washington and New York to bypass Chicago. The main Chicago airport, O'Hare International, is the busiest in the nation and, in our judgment, Ozark's proposal to provide an alternative service to Washington and New York which bypasses O'Hare will result in improved service for these passengers. Although we agree with United that the comparison of existing reported elapsed times for connecting services at Chicago with the elapsed times of Ozark's proposal should be done selectively, nevertheless, we believe that Ozark, on the whole, will be able to provide schedules, particularly to Washington, with elapsed times significantly shorter than those which will be generally available via connecting service.

We also tentatively find that Ozark's proposal will be profitable, and that it holds out the strong prospect of a subsidy reduction, if not in the first year of operation, within a short time thereafter.[7] In this connection we have considered the contentions of both American and United that Ozark's traffic forecast is overstated and its expense estimate is understated, and we find that these contentions are without substantial merit.[8] United in particular, but also American, contend that the stimulation and participation factors used by Ozark are for a variety of reasons too high, among them being the fact that Ozark proposes to offer service at first-class fares while there are connecting services available at coach fares either all or part of the way. Additionally, United alleges that Ozark's growth rates for certain markets, which ranged between 11 percent and 32 percent, are overstated. It may be, for the reasons cited by American and United, that Ozark's forecast of traffic in the Peoria-New York market, among others, is overstated. Although Ozark's forecast should be somewhat downgraded, as American and United contend, we nonetheless find that this adjustment does not alter the basic economic soundness of the proposal.[9] In any event, certain compensating factors reinforce our confidence in the economic soundness of the requests made herein. Once the Champaign/Urbana airport becomes capable of handling DC-9 aircraft, the provision of service by Ozark between this point and Washington and New York should provide the carrier with a substantial additional amount of traffic.

We also tentatively find and conclude that this award to Ozark will have only a minimal, if any, adverse effect on other carriers. American does not allege that the grant of this request would result in diversion of its revenues, and although United claims that the carriers presently in the relevant markets would be injured, it does not provide any factual basis in support of this allegation. To a large extent the restrictions discussed below will serve to eliminate the adverse impact on any carrier. Moreover, much of the traffic Ozark will be carrying will be newly stimulated traffic, and as such will not be existing traffic now carried by American or United. Besides, the amount of traffic Ozark may be diverting from American or United will be comparatively so minute as to have no significant impact upon their overall financial positions.

We tentatively find and conclude that flights operated pursuant to the authority proposed to be granted herein should be ineligible for subsidy in their entirety, and that the certificate restrictions described above are required by the public convenience and necessity. The first restriction eliminates the possibility of Washington-New York turnaround service by Ozark, which would obviously be uneconomic; and requires that flights over the new segment serve Peoria, Springfield, Champaign-Urbana, or Waterloo, Iowa. It serves, therefore, to limit the new authority granted to Ozark's actual proposal and to the service needs it has shown. Similarly, the second restriction eliminates the possibility of single-plane service by Ozark between Washington and New York, on the one hand, and Chicago, St. Louis, Tulsa, Kansas City, Omaha, and Minneapolis/St. Paul—all major trunkline markets where no need for Ozark's service has been shown, and whose inclusion could only provoke controversy, lead the proceeding afield, and magnify possible diversion from other carriers.[10] Requiring Ozark to serve Washington exclusively through Dulles International Airport will avoid adding to the present congestion at Washington National Airport, and will help assure greater and more efficient utilization of Dulles. Lastly, we agree with Ozark that conditions (4) and (5) of its existing certificate should not apply to the new segment, since they would unnecessarily hinder the carrier's operating flexibility; the only stop requirements should be those of the first restriction described above.

