farms in other counties within the State. Accordingly, it is hereby determined and proclaimed by the Secretary that transfers of upland cotton allotment by sale or lease from such counties to other counties within the same State shall not be approved under section 344a of the act unless the required approval is obtained in a future referendum.

(c) *Data on which referenda results are based.* The referenda results proclaimed in paragraph (b) of this section are based on data for each county furnished to the Deputy Administrator in accordance with the referenda regulations in Part 717 of this chapter (§ 717.13, 28 F.R. 13249). In addition to the data available for public inspection in the offices of the State and county committees regarding these referenda pursuant to the referenda regulations in Part 717 of this chapter, copies of the State summaries on Form MQ–8 and the following information are available for public inspection in the office of the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, Department of Agriculture, Washington, D.C.:

(1) The number of eligible producers of the 1967 crop of upland cotton who voted in each county.

(2) The number of such producers who voted to permit the transfer of upland cotton allotments by sale or lease to farms outside the county during 1968 and 1969.

(3) The percentage of producers who voted to permit such transfers.

(Sec. 344a, 79 Stat. 1197, 7 U.S.C. 1344b)

Effective date. Date of publication of this document in the FEDERAL REGISTER.

Signed at Washington, D.C. on June 19, 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67–7082; Filed, June 22, 1967; 8:47 a.m.]

SUBCHAPTER D—PROVISIONS COMMON TO MORE THAN ONE PROGRAM

[Amdt. 1]

PART 790—INCOMPLETE PERFORMANCE BASED UPON ACTION OR ADVICE OF AN AUTHORIZED REPRESENTATIVE OF THE SECRETARY

Miscellaneous Amendments

The regulations governing incomplete performance based upon action or advice of an authorized representative of the Secretary, 7 CFR, Part 790 (30 F.R. 17154), are amended as follows:

1. Section 790.2 is amended to read as follows:

§ 790.2 Action.

(a) Notwithstanding any other provision of law, performance rendered in good faith in reliance upon action or advice of any authorized representative of a county committee or State committee as defined in Part 719 of this chapter, may be accepted by the Administrator, ASCS (Executive Vice President, CCC), the Associate Administrator, ASCS (Vice President, CCC), or the Deputy Administrator, State and County Operations, ASCS (Vice President, CCC), as meeting the requirements of the applicable program, and price support may be extended or payment may be made therefor in accordance with such action or advice to the extent it is deemed desirable in order to provide fair and equitable treatment.

(b) The provisions of this part shall be applicable only if a producer relied upon action or advice of a county or State committee or an authorized representative of such committee in rendering performance which the producer believed in good faith met the requirements of the applicable program. The authority provided in this part does not extend to cases where the producer knew or had sufficient reason to know that the action or advice of the committee of its authorized representative upon which he relied was improper or erroneous, or where the producer acted in reliance on his own misunderstanding or misinterpretation of program provisions, notices or advice.

2. Section 790.3 is amended to read as follows:

§ 790.3 Delegation of authority.

The State committee may, in accordance with instructions issued by the Deputy Administrator, State and County Operations, ASCS, exercise the authority provided in this part in programs administered by the ASCS in cases where the total of any payments and price support extended under this part does not exceed $500.

(Sec. 326, 76 Stat. 631, 77 Stat. 47, 79 Stat. 1192)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 19, 1967.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67–7083; Filed, June 22, 1967; 8:47 a.m.]

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

PART 916—NECTARINES GROWN IN CALIFORNIA

Expenses and Rate of Assessment and Carryover of Unexpended Funds

On May 27, 1967, notice of rule making was published in the FEDERAL REGISTER (32 F.R. 7777) regarding proposed expenses and the related rate of assessment for the period March 1, 1967, through February 29, 1968, and carryover of unexpended funds, pursuant to the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916), regulating the handling of nectarines grown in California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). Information was received by the Department, after said notice of rule making, that the Nectarine Administrative Committee, during a meeting held on May 25, 1967, unanimously recommended that the budget for the 1967–68 fiscal period be increased by $3,000. The committee recommended such expenditures to finance a project which would utilize space at the San Francisco Airport Terminal Building for a nectarine promotion project. After consideration of all relevant matters presented, including the proposals set forth in such notice and as modified as set forth above, all of which were submitted by the Nectarine Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 916.206 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Nectarine Administrative Committee during the period March 1, 1967, through February 29, 1968, will amount to $228,985.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 916.41, is fixed at $0.05 per standard lug box of nectarines, or equivalent quantity of nectarines in other containers or in bulk.

(c) *Reserve.* Unexpended assessment funds, in excess of expenses incurred during the fiscal period ending February 29, 1968, shall be carried as a reserve in accordance with the applicable provisions of § 916.42 of said marketing agreement and order.

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 nectarines grown in California 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 nectarines handled during the aforesaid period; and (3) such period began on March 1, 1967, and said rate of assessment will automatically apply to all such nectarines beginning with such date.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order, and "standard lug box" shall mean the No. 26 standard lug box set forth in section 828.4 of the Agricultural Code of California.

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

Dated: June 20, 1967.

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

[F.R. Doc. 67–7116; Filed, June 22, 1967; 8:50 a.m.]

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

[Milk Order 134]

PART 1134—MILK IN THE WESTERN COLORADO MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Western Colorado marketing area (7 CFR Part 1134), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act for the months of June, July, August, and September 1967, and are hereby suspended:

(1) In § 1134.12(b)(1) the provision "However, the total quantity of milk so diverted may not exceed 60 percent in the months of April, May, June, and July, and 30 percent in other months of its member producer milk received at all pool plants during the month. Diversions in excess of such percentages shall not be considered producer milk, and the diverting cooperative shall specify the dairy farmers whose milk is ineligible as producer milk;"; and

(2) In § 1134.12(b)(2) the provision "However, the total quantity of milk so diverted may not exceed 60 percent in the months of April, May, June, and July, and 30 percent in other months of the milk received at such pool plant during the month from producers who are not members of a cooperative association which has diverted milk pursuant to subparagraph (1) of this paragraph. Diversions in excess of such percentages shall not be considered producer milk, and the diverting handler shall specify the dairy farmers whose milk is ineligible as producer milk;".

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

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

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

(3) The suspension will enable a cooperative association to divert larger quantities of producer milk and to assure its membership (the principal suppliers of milk to regulated handlers) that all will share equally in the returns from the sale of Class I milk. The same diversion privilege will be available to regulated handlers. The suspension will enable the cooperative association to maintain producer status under the order pending a hearing which it has requested to consider amendment of the diversion provisions of the order to conform to current marketing conditions for the area.

(4) Interested parties were afforded opportunity to file written data, views, or arguments concerning this suspension (32 F.R. 8248). None was filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the period June through September 1967.

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

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 19, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-7086; Filed, June 22, 1967; 8:47 a.m.]

[Milk Order 136]

PART 1136—MILK IN THE GREAT BASIN MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Great Basin marketing area (7 CFR Part 1136), it is hereby found and determined that:

(a) In the first sentence of § 1136.11(a), the following provision of the order no longer tends to effectuate the declared policy of the Act for the months of June, July, and August 1967 and is hereby suspended: "equal to not less than 50 percent of the receipts during the month at such plant of producer milk, producer milk diverted therefrom by the plant operator and receipts at the plant of fluid milk products from plants described pursuant to paragraph (b) of this section".

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

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

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

(3) The suspension eliminates the specified proportion (50 percent) of certain receipts of milk from the computation used in determining the pool status of a distributing plant for each of the months of June, July, and August 1967.

There has been a significant increase in the supply of Grade A milk relative to fluid needs in the market in recent months over that for similar months during 1966. This will increase substantially the quantities of milk that the principal cooperative associations supplying the market will have to handle and market for their members, particularly during the suspension period. Without the suspension continued pool plant status for these major suppliers cannot be assured.

(4) Interested parties were afforded opportunity to file written data, views, or arguments concerning this suspension (32 F.R. 8180). One handler opposed the proposed suspension, stating that it should be made for at least 1 year. However, petitioners' request indicates that a 3-month period will adequately assure the pooling of their plants.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the period June through August 1967.

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

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 19, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-7085; Filed, June 22, 1967; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

Correction

The document adopting a new part entitled "Rules Regarding Delegation of Authority" (F.R. Doc. 67-6606) of Chapter II of Title 12 of the Code of Federal Regulations, published in the FEDERAL REGISTER on June 14, 1967, at 32 F.R. 8519, is corrected as follows:

(a) By changing (1) the number of the part from "264" to "265" so that as corrected the new part is "Part 265—Rules Regarding Delegation of Authority" and (2) the section numbers from "264.1", "264.2", and "264.3" to "265.1", "265.2", and "265.3", respectively, so that as corrected the section headings are "§ 265.1 *Delegation of functions generally*", "§ 265.2 *Specific functions delegated*", and "§ 265.3 *Review of action at delegated level*". (The Board's "Part 264—Employee Responsibilities and Conduct" remains in full force and effect.)

(b) By changing in § 265.2(f)(7)(ii) the words "plus valuation reserves" to read "plus reserves other than valuation reserves".

Dated at Washington, D.C., this 19th day of June 1967.

Board of Governors of the Federal Reserve System.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 67-7062; Filed, June 22, 1967; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

PART 230—STANDARD REFERENCE MATERIALS

Subpart D—Standards of Certified Properties and Purity

LIGHT-SENSITIVE PAPERS AND PLASTIC CHIPS

Under the provisions of 15 U.S.C. 275a and 277, the following amendment relating to standard reference materials issued by the National Bureau of Standards is effective upon publication in the FEDERAL REGISTER.

The amendment (1) revises § 230.8–15 *Light-sensitive papers* to renew and change the price of standard reference materials 700a and 701a, and (2) revises § 230.8–26 *Light-sensitive plastic chips* to change the price of standard reference materials 702 and 703. Accordingly, these sections are revised as follows:

§ 230.8–15 Light-sensitive papers.

* * * * *

Sample Nos.	Kind	Unit of issue	Price
700b	Light-sensitive paper.....	Package of 100 pieces.	$25.00
701b	Booklet of standard faded strips.	Booklet.....	110.00

§ 230.8–26 Light-sensitive plastic chips.

* * * * *

Sample Nos.	Kind	Unit of issue	Price
702	Light-sensitive plastic chips (0.124 inch).	Package of 5 chips.	$35.00
703	Light-sensitive plastic chips (0.060 inch).	Package of 5 chips.	35.00

(Sec. 9, Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959, 15 U.S.C. 257a)

Dated: June 16, 1967.

A. V. ASTIN, *Director.*

[F.R. Doc. 67-7117; Filed, June 22, 1967; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 8154; Amdt. 39-437]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model 18 Airplanes

Pursuant to the authority delegated to me by the Administrator, an airworthiness directive was adopted on June 15, 1967, and made effective immediately by individual airmail letters dated June 15, 1967, sent to all known owners of the Beech model airplanes listed below.

Previously, the agency issued an AD by telegram to the registered owners of Beech Model 18 airplanes and subsequently published it as Amendment 39–419 in the FEDERAL REGISTER (32 F.R. 7205). This AD, numbered 67–16–1, and an amendment thereto published in the FEDERAL REGISTER as Amendment 39–430 (32 F.R. 8024) required an initial inspection by both magnetic particle and X-ray procedures at four locations of the elliptical front spar lower cap of the wing center section prior to further flight. Repetitive inspections were also required at not to exceed 200 hours' time in service. Inspections conducted pursuant to AD 67–16–1 and further investigations by the manufacturer and the agency have indicated that a relaxation of the requirement that the initial inspection be made prior to further flight would not adversely affect safety. The manufacturer and the agency are also conducting further tests to determine whether the interval between repetitive inspections may be safely extended. The agency therefore intends to permit aircraft which have not yet received the initial inspection required by AD 67–16–1 to operate an additional 50 hours prior to the initial inspection. On the recommendation of the manufacturer, which is concurred in by the agency, those aircraft which have not received the initial inspection as required by AD 67–16–1, if operated within the 50 additional hours, must be placarded to prohibit flight into known or suspected moderate or severe turbulence and must operate at a 500-pound reduction of the allowable gross weight.

Since the effect of this AD relieves a restriction heretofore imposed by AD 67–16–1, it was found that notice and public procedure thereon was unnecessary and contrary to the public interest and good cause existed for making it effective immediately as to all known owners of the airplanes. This situation still exists and the AD is hereby published in the FEDERAL REGISTER as an amendment to section 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

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

BEECH MODELS C18S, AT–11, C–45, C–45A, UC–45B, UC–45F, AT–7, AT–7A, AT–7B, AT–7C, JRB–1, JRB–2, JRB–3, JRB–4, SNB–1, SNB–2, SNB–2C, D18S, D18C, C–45G, TC–45G, C–45H, TC–45H, TC–45J (SNB–5), JRB–6, E18S, E18S–9700, G18S, H18 (Aircraft Serial Nos. BA–580, BA–618 through BA–730) and to aircraft of the above models subsequently redesignated under a supplemental type certificate, except those modified under STC SA 1192 WE.

Compliance: Effective immediately.

The airplanes to which this AD is applicable must comply with AD 67–16–1, *Provided*, That any aircraft which, on the effective date of this AD, has not received the initial inspection required by AD 67–16–1 may be operated not to exceed an additional 50 hours' time in service. Until the initial inspection required by AD 67–16–1 is performed, the aircraft must be operated at a 500-pound reduction of the allowable gross weight and the aircraft may not be operated unless there is installed on or adjacent to the instrument panel, in full view of the pilot, a placard which prohibits flight into known or suspected areas of moderate or severe turbulence.

This amendment becomes effective June 23, 1967, for all persons except those to whom it was made effective by airmail letter dated June 15, 1967.

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

Issued in Kansas City, Mo., on June 16, 1967.

DANIEL E. BARROW, *Acting Director, Central Region.*

[F.R. Doc. 67-7136; Filed, June 22, 1967; 8:50 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8211; Amdt. 541]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Conroe Int	DWH RBn	Direct	1700	T-dn	300–1	300–1	200–½
Magnolia Int	DWH RBn	Direct	1700	C-dn	500–1	500–1	500–1½
Silver Int	DWH RBn	Direct	1700	S-dn-16°	500–1	500–1	500–1
TNV VOR	DWH RBn	Direct	1700	A**	NA	NA	NA
HOU VORTAC	DWH RBn	Direct	1800	Minimums authorized when Hooks Memorial Airport altimeter setting is used:			
Gulf Coast Int	DWH RBn	Direct	1700	C-dn	400–1	500–1	500–1½
				S-dn-16	400–1	400–1	400–1

Procedure turn W side of crs, 347° Outbnd, 167° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 167°—3.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.1 miles after passing DWH RBn, make right-climbing turn to 1700′ direct to DWH RBn.
*Use Houston, Tex., altimeter setting when Hooks Memorial Airport altimeter setting not available.
**No weather service available.
MSA within 25 miles of facility: 000°–090°—1500′; 090°–180°—1700′; 180°–270°—1600′; 270°–360°—1600′.

City, Houston; State, Tex.; Airport name, David Wayne Hooks Memorial; Elev., 150′; Fac. Class., MHW; Ident., DWH; Procedure No. NDB(ADF) Runway 16, Amdt. Orig. Eff. date, 15 July 67

MIA VOR	PRR RBn	Direct	1600	T-dn	300–1	300–1	200–½
BSY VOR	PRR RBn	Direct	1600	C-dn	500–1	500–1	500–1½
MIA RBn (OM)	PRR RBn	Direct	1600	S-dn-9L	500–1	500–1	500–1
				A-dn	NA	NA	NA

Radar available.
Procedure turn N side of crs, 232° Outbnd, 052° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to Runway 9L, 062°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing PRR RBn, make climbing left turn to 1600′ and return to Perrine RBn. Hold SW, 1-minute left turns, 052° Inbnd.
NOTES: (1) Tamiami Tower normally operating 0700–2300 daily. (2) Use Miami International altimeter setting when control zone not effective. (3) Night operations authorized for 9L and 27R only.
MSA within 25 miles of facility: 000°–090°—1800′; 090°–360°—1700′.

City, Miami; State, Fla.; Airport name, Tamiami; Elev., 10′; Fac. Class., RBn; Ident., PRR; Procedure No. NDB(ADF) Runway 9L, Amdt. Orig.; Eff. date, 15 July 67

NUN VOR	LOM	Direct	1700	T-dn	300–1	300–1	200–½
PNS RBn	LOM	Direct	1700	C-dn	400–1	500–1	500–1½
Gonzales Int	LOM (final)	Direct	1500	S-dn-16	400–1	400–1	400–1
Harold Int	LOM	Direct	1700	A-dn	800–2	800–2	800–2
Elberta Int	LOM	Direct	1700				

Radar available.
Procedure turn E side of crs, 343° Outbnd, 163° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 163°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing LOM, climb to 2000′ on crs of 163° from the LOM within 10 miles, or when directed by ATC, climb to 2000′ on crs of 100° from the Pensacola RBn within 15 miles.
CAUTION: (1) Warning area 10 miles S of PNS RBn. (2) Numerous aircraft operating vicinity of Ellyson Field.
MSA within 25 miles of facility: 000°–090°—1500′; 090°–180°—1500′; 180°–360°—2400′.