Interested persons will be given 20 days from the service date of this order to show cause why the foregoing tentative findings and conclusions should not be made final. In affording this opportunity, we expect such persons to direct their objections, if any, to specific markets and to support such objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Ozark's certificate of public convenience and necessity for Route 107 so as to authorize service over a new segment described as follows:

Between the terminal point Waterloo, Iowa, the intermediate points Peoria, Springfield, and Champaign/Urbana, Ill., and Washington, D.C. (to be served through Dulles International Airport), and the terminal point New York, N.Y.

subject to the following conditions:

a. Flights over the new segment shall serve both (a) Washington, D.C., or New York, N.Y., and (b) Peoria, Springfield, Champaign-Urbana, Ill., or Waterloo, Iowa;

b. The holder shall not schedule single-plane service between Washington, D.C., or New York, N.Y., on the one hand, and Chicago, Ill., St. Louis, Mo., Tulsa, Okla., Kansas City, Mo., Omaha, Nebr., or Minneapolis/St. Paul, Minn., on the other;

c. Washington, D.C., and New York, N.Y., will not be deemed "stations" for subsidy computation purposes, and flights serving either or both of those points will be ineligible for subsidy in their entirety as operated, regardless of their points of origination or termination; and

d. Conditions (3), (4), and (5) of Ozark's existing certificate will not be made applicable to the new segment;

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments set forth herein shall, within 20 days after service of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objec-

[7] Ozark forecasts that its proposal would earn a subsidy reduction of $159,452. Although we find this estimate to be too high, we think that Ozark will earn an operating profit in the first year of operation and that this proposal will lead to a subsidy reduction in the second year or not too distant future.

[8] As appropriately adjusted to accord with the downward adjustment of Ozark's forecast we are making, we find that Ozark's forecast of expenses is substantially correct.

[9] Ozark forecasts 45,142 new passengers and 28,465 self-diverted passengers.

[10] There is no need to prohibit Denver-Washington/New York single-plane service; the required number of stops would render wholly uncompetitive any service Ozark might provide in these markets. Backhaul similarly eliminates the possibility of competitive Washington/New York service to Indianapolis, Louisville, or Nashville.

tions together with a summary of testimony, statistical data and other evidence expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board; [11]

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

5. A copy of this order shall be served upon the Peoria, Ill., Association of Commerce; the city of Sioux City, Iowa, and Sioux City Chamber of Commerce; the city of Sioux Falls, S. Dak., and Sioux Falls Chamber of Commerce; the city of Waterloo, Iowa, and Waterloo Airport Commission; American Airlines, Inc.; Ozark Air Lines, Inc.; and United Air Lines, Inc., who are hereby made parties to this case.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-13617; Filed, Nov. 17, 1967; 8:49 a.m.]

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

FEDERAL POWER COMMISSION

[Docket No. RI68-217, etc.]

MARATHON OIL CO. ET AL.

Order Accepting Contract Amendments, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

NOVEMBER 9, 1967.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-217	Marathon Oil Co. (Operator) et al., 539 South Main St., Findlay, Ohio 45840, Attn: Jack Fariss, Esq.	14	[2] 20	United Gas Pipe Line Co. (Phoenix Lake Field, Calcasieu Parish, La.) (South Louisiana).	----------	10-16-67	[3] 11-16-67	(Accepted)	----------	----------	----------
		14	21		$7,569	10-16-67	[7] 11-16-67	4-16-68	[5] 16.884	[4] [5] 16.682	RI66-19.
	Marathon Oil Co. (Operator) et al.	32	[2] 7	United Gas Pipe Line Co. (Phoenix Lake Field Gasoline Plant, Calcasieu Parish, La.) (South Louisiana).	----------	10-16-67	[3] 11-16-67	(Accepted)	----------	----------	----------
		32	8		562	10-16-67	[7] 11-16-67	4-16-68	[5] 16.884	[4] [5] 18.682	RI66-19.
RI68-218	Centaur Petroleum Corp., 1710 First National Bank Bldg., Fort Worth, Tex. 76102, Attn: Burford King, President.	1	8	Texas Eastern Transmission Corp. (Clayton Field, Live Oak County, Tex.) (RR. District No. 2).	1,015	10-19-67	[7] 12-1-67	5-1-68	[10] 13.8733	[4] [10] 14.3733	
RI68-219	Prenalta Corp. (Operator) et al., Post Office Box 2514, Casper, Wyo. 82601, Attn: Mr. James A. Masterson.	1	4	Colorado Interstate Gas Co. (East Desert Spring Area, Sweetwater County, Wyo.).	1,590	10-13-67	[7] 1-1-68	6-1-68	[12] 17.25	[4] [12] 18.25	RI67-478.
RI68-220	H. L. Hunt (Operator) et al., 1401 Elm St., Dallas, Tex. 75202.	36	7	Michigan Wisconsin Pipe Line Co. (Woodward Area, Woodward County, Okla.) (Panhandle Area).	10,000	10-16-67	[7] 12-1-67	5-1-68	[12] 19.99	[4] [12] 20.505	RI67-303.
RI68-221	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052.	165	5	Cities Service Gas Co. (Waterloo North Field, Logan County, Okla.) (Oklahoma "Other" Area).	73	10-13-67	[7] 12-23-67	5-23-68	[14] 12.0	[4] [14] 13.0	RI66-329.
RI68-222	Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.	69	13	Texas Eastern Transmission Corp. (Greenwood-Waskom Field, Caddo Parish, La.) (North Louisiana).	98	10-16-67	[7] 11-16-67	4-16-68	[15] 17.4417	[4] [15] 17.6468	RI67-121.
RI68-223	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	332	6	Arkansas Louisiana Gas Co., (Lacey Area, Kingfisher County, Okla.) (Oklahoma "Other" Area).	16,485	10-19-67	[7] 12-14-67	5-14-68	15.0	[8] [16] 17.0	
RI68-224	Frederic C. and Ferris F. Hamilton d.b.a. Hamilton Brothers, Ltd., 1517 Denver Club Bldg., Denver, Colo. 80202.	2	4	Northern Natural Gas Co. (Perryton Field, Ochiltree County, Tex.) (RR. District No. 10).	2,991	10-18-67	[7] 12-1-67	5-1-68	[14] [17] 17.5	[4] [14] [17] 18.5	RI63-267.