City, Pensacola; State, Fla.; Airport name, Pensacola Municipal (Hagler); Elev., 118′; Fac. Class., LOM; Ident., PN; Procedure No. NDB(ADF) Runway 16, Amdt. 12; Eff. date, 15 July 67; Sup. Amdt. No. ADF 1, Amdt. 11; Dated, 18 June 66

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Thornhurst VOR	LOM	Direct	3600	T-dn*	600–1	600–1	600–1
Hazleton VOR	LOM	Direct	3600	C-dn**	1000–1½	1000–1½	1000–2
Crystal Lake RBn	LOM (final)	Direct	3100	S-dn	1200–2	1200–2	1200–2
				A-dn			

Radar available.
Procedure turn W side of crs, 223° Outbnd, 043° Inbnd, 3600′ within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 3100′.
Crs and distance, facility to airport, 043°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing Wilkes-Barre LOM, climb to 3600′ on crs, 043° from the Wilkes-Barre LOM, then proceed to Wilkes-Barre VOR, maintain 4000′, hold E, 1-minute right turns, Inbnd crs, 268°, or when directed by ATC, climb to 3600′ on crs, 043° from the Wilkes-Barre LOM, turn left and proceed direct to Wilkes-Barre LOM, maintain 3600′, hold SW, 1-minute left turns, Inbnd crs, 043°.
AIR CARRIER NOTE: Sliding scale not authorized.
NOTES: (1) High terrain to 1820′ E, SE, and S of airport within 2.3 miles. (2) **Circling approaches are prohibited in that area SE of Runways 4/22 centerline extended. (3) *Takeoff Runways 10 and 16, day 600–2, night 800–2. (4) Reduction not authorized.
MSA within 25 miles of facility: 000°–090°—3800′; 090°–180°—3600′; 180°–270°—3600′; 270°–360°—3700′.

City, Wilkes-Barre; State, Pa.; Airport name, Wilkes-Barre-Scranton; Elev., 956′; Fac. Class., LOM; Ident., AV; Procedure No. NDB (ADF) Runway 4, Amdt. 8; Eff. date, 15 July 67; Sup. Amdt. No. ADF 1, Amdt. 7; Dated, 20 Aug. 66

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300–1	300–1	NA
				C-dn*	800–2	800–2	NA
				A-dn	NA	NA	NA
				DME minimums:			
				C-dn	500–1	500–1	NA

Procedure turn S side of crs, 084° Outbnd, 264° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′: over 6-mile DME Fix, 924′.
Crs and distance, facility to airport, 264°—10.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within *6 miles after passing HTM VOR, or within 10.3-DME miles of HTM VORTAC, make a climbing right turn to 2000′. Return to HTM VOR. Hold SW, right turns, 1 minute, 060° Inbnd.
NOTES: (1) Use Boston altimeter setting. (2) Runways 4 and 22 unlighted.
*Distance from point of visual contact to airport, 4.3 miles.
MSA within 25 miles of facility: 000°–090°—1900′; 090°–180°—1600′; 180°–270°—2200′; 270°–360°—2400′.

City, Mansfield; State, Mass.; Airport name, Mansfield Municipal; Elev., 124′; Fac. Class., L-BVORTAC; Ident., HTM; Procedure No. VOR-1, Amdt. 3; Eff. date, 15 July 67; Sup. Amdt. No. VOR 1, Amdt. 2; Dated, 12 Mar. 66

				T-d	600–1	600–1	
				C-d	800–1	800–1½	
				A-d	NA	NA	NA

Radar available.
Procedure turn not authorized. Descend in the Sparta holding pattern 335° Inbnd, 1-minute right turns, minimum altitude, 3000′.
Minimum altitude over facility on final approach crs, 3000′; Franklin Int/4-mile DME Fix, SAX R 345°, 2110′.
Crs and distance, facility to airport, 345°—8.8 miles; Franklin Int/4-mile DME Fix, SAX R 345°, 4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.8 miles after passing Sparta VOR, or passing STW R 054°, make left-climbing turn, proceed direct to Sparta VOR climbing to 3000′. Hold SE, 1-minute right turns, 335° Inbnd.
NOTE: Use Newark airport altimeter setting.
MSA within 25 miles of facility: 000°–090°—2900′; 090°–180°—2500′; 180°–270°—2600′; 270°–360°—3100′.

City, Sussex; State, N.J.; Airport name, Sussex; Elev., 420′; Fac. Class., L-VORTAC; Ident., SAX; Procedure No. VOR-1, Amdt. 1; Eff. date, 15 July 67; Sup. Amdt. No. VOR-1, Orig.; Dated, 4 Feb. 67

3. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
TBD VORTAC	16-mile DME Fix, TBD R 118°	118°—16 miles	1500	T-dn	300-1	300-1	200-½
				C-dn*	500-1	500-1	500-1½
26-mile DME Fix, TBD R 118°	16-mile DME Fix, TBD R 118° (final)	298°—10 miles	1000	S-d-29	500-1	500-1	500-1
				A	NA	NA	NA
				The following minimums authorized if Houma, La., altimeter setting is used:			
				C-dn	400-1	500-1	500-1½
				S-d-29	400-1	400-1	400-1

Procedure turn N side of crs, 118° Outbnd, 298° Inbnd, 1500′ within 10 miles of 16-mile DME Fix.
Minimum altitude over 16-mile DME Fix, R 118° on final approach crs, 1000′.
Crs and distance, 16-mile DME Fix, R 118° to airport, 298°—5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 11-mile DME Fix on R 118°, proceed direct to VOR climbing to 1500′.
NOTES: (1) No weather service available. (2) Runway lights available only 17-35.
*Use New Orleans altimeter setting when Houma setting is not available.
MSA within 25 miles of facility: 000°-090°—1400′; 090°-180°—1500′; 180°-270°—1500′; 270°-360°—1500′.

City, Houma; State, La.; Airport Name, Houma Municipal; Elev., 11′; Fac. Class., L-BVORTAC; Ident., TBD; Procedure No. VOR/DME Runway 29, Amdt. 1; Eff. date 15 July 67; Sup. Amdt. No. VOR/DME Runway 30, Orig.; Dated, 3 June 67

4. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en ronte operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lakewood Int	OH LOM (final)	Via OBK, R 272° and NW crs OHA ILS.	2100	T-dn%	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-14L#*	300-¾	300-¾	300-¾
Niles Int	ORD VOR	Direct	2500	A-dn	600-2	600-2	600-2
ORD VOR	OH LOM	Direct	2500				
Warren Int	OH LOM	Direct	2500				
Deerfield Int	OH LOM	Direct	2500				
OBK VOR	OH LOM	Direct	2500				

Radar available.
Procedure turn W side of crs, 318° Outbnd, 138° Inbnd, 2500′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2100′.
Altitude of glide slope and distance to approach end of runway at LOM, 2090′—5.2 miles; at MM, 864′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left to a heading of 120° and climb to 1500′, make left-climbing turn to 3500′ and proceed to Evanston Int via ORD R 075°.
NOTES: Runway 14R, LOM named "ROMEO"; Runway 14L, LOM named "LIMA".
CAUTION: Takeoffs Runway 27 when weather is below 2000-3 will intercept ORD VOR, R 250° and climb to 2000′ before proceeding westbound. Takeoffs Runway 32L when weather is below 2000-3 will intercept ORD, R 306° and climb to 2000′ before proceeding westbound. When conducting a parallel approach, parallel ILS 14 R and L procedure must be used.
#400-¾ required when glide slope not utilized, 400-½ authorized with operative SALS except for 4-engine turbojets.
%Rnnway Visual Range 2400′ authorized for takeoff on Runways 14L, 14R, and 32L.
*300-½ authorized with operative SALS, except for 4-engine turbojets.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667′; Fac. Class., ILS; Ident, I-OHA; Procedure No. ILS Runway 14L, Amdt. 11; Eff. date, 15 July 67; Sup. Amdt. No. ILS Runway 14L, Amdt. 10; Dated, 25 Mar. 67

Meadows Int	Lima OM (final when glide slope not utilized).	Direct	2100	T-dn	300-1	300-1	200-½
				C-dn	NA	NA	NA
				S-dn-14R#	200-½	200-½	200-½
				S-dn-14L$*	300-¾	300-¾	300-¾
				A-dn	600-2	600-2	600-2

Procedure turn not authorized. Radar vectoring to final approach crs required.
Crs, Romeo LOM to Runway 14R, 138°; Lima LOM to Runway 14L, 138°.
Minimum altitude at glide slope interception Inbnd, 14R—2200′; 14L—3200′ (2100′ when authorized by ATC after passing Meadows).
Altitude of glide slope and distance to approach end of runway at OM: 14R, 2140′—5.3 miles, 14L, 2090′—5.2 miles; at MM; 14R, 861′—0.5 mile; 14L, 864′—0.6 mile.
When advised by the controller or if visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runway 14R—turn right to heading of 155° and climb to 1500′, then make right climbing turn to 3500′ and proceed to DPA VOR via R 085°. Runway 14L—turn left to heading of 120° and climb to 1500′, make left-climbing turn to 3500′ and proceed to Evanston Int via ORD R 075°.
#S-dn-14R: 400-¾ required when glide slope not utilized; 400-½ authorized with operative ALS, except for 4-engine turbojets. 2400′ RVR. Descent below 867′ not authorized unless approach lights are visible.
$S-dn-14L: 400-¾ required when glide slope not utilized, 400-½ authorized with operative SALS, except for 4-engine turbojets.
*S-dn-14L: 300-½ authorized with operative SALS, except for 4-engine turbojets.
NOTES: (1) Use of this procedure is mandatory when conducting a parallel ILS approach, and is authorized only when airborne 75 mc. (or ADF), and localizer receivers are operating simultaneously. A radar fix in lieu of Meadows Int will be provided upon pilot's request. (2) When any required airborne receiver in Note (1) is malfunctioning or a parallel approach is not desired, immediate notification of approach control is mandatory. (3) When advised that parallel operations are in progress, the pilot will check his authorization and restrictions for Runways 14 L & R, and be prepared to accept or reject an approach to either.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667′; Fac. Class., ILS; Ident., I-ORD and I-OHA; Procedure No. Parallel ILS Runways 14 R and L, Amdt. 6; Eff. date, 15 July 67; Sup. Amdt. No. Parallel ILS-14 R and L, Amdt. 5; Dated, 25 Mar. 67

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
FI LFR	Fox RBn	Direct	4000	T-dn	300–1	300–1	200–½
Chena Int	Fox RBn	Direct	4000	C-dn* **	400–1	500–1	500–1½
FAI VORTAC	Fox RBn	Direct	4000	S-dn-19**	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Radar available.**
Procedure turn W side of N crs, 010° Outbnd, 190° Inbnd, **4000' within 10 miles of Fox RBn.
Minimum altitude over Fox NDB, 4000'; over FAI LOM, 2300'.
Altitude of glide slope and distance to approach end of runway at OM, 2265'—5.6 miles; at MM, 660'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left, climb to 2400', proceeding direct to FI LFR, then on E crs (060°) to Chena Int, or when directed by ATC, climb to 4000' on S crs ILS within 20 miles.
CAUTION: *All maneuvering E of airport, 900' terrain within 1.7 miles W rising to 1000' at 1.9 miles W.
**With glide slope inoperative, straight-in minimums for Runway 19 are 600–1. If positive radar position received over 764' radio tower, 3.3 miles N of Runway 19, ceiling minimum becomes 300'.

City, Fairbanks; State, Alaska; Airport name, Fairbanks International; Elev., 434'; Fac. Class., ILS; Ident., I-FAI; Procedure No. ILS Runway 19, Amdt. 10; Eff. date, 15 July 67; Sup. Amdt. No. ILS–19, Amdt. 9; Dated, 1 Jan. 66

MKC VOR	Platte City Int	Direct	2600	T-dn#	300–1	300–1	200–½
MC LOM	Platte City Int	Direct	2600	C-dn	500–1	500–1	500–1½
Camden Int	Platte City Int (final)	Direct	2200	S-dn-18@	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar available.
Procedure turn W side of crs, 005° Outbnd, 185° Inbnd, 2600' within 10 miles of Platte City Int.
Minimum altitude over Platte City Int on final approach crs, 2200'.
Crs and distance, Platte City Int to airport, 185°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing Platte City Int, climb to 2600' on S crs ILS, proceed to MC LOM.
#RVR 2400' authorized Rnnway 36.
@400–¾ authorized with operative high-intensity runway lights, except for 4-engine turbojets.

City, Kansas City; State, Mo.; Airport name, Mid-Continent International; Elev., 1011'; Fac. Class., ILS; Ident., I-MCI; Procedure No. LOC(BC) Runway 18, Amdt. 5; Eff. date, 15 July 67; Sup. Amdt. No. ILS (back crs), Amdt. 4; Dated, 10 Sept. 66

Sweet Valley Int	CYE RBn	Direct	3800	T-dn#	600–1	600–1	600–1
Thornhurst VOR	CYE RBn	Direct	3800	C-dn*	1000–1½	1000–1½	1000–2
Effort Int	CYE RBn	Direct	3800	S-dn-4	600–1	600–1	600–1
Pocono Int	CYE RBn	Direct	3800	A-dn	1200–2	1200–2	1200–2
Scranton Int	CYE RBn	Direct	4000	With glide slope inoperative:			
Lopez Int	CYE RBn	Direct	3800	S-dn-4**	1000–1½	1000–1½	1000–2
Hazleton VOR	CYE RBn	Direct	3800				

Radar available.
Procedure turn W side SW crs, 223° Outbnd, 043° Inbnd, 3800' within 10 miles of Crystal Lake RBn.
Minimum altitude at glide slope interception Inbnd final, 3775' over Crystal Lake RBn.
Altitude of glide slope and distance to approach end of runway at CYE RBn, 3775'—5.6 miles; at OM, 2229'—3.9 miles; at MM, 1177'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing Wilkes-Barre LOM or 5.6 miles after passing Crystal Lake RBn, climb to 3800' on crs, 043° from the Wilkes-Barre LOM, then proceed direct to the Wilkes-Barre VOR, maintain 4000'. Hold E, 1-minute right turns, Inbnd crs, 268°, or when directed by ATC, climb to 3800' on crs, 043° from the LOM, turn left and proceed direct to Crystal Lake RBn, maintain 3800', hold SW, 1-minute left turns, Inbnd, crs, 043°.
MSA within 25 miles of AV LOM: 000°–090°—3800'; 090°–180°—3600'; 180°–270°—3600'; 270°–360°—3700'.
AIR CARRIER NOTE: Sliding scale not authorized.
NOTES: (1) This approach is authorized only when Crystal Lake radio beacon is operating, or when radar is utilized. (2) High terrain to 1820' E, SE, and S of airport within 2.3 miles. (3) *Circling approaches are prohibited in that area SE of Runways 4/22 centerline extended. (4) Back crs unusable. (5) Glide slope unusable below 1556'. (6) Reduction not authorized.
#Takeoff minimums for Runways 10 and 16: Day—600–2, night—800–2.
** Maintain 2600' until past LOM.

City, Wilkes-Barre; State, Pa.; Airport name, Wilkes-Barre-Scranton; Elev., 956'; Fac. Class., ILS; Ident., I-AVP; Procedure No. ILS Runway 4, Amdt. 20; Eff. date 15 July 67; Sup. Amdt. No. ILS–4, Amdt. 19; Dated, 20 Aug. 66

5. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
		Within:		Surveillance approach			
035	285	25 miles	1500	T-dn**	300-2	300-1	200-½
285	035	0-10 miles	1500	C-dn	400-1	500-1	500-1½
285	035	10-25 miles	1600	S-dn-15*#	400-1	400-1	400-1
				S-dn-33*	400-1	400-1	400-1
				S-dn-21/3	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
				Precision approach			
				S-dn-15##	200-½	200-½	200-½
				S-dn-3	300-¾	300-¾	300-¾
				S-dn-33	300-¾	300-¾	300-¾
				A-dn	600-2	600-2	600-2

Radar control will provide 1000' vertical separation within a 3-mile radius of radio towers, 849' and 1049' located 9 and 11.5 miles SE of Charleston AFB/Municipal Airport. All bearings and distances are from radar site on Charleston AFB/Municipal Airport with sector azimuths progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runway 15—Climb to 2000' on R 149° within 15 miles of CHS VOR. Runway 3—Climb to 2000' on R 033° within 15 miles of CHS VOR. Runway 33—Climb to 2000' on R 322° within 15 miles of CHS VOR. Runway 21—Climb to 2000' on R 200° within 15 miles of CHS VOR.

NOTE: VASI—Runways 15, 21, 33.

#RVR 2400'. Descent below 245' not authorized unless approach lights visible.

*400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

#400-½ (RVR 2400') authorized, except for 4-engine turbojet aircraft, with operative ALS.

**RVR 2400' authorized Runway 15.

City, Charleston; State, S.C.; Airport name, Charleston AFB/Municipal; Elev., 45'; Fac. Class. and Ident., Charleston Radar; Procedure No. 1, Amdt. 4; Eff. date, 15 July 67; Sup. Amdt. No. 1, Amdt. 3; Dated, 23 Apr. 66

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), and 601 of the Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on June 8, 1967.

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

[F.R. Doc. 67-6771; Filed, June 22, 1967; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in the Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

VERXITE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 6C1995) filed by Zonolite Division, W. R. Grace and Co., 135 South La Salle Street, Chicago, Ill. 60603, and other relevant material, has concluded that § 121.222 should be revised (1) to designate the additive that has been thermally expanded as verxite granules and to increase its maximum bulk density from 7 to 9 pounds per cubic foot and (2) to provide for use of verxite flakes in which case the verxite is not thermally expanded and the bulk density is from 20 to 30 pounds per cubic foot. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.222 is revised to read as follows:

§ 121.222 Verxite.