[2] Letter agreement dated Sept. 26, 1967, amends basic contract by providing for the redetermined rate proposed herein for the 5-year period commencing Oct. 1, 1967.
[3] The stated effective date is the first day after expiration of the statutory notice.
[4] Redetermined rate increase.
[5] Pressure base is 15.025 p.s.i.a.
[6] Inclusive of 1.5 cents tax reimbursement.
[7] The stated effective date is the effective date requested by Respondent.
[8] Periodic rate increase.
[9] Pressure base is 14.65 p.s.i.a.
[10] Equivalent to 14.8733 cents when a standard differential of 0.5 cent maintained by Texas Eastern for delivery of dehydrated gas at a central point is taken into consideration.
[11] Settlement rate accepted by the Commission by letter order issued Mar. 16, 1960.
[12] Includes 2.25 cents per Mcf upward B.t.u. adjustment, which is the maximum adjustment allowed under the terms of the contract, as amended.
[13] Includes base rate of 19.5 cents before increase and base rate of 22 cents after increase plus 0.49 cent upward B.t.u. adjustment. Base rate subject to upward and downward B.t.u. adjustment.
[14] Subject to a downward B.t.u. adjustment.
[15] Includes 1.75 cents tax reimbursement.
[16] "Fractured" rate increase. Contractual rate is 17.8 cents per Mcf.
[17] Includes 1 cent per Mcf paid to seller for relinquishing right to process gas.

Humble Oil & Refining Co. (Humble) requests that should the Commission suspend its rate filing that the suspension period be shortened to a maximum of 1 day, or as short a period as possible. Good cause has not been shown for granting Humble's request for limiting to 1 day the suspension period with respect to its rate filing and such request is denied. We conclude that Humble's proposed rate increase should be suspended for 5 months from December 14, 1967, the proposed effective date.

Concurrently with the filing of their proposed rate increases, Marathon Oil Co. (Operator) et al. (Marathon), submitted two letter agreements dated September 26, 1967, which amend the basic contracts by providing for the redetermined rates proposed herein for the 5-year period commencing October 1, 1967. Such amendments have been designated as Supplement Nos. 20 and 7 to Marathon's FPC Gas Rate Schedule Nos. 14

and 32, respectively. We believe that it would be in the public interest to accept for filing Marathon's aforementioned contract amendments to become effective on November 16, 1967, the date of expiration of the statutory notice, but not the proposed rates contained therein which are suspended as hereinafter ordered.