The food additive verxite may be safely used in animal feed in accordance with the following prescribed conditions:

(a) The additive is a magnesium-aluminum-iron silicate containing a minimum of 98 percent of hydrobiotite conforming to one of the following:

(1) (i) Verxite granules: The additive is thermally expanded and has a bulk density of from 5 to 9 pounds per cubic foot.

(ii) It is used or intended for use:

(a) In poultry feed at a level not to exceed 5 percent of the weight of the finished feed as a nonnutritive bulking agent for restricting calorie intake in pullet replacement feeds.

(b) As an anticaking or blending agent, pelleting aid, or nonnutritive carrier for the incorporation of nutrients in poultry, swine, dog, or ruminant feeds, in an amount not to exceed that necessary to accomplish its intended effect and in no case to exceed 1.5 percent of the dog feed or 5 percent of the final feed for other animals.

(2) (i) Verxite flakes: The additive has a bulk density of from 20 to 30 pounds per cubic foot.

(ii) It is used or intended for use as an anticaking or blending agent in ruminant feeds in an amount not to exceed that necessary to accomplish its intended effect and in no case to exceed 1 percent by weight of the final feed for ruminants.

(b) To assure safe use of the additive, the label of any feed additive supplement, feed additive concentrate, feed additive premix, or complete feed prepared therefrom shall bear, in addition to the other information required by the act, the name of the additive (verxite grandules or verxite flakes) and, when the additive is present in excess of 1 percent, a statement of the quantity of the additive contained therein and the term "nonnutritive" in juxtaposition connection with this docketed proceeding

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room

5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 15, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-7110; Filed, June 22, 1967; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8690]

PART 13—PROHIBITED TRADE PRACTICES

Royal Construction Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.75 *Free goods or services;* § 13.155 *Prices:* 13.155–10 Bait; 13.155–33 Demonstration reduction; 13.155–100 Usual as reduced, special, etc.; § 13.240 *Special or limited offers.* Subpart—Misrepresenting oneself and goods—Goods; § 13.1625 *Free goods or services;* § 13.1647 *Guarantees;* § 13.1747 *Special or limited offers;* Misrepresenting oneself and goods—Prices: § 13.1779 *Bait;* § 13.1800 *Demonstration reductions;* § 13.1825 *Usual as reduced or to be increased.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Royal Construction Co. trading as Atlas Aluminum Co. et al., Memphis, Tenn., Docket 8690, June 1, 1967]

In the Matter of Royal Construction Co., a Corporation, Trading as Atlas Aluminum Co., and Bernard Kleiman, Molly T. Kleiman, and Eugene B. Kleiman, Individually and as Officers of Said Corporation

Order requiring a Memphis, Tenn., home improvement firm to cease using false pricing, guarantee and "free" claims, deceptive time limited offers, "bait" tactics, and other misrepresentations in selling aluminum siding and other products.

The order to cease and desist is as follows:

It is ordered, That respondents Royal Construction Co., a corporation, trading and doing business as Atlas Aluminum Co. or under any other name or names, and its officers, and Bernard Kleiman, Mollie T. Kleiman, and Eugene B. Kleiman, individually and as officers of such corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, distribution, or installation of residential aluminum siding or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, in any manner, a sales plan, scheme, or device wherein false, misleading, or deceptive statements or representations are made in order to obtain leads or prospects for the sale of other merchandise or services.

2. Making representations purporting to offer merchandise for sale when the purpose of the representation is not to sell the offered merchandise but to obtain leads or prospects for the sale of other merchandise at higher prices.

3. Discouraging the purchase of or disparaging any merchandise or services which are advertised or offered for sale.

4. Representing, directly or by implication, that any merchandise or services are offered for sale when such offer is not a bona fide offer to sell such merchandise or services.

5. Representing, directly or by implication, that respondents' offer of products is limited as to time, or in any other manner: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that any represented limitation as to time or other represented restriction is actually imposed and in good faith adhered to by respondents.

6. Representing, directly or by implication, that any price for respondents' products is a special or reduced price, unless such price constitutes a significant reduction from an established selling price at which such products have been sold in substantial quantities by respondents in the recent regular course of their business, or misrepresenting in any manner the savings available to purchasers.

7. Representing, directly or by implication, that the home of any of respondents' customers or prospective customers has been selected to be used or will be used as a model home, or otherwise, for advertising purposes.

8. Representing, directly or by implication, that any allowance, discount, or commission is granted by respondents to purchasers in return for permitting the premises on which respondents' products are installed to be used for model homes or demonstration purposes.

9. Representing, directly or by implication, that any of respondents' products are guaranteed, unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

10. Representing, directly or by implication, that persons will receive a gift of a specified article of merchandise, or anything of value: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the item referred to as a gift was in fact delivered to each eligible person.

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

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 the order contained in the initial decision, as modified.

By the Commission.

Issued: June 1, 1967.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-7063; Filed, June 22, 1967; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

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

PART 1001—GENERAL PROVISIONS

Subpart G—Small Business Concerns

1. Section 1001.705–4 is revised to read as follows:

§ 1001.705–4 Certificates of competency.

(a) and (b) No implementation.

(c) When a matter is referred to SBA, the contracting officer will furnish a copy of his determination pursuant to § 1.904–1 of this title and a copy of the preaward survey through channels to AFLC (MCP) or AFSC (SCK), as appropriate. MCP or SCK will, after review, forward the matter to Hq USAF (AFSPPBB).

(1) No implementation.

(2) If the contracting officer is notified that SBA will not issue a COC for any reason, he will notify Hq USAF (AFSPPBB) directly by message with an information copy to MCP or SCK, as appropriate.

(d) No implementation.

(e) After a complete exchange of preaward survey information with SBA at the local level:

(1) If the additional facts presented by SBA warrant, the contracting officer will withdraw his determination of nonresponsibility, notify SBA promptly and proceed with the award without the

benefit of a COC. He will advise Hq USAF (AFSPPBB) of his actions with an information copy to AFLC (MCP) or AFSC (SCK), as appropriate. The SBA regulation on this point requires the contracting officer to make an award or to notify SBA by a specified date. If the contracting officer cannot make the award by the date agreed upon, he will notify SBA of that fact and attempt to agree upon a date. If agreement cannot be reached, AFSPPBB will be notified immediately so that the matter can be resolved with SBA in Washington.

(2) If the additional facts presented by SBA in the exchange of preaward survey information do not warrant withdrawal of the determination of nonresponsibility, the contracting officer will withhold award and request the local SBA office to forward the matter to SBA in Washington. Verbal requests will be confirmed in writing. After taking the action in subdivisions (i) and (ii) of this subparagraph, the contracting officer will then wait until notified pursuant to subparagraph (3) (i) or (vi) of this paragraph.

(i) After requesting referral to SBA, the contracting officer will advise AFSPPBB and MCP or SCK, as appropriate, by message of his actions.

(ii) The contracting officer will furnish MCP or SCK, as appropriate, with all the facts in the case, including an outline of actions taken to reach an agreement with SBA at field level.

(iii) MCP or SCK, as appropriate, should be prepared to take action pursuant to subparagraph (3) of this paragraph.

(3) SBA has agreed to notify OASD (I&L) when it considers that the information furnished to it by its field activities apparently warrants the issuance of a COC. After such notification to OASD(I&L), SBA actions towards issuance of COC, however, will be held in abeyance pending review of the AF case. OASD(I&L) will notify AFSPP of the SBA tentative finding. AFSPPBB will, in turn, notify MCP or SCK, as appropriate, of the finding.

(i) If MCP or SCK, as appropriate, after a review of the material furnished pursuant to subparagraph (2) (ii) of this paragraph, and after consideration of the SBA tentative finding, agrees that the Air Force has a case that warrants a presentation to SBA, MCP, or SCK, as appropriate, will direct the preparation of a formal briefing for presentation to SBA after review and concurrence by AFSPP and SAF-ILP.

(ii) MCP or SCK, as appropriate, will notify AFSPPBB as to the decision and, if affirmative, as to the date upon which the briefing will be presented to AFSPP.

(iii) AFSPPBB will make all necessary arrangements for briefing AFSPP and SAF-ILP. The AFSPP and SAF-ILP briefing may be simultaneous at the option of AFSPP. If SAF-ILP concurs, OASD-BD(I&L) may be invited to the SAF-ILP briefing in the interest of time saving.

(iv) MCP or SCK, as appropriate, will designate the briefer and any backup deemed necessary.

(v) A separate file on each COC case will be maintained in AFSPPBB. Statistics will be presented when requested to AFSPP and SAF-ILP.

(vi) If either MCP, SCK, AFSPP, or SAF-ILP determines that the AF case will not support an appeal to higher authority or to SBA, the contracting officer will be so notified in writing, directed to withdraw the determination of nonresponsibility from SBA and to proceed with the award. The notification will be placed in the contract file.