The proposed increased rate of 18.25 cents per Mcf filed by Prenalta Corp. (Operator) et al. (Prenalta), involves a sale to Colorado Interstate Gas Co. from the East Desert Springs Area, Sweetwater County, Wyo. The proposed 18.25 cents rate is composed of a 16 cents base rate and 2.25 cents per Mcf upward B.t.u. adjustment which is the maximum B.t.u. adjustment permitted under the contract. Since the proposed rate exceeds the 12.7 cents per Mcf increased rate ceiling for Wyoming as announced in the Commission's statement of general policy No. 61–1, as amended, it should be suspended for 5 months from January 1, 1968, the proposed effective date.

Centaur Petroleum Corp's. (Centaur) proposed increase relates to gas produced in the Wilcox Trend Area, Texas Railroad District No. 2. The subject rate schedule provides for delivery of non-dehydrated gas at the outlet of the producer's facilities at or near each of the producing gas wells located on the leases covered by such rate schedule. Texas Eastern Transmission Corp. (Texas Eastern), the buyer, gathers the subject gas, together with gas purchased from other producers in this area, and transports such gas to the Goliad Plant, operated by Mobil Oil Corp., where it is then processed for the extraction of liquid components, dehydrated and redelivered to Texas Eastern at the outlet of such plant. Texas Eastern maintains a standard contract differential of 0.5 cent for delivery of dehydrated gas at a central point in this area. The actual cost incurred by Texas Eastern for dehydration and central point delivery of the subject gas is not ascertainable at this time but the Commission has applied the standard 0.5 cent differential for these costs in determining whether the proposed rate exceeds the applicable area increased rate ceiling. The addition of this 0.5 cent differential to the rate proposed herein, since Texas Eastern must gather and dehydrate the subject gas, would cause such rate to exceed the area increased ceiling level of 14.6 cents (applicable to rate schedules settled pursuant to the provisions of the Second Amendment to the Commission's statement of general policy No. 61–1) established by the Commission for pipeline quality gas. Pipeline quality gas in this area is understood to apply to sales of dehydrated gas delivered at a central point in the field. Consistent with prior Commission action taken on similar increases, Centaur's proposed rate increase, equivalent to 14.8733 cents when the cost incurred by the buyer for dehydrating and gathering is taken into consideration, should be suspended for 5 months from December 1, 1967, the proposed effective date.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing Marathon's proposed contract amendments dated September 26, 1967, designated as Supplement Nos. 20 and 7 to Marathon's FPC Gas Rate Schedule Nos. 14 and 32, respectively, and for permitting such supplements to become effective on November 16, 1967, the date of expiration of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered (except for the supplements set forth in paragraph (1) above).

The Commission orders:

(A) Marathon's contract amendments dated September 2, 1967, designated as Supplement Nos. 20 and 7 to Marathon's FPC Gas Rate Schedule Nos. 14 and 32, respectively, are accepted for filing and permitted to become effective on November 16, 1967, the date of expiration of the statutory notice.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except the supplements set forth in paragraph (A) above).

(C) Pending hearings and decisions thereon, the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention 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 and 1.37(f)) on or before December 27, 1967.

By the Commission.

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

[F.R. Doc. 67-13516; Filed, Nov. 17, 1967; 8:45 a.m.]

[Docket No. RI68-225]

TEXACO, INC.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

NOVEMBER 13, 1967.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure require by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised

to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention 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 and 1.37 (f)) on or before December 27, 1967.

By the Commission.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-225..	Texaco Inc., Post Office Box 52332, Houston, Tex. 77052.	[1] 303	3	Panhandle Eastern Pipe Line Co., (South Kismet Field, Seward County, Kans.).	$3,005	10-20-67	[2] 1-1-68	[3] 1-2-68	[5] [7] 14.0025	[4] [5] [7] 15.0025	RI67-213.

[1] Basic contract dated after Sept. 28, 1960, the date of issuance of general policy statement No. 61-1, and the proposed rate does not exceed the 16 cents initial rate ceiling for Kansas Area.
[2] The stated effective date is the effective date proposed by Respondent.
[3] The suspension period is limited to 1 day.
[4] Periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Subject to a downward B.t.u. adjustment.
[7] Associated gas.

The contract related to the rate filing of Texaco, Inc. (Texaco) was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed increased rate of 15.0025 cents per Mcf exceeds the area increased rate ceiling for Kansas but does not exceed the initial service ceiling of 16 cents per Mcf established for Kansas. We believe, in this situation, Texaco's proposed rate filing should be suspended for 1 day from January 1, 1968, the proposed effective date.

[F.R. Doc. 67-13576; Filed, Nov. 17, 1967; 8:45 a.m.]

[Docket No. RP68-11]

COLORADO INTERSTATE GAS CO.

Notice of Petition for Waiver of Provisions of Uniform System of Accounts

NOVEMBER 13, 1967.

Take notice that on November 2, 1967, Colorado Interstate Gas Co. (Colorado Interstate) filed a Petition for Waiver of Provisions of Paragraph A of Account 282 in the Uniform System of Accounts. The company seeks authority to discontinue the application of said paragraph as of January 1, 1967. It also seeks authority to maintain intact the December 31, 1966, balance of $7,546,000 until disposed of by further Commission action.

In its Petition, Colorado Interstate reaffirms its obligation to flow through producer refunds consistent with the Commission's order issued August 31, 1966, in Docket No. RP67-5 and states that it will file a reduction in rates to reflect an amount equal to the annual effect of purchase gas price decreases ordered by the Commission below those in effect on January 1, 1967, net of any price increases made effective on or after that date, with such reduction to be effective as of April 1 and October 1 of each year beginning April 1, 1968.

Comments may be filed with the Commission on or before December 1, 1967.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-13577; Filed, Nov. 17, 1967; 8:45 a.m.]

[Docket No. E-7374]

NORTHERN STATES POWER CO. (MINNESOTA)

Notice of Application

NOVEMBER 13, 1967.

Take notice that on November 3, 1967, Northern States Power Co. (Applicant) of Minneapolis, Minn., filed an application pursuant to section 203 of the Federal Power Act seeking authority to acquire the electric system of the village of Mazeppa, Minn. (Mazeppa).

Mazeppa operates a municipal electric system in the village of Mazeppa in Wabasha County, Minn.

The facilities which are to be acquired by applicant for a base purchase price of $250,000, consist of four diesel powered generators (net capacity 1055 kw), one-fourth mile of 69 kv transmission line and various distribution facilities.

Applicant represents that after the acquisition there will be no change in the use of the acquired facilities except that the Mazeppa generating plant will be maintained only for emergencies and as a peaking plant.

Upon acquisition applicant will introduce its applicable rates which in general are lower than the present rates of Mazeppa.

Any person desiring to be heard or to make any protest with reference to said application should, on or before December 4, 1967, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-13578; Filed, Nov. 17, 1967; 8:46 a.m.]

CIVIL SERVICE COMMISSION

SOCIAL ADMINISTRATION ADVISOR ET AL.

Prescribed Minimum Educational Requirements

The notice setting forth the minimum education requirement for positions in the Social Administration Series, GS-102-9/15, previously appearing in 5 CFR 24.146 (published originally in 24 F.R. 7805, Sept. 29, 1959, pursuant to 5 U.S.C. 854 (1958 ed.)) is hereby canceled. The notice published in 29 F.R. 11609, August 13, 1964, for positions in the Social Work Series, GS-185-7/15, provides suitable coverage for these positions. The reasons for this decision are set forth below.

The series code (GS-102) previously used for Social Administration Advisor and Social Administration Specialist (Public Assistance) (Child Welfare), and (Medical Social Work) positions has been abolished. These positions are now included in the Social Work Series, GS-185, and the title Social Work Program Specialist has been established for them.

The minimum education requirement of a master's degree in social work for these positions remains unchanged. The notice setting forth the minimum education requirement of a master's degree in social work for positions in the Social Work Series, GS-185-7/15 (29 F.R. 11609, Aug. 13, 1964), applies to all positions having this same minimum education requirement for social work.