PART 1004—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart C—Contracts for Preparation of Household Goods for Shipment, Government Storage, and Related Services

Subpart U—DoD Nontemporary Storage Contracts

Subpart YY—Procurement Support of AF Commissaries

2. Section 1004.302–50 is amended by revising paragraph (b); § 1004.2103 is revised; and § 1004.5102 is amended by revising subparagraph (3) of paragraph (a) to read as follows:

§ 1004.302–50 BOD procedure.

* * * * *

(b) Calls against the BDOs may be issued by: (1) An individual located in the base procurement office; or (2) an individual designated in the BDO by title located outside the base procurement office: *Provided*, That if there is a contracting officer in the transportation office, he will be the individual so designated.

* * * * *

§ 1004.2103 Switching or trackage agreements.

The warrant of the contracting officer located in the transportation office pursuant to § 1004.2102(a) may include authority to execute switching agreements according to paragraph 102011C and appendix VIII, AFM 75–2 (Military Traffic Management Regulation).

§ 1004.5102 Procedures.

(a) * * *

(3) Maintain registers and compile reporting data (i.e., AFPI Form 3C, DD Form 1057).

* * * * *

PART 1006—FOREIGN PURCHASES

Subpart H—Balance of Payments Program—Procurement of Supplies and Services for Use Outside the United States and Procurement of Expenditures

3. The heading of Subpart H is revised to read as set forth above.

PART 1059—AIRCRAFT AND GFAE PROCUREMENT

Subpart F—Special Procurements

§ 1059.602 [Amended]

4. In § 1059.602, present paragraph (a) is deleted and paragraphs (b) and (c) are redesignated paragraphs (a) and (b), respectively; and in the newly designated paragraph (b), subparagraph (3) (i) is amended by deleting the words "or 390A" in the second line.

5. Section 1059.604 is revised to read as follows:

§ 1059.604 Procurement of petroleum and propellants (aircraft and missiles).

(a) *Definitions.* As used in this section the following terms are defined:

(1) Category I—Petroleum—Reciprocating engine aircraft fuels and lubricating oils, turbine and jet engine aircraft fuels, and lubricating oils and related services.

(2) Category II—Petroleum products other than those in Category I and related services.

(3) Category III—Propellants, oxidizers, pressurants, and related products and services.

(b) *Policy.* (1) Except for bailed aircraft, the products in Category I will be Government furnished property (GFP) or contractor furnished property (CFP) depending on which method provides the greater advantage to the Government. When USAF aircraft are bailed to a contractor for use in connection with AF contract performance, Category I products issued at AF bases will be Government furnished. Category I product requirements to support bailed aircraft at other than USAF bases will not be GFP unless the ACO has provided identification of the locations and obtained concurrence from Detachment 29, Hq SAAMA (SAOMR), Cameron Station, Va. 22314.

(2) Products in Category II which are depot stocked (DGSC Supply Status Code 1) will be GFP or CFP depending on which method provides the greater advantage to the Government. Products in Category II which are not depot stocked will normally be contractor furnished.

(3) Products in Category III will be supplied from Government generating facilities to maximum extent possible.

(Sec. 8012, 70A Stat. 488, secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 8012, 2301–2314) [AFPI Rev. No. 77, Apr. 28, 1967; AF Procurement Circular No. 10, May 10, 1967]

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 67–7061; Filed, June 22, 1967; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

PART 101–40—TRANSPORTATION AND TRAFFIC MANAGEMENT

Reporting and Adjusting Discrepancies in Government Shipments

New Subpart 101–40.7 is added to prescribe uniform regulations and guidelines for reporting and adjusting discrepancies which occur during the transportation of Government property and to prescribe and illustrate Standard Form 361, Discrepancy in Shipment Report, and Standard Form 362, U.S. Government Freight Loss/Damage Claim.

1. The table of contents for Part 101–40 is amended to provide for the addition of entries for new Subpart 101–40.7 and for the addition of four new sections to Subpart 101–40.49, as follows:

Subparts 101–40.4—101–40.6 [Reserved]

Subpart 101–40.7—Reporting and Adjusting Discrepancies in Government Shipments

Sec.

101–40.700	Scope of subpart.
101–40.701	Receipt of shipment from carrier.
101–40.702	Reporting discrepancies.
101–40.702–1	Exception on carrier's delivery receipt.
101–40.702–2	Exception on Government bill of lading.
101–40.702–3	Standard Form 361, Discrepancy in Shipment Report.
101–40.703	Notification of carrier.
101–40.703–1	Notice of shortage.
101–40.703–2	Notice of visible damage.
101–40.703–3	Notice of concealed loss or damage.
101–40.704	Disposition of damaged property.
101–40.704–1	Transportation for account of the Government.
101–40.704–2	Transportation for account of the supplier.
101–40.705	Disposition of overages and astray shipments.
101–40.706	[Reserved]
101–40.707	Determining liability for discrepancies.
101–40.707–1	Transportation for account of the supplier.
101–40.707–2	Transportation for account of the Government.
101–40.708	[Reserved]
101–40.709	Time limitations.
101–40.710	Processing claims against carriers.
101–40.711	Collection of claims.
101–40.711–1	Claims against domestic carriers.
101–40.711–2	Claims against international ocean or air carriers.
101–40.712	Referral of claims to U.S. General Accounting Office.
101–40.713	Clearing carriers of liability.

Subparts 101–40.8—101–40.48 [Reserved]

Subpart 101–40.49—Forms, Formats, and Agreements

101–40.4902	Standard forms.
101–40.4906–3	Standard Form 361, Discrepancy in Shipment Report.
101–40.4906–4	Guidelines for preparation of Standard Form 361, Discrepancy in Shipment Report.
101–40.4906–5	Standard Form 362, U.S. Government Freight Loss/Damage Claim.

AUTHORITY: The provisions of this Part 101–40 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

2. Part 101–40 is amended by the addition of the following subpart:

Subparts 101–40.4—101–40.6 [Reserved]

Subpart 101–40.7—Reporting and Adjusting Discrepancies in Government Shipments

§ 101–40.700 Scope of subpart.

This subpart prescribes a uniform system for reporting overages, shortages, damages, and other discrepancies in the quantity or condition of property received from commercial carriers as compared with that shown on the Government bill of lading or other shipping documents. It also prescribes regulations for adjusting such discrepancies when they are determined to be the liability of the carrier.

§ 101–40.701 Receipt of shipment from carrier.

On accepting delivery of a shipment from the carrier, a careful inspection and check shall be made as to the quantity and condition of the property received; and an accurate record shall be made and kept of any discrepancies or variations between the data shown on the Government bill of lading or other shipping document and the quantity and condition of property actually received. In instances of visible damage to the property, care should be taken to preserve original packing, pending completion of inspection by the carrier. Where applicable, the following actions shall be taken in checking and documenting delivery conditions:

(a) When shipments are received in closed conveyances, a record shall be made of the identification and condition of the seals on the carrier's conveyance; e.g., the numbers and whether intact, broken, or missing.

(b) On shipments other than in bulk, a physical count shall be made of the number of specific pieces or packages by means of a stroke tally or other appropriate method.

(c) A record of the condition of the car, truck, or other conveyance shall be made (e.g., whether sound, clean, safe, etc.), with particular reference to any circumstance that might have contributed to the loss or damage.

(d) If a shipment is received in apparent bad order, e.g., the load is shifted or jumbled, or containers are broken or leaking, photographs of such condition shall be made, whenever possible. Each photograph should be marked indelibly with the Government bill of lading number and/or the carrier's delivery receipt number and the date such photograph was taken.

(e) Explosives, dangerous articles, and other hazardous materials shall be handled in accordance with applicable Federal regulatory requirements.

§ 101–40.702 Reporting discrepancies.

§ 101–40.702–1 Exception on carrier's delivery receipt.

Before signing the carrier's delivery receipt, the Government consignee (or representative) shall place thereon a notation detailing the nature and extent of all apparent overages, shortages, visible damages, or other discrepancies in the quantity and condition of property received, as compared with that shown on the covering bill of lading. Any notation placed on the carrier's delivery receipt should also be shown on the consignee's copy of the delivery receipt or freight bill. Notations should be signed by the consignee and by the carrier's driver or representative.

§ 101–40.702–2 Exception on Government bill of lading.

In the case of a shipment moving on a Government bill of lading (or having moved on a commercial bill of lading converted to a Government bill of lading), the Report of Loss, Damage, or Shrinkage on the reverse of the Government bill of lading shall be prepared accurately and in detail, and properly signed at the time that document is accomplished.

§ 101–40.702–3 Standard Form 361, Discrepancy in Shipment Report.

(a) A Standard Form 361, Discrepancy in Shipment Report (for illustration of form, see § 101–40.4906–3), shall be prepared by the receiving activity covering each shipment received with any variation in quantity or condition from that shown on the covering bill of lading. This form may also be used, where considered feasible, to report discrepancies in the quantity or condition of goods received as compared with invoice quantities (see § 101–26.307 of this chapter for use in connection with loss, damage, or overage in stores stock items procured from GSA) and for other purposes. Since it is a multipurpose form, certain items on the form may not need to be completed in preparing a report on discrepancies related to transportation; e.g., items 23 and 30 through 32.