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

[F.R. Doc. 67-13606; Filed, Nov. 17, 1967; 8:48 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 August 15, 1967.[1]

The economic and financial developments reviewed at this meeting indicate that economic activity has been expanding more rapidly in recent weeks. With strengthening of private demands for final products and further curtailment of inventory investment, a better balance between inventories and sales is emerging. Upward pressures on costs persist and the overall indexes of both wholesale and consumer prices have risen further. The balance of payments deficit has remained substantial and is a serious national problem. Bank credit expansion has continued large, while most short- and long-term interest rates have fluctuated close to their highs of the year, under the combined pressure of heavy private security market financing and of current and prospective Federal financing. A new fiscal program has been proposed by the President, including a sizeable increase in income taxes, which would make a substantial contribution to a balanced economic growth. In this situation, it is the policy of the Federal Open Market Committee to foster financial conditions, including bank credit growth, conducive to continuing economic expansion, while recognizing the need for reasonable price stability for both domestic and balance of payments purposes.

To implement this policy, while taking account of expected Treasury financing activity, System open market operations until the next meeting of the Committee shall be conducted with a view to maintaining about the prevailing conditions in the money market; but operations shall be modified, insofar as Treasury financing permits, to moderate any apparent tendency for bank credit to expand more than currently expected.

Dated at Washington, D.C., the 9th day of November 1967.

By order of the Federal Open Market Committee.

ROBERT C. HOLLAND,
Secretary.

[F.R. Doc. 67-13579; Filed, Nov. 17, 1967; 8:46 a.m.]

[1] The Record of Policy Actions of the Committee for the meeting of Aug. 15, 1967, 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.

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-2776—7-2778]

DELTA AIR LINES, INC. (DELAWARE) ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 14, 1967.

In the matter of applications of the Philadelphia-Baltimore-Washington Stock Exchange, for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one more other national securities exchanges:

	File No.
Delta Air Lines, Inc. (Delaware)	7-2776
Callahan Mining Corp	7-2777
Kennametal, Inc	7-2778

Upon receipt of a request, on or before November 28, 1967, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-13588; Filed, Nov. 17, 1967; 8:46 a.m.]

INTERAMERICAN INDUSTRIES, LTD.

Order Suspending Trading

NOVEMBER 14, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the capital stock of Interamerican Industries, Ltd., Calgary, Alberta, Canada, being traded in the United States otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in the United States in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 15, 1967, through November 24, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-13589; Filed, Nov. 17, 1967; 8:47 a.m.]

[70-4556]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Short-Term Promissory Notes

NOVEMBER 14, 1967.

Notice is hereby given that Jersey Central Power & Light Co. ("JCP&L"), Madison Avenue at Punch Bowl Road, Morristown, N.J. 07960, an electric utility subsidiary company of General Public Utilities Corp. ("GPU"), a registered holding company, has filed an application with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) thereof as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

JCP&L requests that, for the period commencing on the granting of this application and ending on December 31, 1968, the exemption from the provisions of section 6(a) of the Act afforded to it by the first sentence of section 6(b) of the Act relating to the issue and sale of short-term notes be increased from 5 percent to 10 percent of the principal amount and par value of other securities of JCP&L at the time outstanding. Based upon the securities of JCP&L outstanding at October 31, 1967, the proposed increase in such exempt borrowing authority would permit JCP&L to have outstanding at any one time an aggregate of $33,800,000 of short-term notes to banks. The filing states that JCP&L had $3,500,000 principal amount of such notes outstanding at the date of this application.

The notes will bear interest at the prime rate for commercial borrowings at the date of issue of the note from the bank from which such borrowing is made, will mature not later than 9 months from the date of issue, will be prepayable at any time without premium, and will not be issued as a part of a public offering.