(b) The number of copies prepared, and the distribution, of Standard Form 361 shall be in accordance with the requirements of the agency or agencies involved. In cases where the receiving agency is not responsible for establishing the liability for discrepancies in shipments, or for recovering the value of losses sustained through these discrepancies, the distribution of this form shall include the requirements of the agency which is responsible for performing such functions.

(c) Because of the multiple purposes of Standard Form 361 and the optional use of several items therein, guidelines for preparation of this form are contained in § 101–40.4906–4, to assist agencies in developing internal instructions.

§ 101–40.703 Notification of carrier.

§ 101–40.703–1 Notice of shortage.

Normally, it will be sufficient to notify the carrier of a shortage in a shipment by proper notation on the delivery receipt and exceptions taken on the reverse of the Government bill of lading (see § 101–40.702–2). However, in unusual cases, as where there is evidence of tampering, possible pilferage, or shortage of an entire shipment, prompt notification, in writing, shall be furnished to the carrier of the discrepancy and of intent to claim for the loss resulting therefrom. When advantageous, Standard Form 361, Discrepancy in Shipment Report, may be used for this purpose.

§ 101–40.703–2 Notice of visible damage.

(a) The delivering carrier shall be notified and requested to perform an inspection of all cases of damage. If the carrier waives the opportunity to perform an inspection, the responsible Government employee shall make a written record of such waiver, including the date the request for inspection was made and the name of the carrier representative who was contacted and waived inspection.

(b) If the damaged property is of a perishable nature or is in such condition as to be potentially injurious to life, health, or property, prompt notification to the carrier shall be made by telephone and confirmed in writing. On failure of the carrier to perform a timely inspection and participate in the disposition proceedings, necessary steps shall be taken to dispose of such property in a manner which will mitigate the loss and avoid injury to other property or persons.

(c) If the damaged property is nonperishable, the property shall be held for a reasonable time, to allow the carrier time to complete inspection.

§ 101–40.703–3 Notice of concealed loss or damage.

When loss or damage which was not apparent at the time of delivery from the carrier is subsequently discovered on opening the packages, the carrier shall be promptly notified and asked to make an inspection of the property involved. Notification and request for inspection shall be made by telephone and confirmed in writing, and a copy shall be retained for claim purposes. Wrappings and packing materials and any unopened packages shall be retained for the carrier's inspection. A copy of the carrier's inspection report shall be requested for use in determining liability or preparing a claim; or in case the carrier waives the opportunity to perform an inspection, a copy of the waiver shall be requested.

§ 101–40.704 Disposition of damaged property.

§ 101–40.704–1 Transportation for account of the Government.

(a) *Repair and utilization.* Where damaged property can be repaired economically and satisfactorily, arrangements shall be made by the Government agency paying the transportation charges, or its authorized representative, to have the repairs effected and to claim against the carrier for the costs thereof. Alternatively, the carrier may be allowed to perform the repairs or make the necessary arrangements therefor, subject to inspection and acceptance by Government agency inspectors or other designated representatives. However, in no case shall property subject to security regulations be released to the carrier or to any unauthorized personnel for repair.

(b) *Allowance for damage.* When the agency finds it not desirable or feasible to make repairs immediately, and the carrier does not make repairs, the amount of damage or the cost of making repairs in the future may be determined by appropriate means (e.g., by mutual agreement of representatives of the carrier and the Government or by estimates obtained from qualified and disinterested parties).

(c) *Rejection.* (1) Property may be rejected to the carrier and claim made for its full value only when it has been damaged to the extent that it has no salvage value or it is not economically repairable; that is, the cost of repairs would exceed the appraised value of the repaired item (see exception in subparagraph (3) of this paragraph).

(2) When it is determined that property has been damaged to the extent that it has no salvage value or is not economically repairable, and that it can be abandoned, the carrier shall be notified promptly of the location of the rejected property and shall be requested to make appropriate dispostion of it.

(i) If the carrier refuses to accept the rejected property, he shall be requested, in writing, to furnish a written statement of his reason for refusal to accept. Upon receipt of the written refusal, the agency shall take appropriate action to dispose of the rejected property; or

(ii) If the carrier fails to make appropriate disposition of the rejected property within a reasonable length of time, the agency shall notify the carrier, in writing, that the property will be disposed of by the agency without further delay.

(3) Property which is designated Top Secret, Secret, or Confidential, or property which, for any reason, cannot be abandoned in the best interests of the Government, shall not be rejected to the carrier, regardless of the extent of damage.

§ 101–40.704–2 Transportation for account of the supplier.

In cases where the transportation is performed for the supplier, rather than the Government (e.g., in shipments purchased f.o.b. destination), proper notations shall be made on delivery receipts to assist the supplier in filing claims for transportation losses and prompt notification shall be made to the supplier with request for advice as to disposition of damaged property. (See § 101–26.307 of this chapter in connection with damage to stores stock items procured from GSA.)

§ 101–40.705 Disposition of overages and astray shipments.

(a) Receiving activities shall attempt to associate overages and astray shipments with other shipments which have been received to identify them with corresponding shortages or other discrepancies.

(b) If excess freight on one bill of lading is identical with a reported shortage on another bill of lading, the excess or overage shall be accepted and used to offset the shortage.

(c) If a carrier attempts to deliver freight which is marked for another consignee or cannot otherwise be identified, it shall not be accepted from the carrier.

§ 101–40.706 [Reserved]

§ 101–40.707 Determining liability for discrepancies.

§ 101–40.707–1 Transportation for account of the supplier.

In instances where the transportation involved is performed by the carrier for the supplier, rather than for the receiving agency (e.g., where property is purchased f.o.b. destination), determination of liability for the discrepancies in shipment shall be left to the discretion of the carrier and the supplier. However, in such instances, the Government receiving activity shall make accurate notations of discrepancies on the carrier's delivery receipt and shall furnish a copy of Standard Form 361, Discrepancy in Shipment Report, to the supplier or the agency contracting officer, as agency regulations may provide, to assist the supplier in resolving the discrepancy.

§ 101–40.707–2 Transportation for account of the Government.

Determination of liability for discrepancies shall be the responsibility of the Government agency paying the transportation charges, or its authorized representative, (a) in all instances where a shipment moves on a Government bill of lading, commercial bill of lading to be converted to a Government bill of lading, or commercial bill of lading bearing a notation that charges will be borne by the U.S. Government; or (b) in other instances where the Government assumes the risk for loss and damage at origin (e.g., where property is purchased f.o.b. origin, freight prepaid). While no precise formula can be prescribed for determining whether liability for loss or damage rests with the carrier, or shipper, or third party, an analysis shall be made of all the pertinent factors and circumstances involved, including, where appropriate, consideration of the following:

(1) Type and adequacy of the packing and packaging.

(2) Adequacy of marking, including precautionary markings for fragile or dangerous cargo.

(3) Condition of the package, including any indications of rough handling or pilferage.

(4) In case of load lots:

(i) Condition of the vehicle, whether dirty, contaminated, unsafe, structurally defective, appropriate type, etc.;

(ii) Identification and condition of seals on conveyances and by whom applied;

(iii) Manner of loading, stowing, blocking, and bracing; and

(iv) Determination as to whether loading was performed by shipper or carrier.

(5) Tally records and how compiled.

(6) Photographic evidence.

(7) Expert or professional appraisals.

§ 101–40.708 [Reserved]

§ 101–40.709 Time limitations.

Government agencies shall take prompt action to recover amounts due the United States as a result of discrepancies in delivery, in accordance with time limitations established by the bill of lading or other contracts of carriage, or by statute. The following are examples of such time limitations:

(a) *Commercial bills of lading.* Claims for loss or damage to domestic shipments moving on commercial bills of lading shall be filed with carriers within 9 months following delivery of the shipment or, in the case of nondeliveries, within 9 months following the time when delivery should have been made.

(b) *Government bills of lading.* Claims for loss or damage to shipments moving on Government bills of lading, on commercial bills of lading which are later converted to Government bills of lading, or on commercial bills of lading bearing a notation that the shipment is subject to the terms and conditions of Government bills of lading, are exempt from the commercial bill of lading requirement for filing claims within 9 months following the delivery of the shipment (see Condition 7 on the reverse of the Government bill of lading). Nevertheless, every effort shall be exerted to effect prompt settlement of claims in this category.

(c) *Ocean bills of lading.* A 1-year limitation is imposed by statute (46 U.S.C. 1301, 1303(6)) for bringing court actions against ocean carriers for loss and damage.

(d) *International air shipments.* A 2-year limitation is imposed by Article 29 of the Warsaw Convention (49 Stat. 3000) for bringing court actions against air carriers for loss or damage to international air shipments.

§ 101–40.710 Processing claims against carriers.