Although no commitments or agreements for such borrowings have been made, if this application is granted by the Commission, JCP&L expects that, as and to the extent that its cash needs require, borrowings will be effected from among the following banks, the maximum to be borrowed and outstanding from each such bank being as follows:

Banks	*Amounts*
Irving Trust Co., New York, N.Y.	$8,600,000
Chemical Bank New York Trust Co., New York, N.Y.	5,000,000
The Chase Manhattan Bank (N.A.), New York, N.Y.	3,500,000
Bankers Trust Co., New York, N.Y.	3,500,000
Fidelity Union Trust Co., Newark, N.J.	3,500,000
First National State Bank of New Jersey, Newark, N.J.	1,500,000
National Newark & Essex Bank, Newark, N.J.	1,500,000
The First National Bank of Jersey City, N.J.	1,000,000
The National State Bank, Elizabeth, N.J.	1,000,000
Trust Company National Bank, Morristown, N.J.	900,000
Summit & Elizabeth Trust Co., Summit, N.J.	800,000

Banks	Amounts
The Monmouth County National Bank, Red Bank, N.J.	700,000
New Jersey National Bank & Trust Co., Asbury Park, N.J.	700,000
The First National Iron Bank of New Jersey, Morristown, N.J.	700,000
First Merchants National Bank, Asbury Park, N.J.	500,000
The National Union Bank of Dover, Del.	400,000
Total	33,800,000

JCP&L proposes to utilize the proceeds of the contemplated borrowings for the purpose of financing its business as a public-utility company, including provisions for construction expenditures, repayment of other short-term borrowings, and the temporary reimbursement of its treasury for construction expenditures provided therefrom. JCP&L will apply the net proceeds from any permanent debt financing effected prior to the maturity of all notes issued and outstanding under this application in reduction of, or in total payment of, such outstanding notes, and the maximum amount of indebtedness which may be incurred by JCP&L under this application will be reduced by the amount of the net proceeds of any such permanent debt financing.

The application states that JCP&L's expenses incident to the proposed issuance of notes will be approximately $3,000, including legal fees of $2,650; and that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. However, it is also stated that approval by the Board of Public Utility Commissioners of the State of New Jersey will be required for a renewal, extension, or replacement of any notes issued by JCP&L, if, as a result thereof, the loan evidenced thereby is not repaid within 12 months of the original date of the note or notes.

Notice is further given that any interested person may, not later than December 4, 1967, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service thereof (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 67-13590; Filed, Nov. 17, 1967; 8:47 a.m.]

JODMAR INDUSTRIES, INC.

Order Terminating Summary Suspension of Trading

NOVEMBER 13, 1967.

The common stock of Jodmar Industries, Inc., and all other securities of Jodmar Industries, Inc., 1790 East 93d Street, Brooklyn, N.Y., being traded otherwise than on a national securities exchange; and

The Commission having, on November 9, 1967, issued an order pursuant to section 15(c)(5), of the Securities Exchange Act of 1934 summarily suspending trading in said securities effective for the period November 10, 1967, through November 19, 1967; and

The Commission being of the opinion that the public interest does not require the continuance of said suspension of trading after November 15, 1967:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that the suspension of trading pursuant to said order of November 9, 1967, shall terminate effective at the opening of business on November 16, 1967.

By the Commission.

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

[F.R. Doc. 67-13591; Filed, Nov. 17, 1967; 8:47 a.m.]

[File No. 1-1277]

PENROSE INDUSTRIES CORP.

Order Suspending Trading

NOVEMBER 14, 1967.

The common stock $2 par value, of Penrose Industries Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and the 5 percent cumulative convertible preferred stock, $20 par value of Penrose Industries Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 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 November 15, 1967, through November 24, 1967, both dates inclusive.

By the Commission.

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

[F.R. Doc. 67-13592; Filed, Nov. 17, 1967; 8:47 a.m.]

[File No. 7-2775]

WARNER BROS.-SEVEN ARTS, LTD.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 14, 1967.

In the matter of application of the Pacific Coast Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Warner Bros.-Seven Arts Ltd.....File No. 7-2775

Upon receipt of a request, on or before November 28, 1967, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 67-13593; Filed, Nov. 17, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 494]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 15, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the

new rules of Ex Parte No. MC 67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests 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 33500 (Sub-No. 17 TA), filed November 9, 1967. Applicant: PYRAMID VAN LINES, INC., 479 South Airport Boulevard, South San Francisco, Calif. 94080. Applicant's representative: Daniel W. Baker, 405 Montgomery Street, Suite 1401, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fine arts, paintings, antiques, and oriental rugs of high values;* Between Carmel, Calif., Scottsdale, Ariz., Dallas, Tex., Albuquerque, N. Mex., Denver, Colo., and Oklahoma City, Okla., for 180 days. Supporting shipper: Fine Arts Gallery of Scottsdale, Inc., 108 West Main Street, Scottsdale, Ariz. 85251. NOTE: Applicant indicates it intends to tack with its other authority (not specified) in MC 33500 and to interline with Pyramid Van Lines, Western Division, Inc., MC 72729. Send protests to: Wm. R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 106760 (Sub-No. 87 TA), filed November 9, 1967. Applicant: WHITEHOUSE TRUCKING, INC., 2905 Airport Highway, Toledo, Ohio 43614. Applicant's representative: (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building panels, sections, wallboard, building board and accessories*, from Chesapeake, Va., to points in Florida, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont, for 180 days. Supporting shipper: The Evans Products Co., Chesapeake, Va. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 107496 (Sub-No. 598 TA), filed November 9, 1967. Applicant: RUAN TRANSPORT CORPORATION, Third & Keosauqua Way 50309, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil*, in bulk, in tank vehicles, from Bell Creek Oil Field, located in Carter and Powder River Counties, Mont., to receiving points in Campbell, Weston, and Crook Counties, Wyo., for 150 days. Supporting shipper: The Permian Corp., Post Office Box 704, Sterling, Colo. 80751. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 119493 (Sub-No. 37 TA), filed November 9, 1967. Applicant: MONKEM COMPANY, INC., West 20th Street Road, Post Office Box 1196, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured animal and poultry feed, and ingredients used in the manufacture of animal and poultry feed*, between Joplin, Mo., and points in Minnesota, for 180 days. Supporting shipper: Doane Feed Products Co., Post Office Box 879, Joplin, Mo. 64801. Send protests to: H. J. Simmons, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 124813 (Sub-No. 47 TA), filed November 9, 1967. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, except liquids in bulk, from Sioux City, Iowa, to points in Minnesota, Nebraska, North Dakota, and South Dakota for 180 days. Supporting shipper: Custom Products, Inc., Post Office Box 3083, Sioux City, Iowa 51105. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 127706 (Sub-No. 1 TA), filed November 9, 1967. Applicant: LESTER D. CLINGERMAN, Rural Delivery 4, Duck Creek Road, Salem, Ohio 44460. Applicant's representative: Robert T. Fitzsimons, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise (except drugs) sold in discount drug stores, and fixtures, equipment, and supplies* used by drug stores; between the warehouse of Whitecross Stores, Inc., at Austin Township, Mahoning County, Ohio, on the one hand, and, on the other, Whitecross Stores, Inc.'s retail outlets in Hazelton, Scranton, and Wilkes-Barre, Pa., for 180 days. Supporting shipper: White Cross Stores, Inc., 339 Haymarket Road, Monroeville, Pa. 15146, C. William Moffitt, Secretary. Send protests to: Joseph A. Niggemyer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 531 Hawley Building, Wheeling, W. Va. 26003.

No. MC 128105 (Sub-No. 3 TA), filed November 9, 1967. Applicant: FRANK R. GIVIGLIANO, 301 Willow Street, Trinidad, Colo. 81082. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned and frozen food products*, from Mesa, Ariz., to points in Colorado and New Mexico, for 180 days. Supporting shipper: Rosarita Mexican Foods Co., Box 1010, 310 South Extension Road, Mesa, Ariz. 85201. Send protests to: District Supervisor, Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 129520 TA, filed November 9, 1967. Applicant: D & E ENTERPRISES, INC., 90 South Dearborn Street, Seattle, Wash. 98134. Applicant's representative: Glenn W. Toomey, Hoge Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* (uncrated and in pads) (1) from points in Washington to points in Oregon and California; and (2) from points in California to points in Oregon and Washington, for 180 days. Supporting shippers: White Swan Industries, Inc., Wapato, Wash. 98951; Classic Furniture Manufacturing, 542 First Avenue South, Seattle, Wash. 98104. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

By the Commission.

[SEAL] NEIL H. GARSON, *Secretary.*

[F.R. Doc. 67-13611; Filed, Nov. 17, 1967; 8:48 a.m.]

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