When it has been determined that the carrier is responsible for loss or damage in a Government shipment, a claim shall be prepared on Standard Form 362, U.S. Government Freight Loss/Damage Claim (see § 101–40.4906–5), and forwarded, in duplicate, to the appropriate carrier, except as otherwise provided in §§ 101–40.711 and 101–40.712. The appropriate carrier is usually (a) the destination line-haul carrier (not the drayage company or switching carrier performing the delivery service for the destination line-haul carrier) or (b) in the case of ocean or international air shipments, the carrier initially receipting for the shipment. In cases where no part of the shipment has been delivered, the claim should ordinarily be filed against the origin carrier who receipted for the property. In cases where it is known, conclusively, on which carrier's line the loss or damage occurred, the claim may be filed against such carrier.

§ 101–40.711 Collection of claims.

§ 101–40.711–1 Claims against domestic carriers.

Normally, claims against rail carriers, motor carriers, inland water carriers, domestic freight forwarders, and other carriers subject to the Interstate Commerce Act shall be collected by setoff (that is, by withholding payment from amounts otherwise due and payable to carriers for transportation and related services) only after a formal claim has been presented to the carrier and a period of 90 days has been allowed for payment of such claim or for furnishing evidence of nonliability. Exceptions to this provision may be made where it is known that the carrier is involved in a bankruptcy, insolvency, or reorganization proceeding (see § 101–40.712), or in other instances where it is clearly in the Government's interest to effect earlier collection by setoff.

§ 101–40.711–2 Claims against international ocean or air carriers.

(a) Regulations of the U.S. General Accounting Office (5 GAO 5040.21) require that when a loss or damage for which the carrier is administratively determined to be liable has occurred in an international ocean or air shipment and the carrier's bill covering charges for the transportation or related services on the shipment has not been paid, an amount sufficient to reimburse the Government for the loss or damage shall be withheld from the payment made for the shipment to which the loss or damage pertains. A copy of the voucher covering the withholding, together with details of the loss or damage and evidence in support of the carrier's liability, must then be forwarded to the General Accounting Office.

(b) Claims against international air carriers for loss and damage may not be collected by setoff, or withholding payment, from a bill for separate or unrelated transportation services unless the carrier has consented to such action in writing (see 5 GAO 5040.22).

(c) Uncollected claims, presented in accordance with § 101–40.710, shall be transmitted to the General Accounting Office within 6 months from the date of delivery or the date delivery should have been made, without regard to the progress made by the agency toward effecting collection of the amount due (see 5 GAO 5040.25(2)).

§ 101–40.712 Referral of claims to U.S. General Accounting Office.

Claims involving doubtful liability of a transportation company (see 5 GAO 5040.30) or claims which are determined to be uncollectible under criteria established in 5 GAO 5040.25 and 5040.35 shall be referred to the U.S. General Accounting Office for collection, in accordance with the procedure prescribed by 5 GAO 5040.45.

§ 101–40.713 Clearing carriers of liability.

When, through investigation or evidence submitted by carriers, it is determined that loss or damage incident to Government shipments is not the responsibility of carriers, necessary steps shall be taken to clear the carrier of liability for such loss or damage. This shall include clearance of any exceptions which have been noted on the reverse of the Government bill of lading and the withdrawal of any claim which may have been filed for recovery of losses sustained. While no precise format is prescribed, the document which is used to accomplish this purpose should be prepared in sufficient detail to identify the shipment and to show the basis for relieving the carrier of liability. This includes: (a) A reference to the GBL number or other shipping document, (b) a detailed description of the property shipped, (c) reference to the exceptions taken to the quantity or condition of the property delivered, (d) number and date of any claim which has been filed with the carrier, and (e) basis on which the exception or claim is being withdrawn. The original form or document shall be forwarded to the carrier against whom the claim has been filed (or, in case the claim has not yet been filed, to the carrier billing for the transportation or related services); and a copy shall be attached to the original bill of lading, with additional copies to meet agency needs.

Subparts 101–40.8—101–40.48 [Reserved]

Subpart 101–40.49—Forms, Formats, and Agreements

Section 101–40.4902 is added to provide information concerning the use and procurement of the Standard forms listed in Subpart 101–40.49 and §§ 101–40.4906–3, 101–40.4906–4, and 101–40.4906–5 are added to reference Standard Form 361, Guidelines for Preparation of Standard Form 361, and Standard Form 362, as follows:

§ 101–40.4902 Standard forms.

(a) The Standard forms in this Subpart 101–40.49 are prescribed for use by all executive agencies and may be obtained from the nearest General Services Administration supply depot.

(b) Guidelines for preparation of Standard Form 361, illustrated in § 101–40.4906–4, will not be printed or supplied.

§ 101–40.4906–3 Standard Form 361, Discrepancy in Shipment Report.

(a) Upper half of Standard Form 361.

(b) Lower half of Standard Form 361.

§ 101–40.4906–4 Guidelines for preparation of Standard Form 361, Discrepancy in Shipment Report.

GUIDELINES FOR PREPARATION OF STANDARD FORM 361, DISCREPANCY IN SHIPMENT REPORT

General instructions. Standard Form 361, Discrepancy in Shipment Report (DISREP), shall be used for reporting a shipment received with any variation in quantity or condition from that shown on the covering bill of lading or other shipping document. It may also be sued for reporting astray freight; improper loading, handling, stowage, blocking, and bracing; and other discrepancies not directly related to transportation. Depending upon the purpose for which this form is used, the data in some of the items may or may not be required. The number of copies to be prepared shall be determined by individual agency requirements.

When two or more shipments are received in the same vehicle (less-than-load lots), a separate DISREP shall be prepared on each shipment in which there is a discrepancy.

When two or more vehicle loads are received on the same bill of lading (multiple load lots), a separate DISREP shall be prepared on each vehicle in which there is a discrepancy.

Specific instructions. a. When reports are being prepared on discrepancies in shipments from GSA supply depots and it is obvious that the carrier is not responsible for the discrepancies, only the data required in Items 1 through 8, 23, 27, and 29 should be provided.

b. Detailed instructions are given below for those items which are not considered self-explanatory.

Item 3. Enter name and address of activity, office, or agency to which report will be forwarded.

Item 5. Do not use "activity address code" when reporting discrepancies in shipments received from GSA supply depots.

Item 7. Enter name and location of activity or site where discrepancy is observed when different from Item 4, e.g., when observed in terminal or warehouse by transportation officer or other Government personnel.

Item 11. Enter name of line-haul carrier making delivery. (Show in parentheses the name of switching or drayage carrier, when known.)

Item 15. For optional use by civilian agencies—primarily for use by military activities.

Item 18. Complete all entries. (Special instructions apply to military shipments.)

Item 19. Enter file reference(s) of report(s) prepared on overage(s) and/or shortage(s) in other shipment(s) delivered in same vehicle, or in same shipment when delivered in two or more vehicles.

Item 21. Complete all entries as appropriate. Under "a," in addition to showing the commodity description (freight classification description), show the military supply description or the Federal Stock Number, when appropriate.

Item 23. This item is primarily for use on shipments of military supplies and on shipments received from GSA supply depots. When the data is not available on military shipments from documents on hand, it should be obtained from supply personnel at the activity receiving the material. Entries in Item 21 may or may not be involved.

Item 24. Complete all entries as appropriate in connection with data in Item 21. Enter dollar value or costs when known. Check "LOSS" when there is partial or total loss of contents of a container, e.g., in case of pilferage or leakage. Check "OTHER" when reporting such discrepancies as improper loading, blocking, bracing, etc., and explain in Item 27.

Item 26. Complete all entries as appropriate. Entries "a" through "d" are applicable only in cases of damage.

Item 27. Discrepancies should be described in detail in this item, if appropriate. Information supplied should be restricted to facts, only, and should not reflect personal opinions.

Item 28. Complete only if person preparing report is in possession of factual evidence as to responsibility.

Items 30, 31, and 32. For optional use by civilian agencies—primarily for use on shipments made by the military. These items will not be used by GSA in connection with discrepancies in shipments from the GSA supply depots.

§ 101–40.4906–5 Standard Form 362, U.S. Government Freight Loss/Damage Claim.

(a) Page 1 of Standard Form 362.
(b) Page 2 of Standard Form 362.

NOTE: The forms in §§ 101–40.4906–3 and 101–40.4906–5 are filed as part of the original document. Copies may be obtained from the nearest General Services Administration supply depot.

Effective date. These regulations are effective July 1, 1967, but may be observed earlier. Standard Forms 361 and 362 may be used as soon as available from General Services Administration supply depots, but in any case shall be used on and after July 1, 1967.

Dated: June 15, 1967.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 67–7088; Filed, June 22, 1967; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

SUBCHAPTER C—MINERALS MANAGEMENT (3000)

[Circular No. 2228]

PART 3100—PUBLIC DOMAIN LEASING UNDER 1920 ACT

Subpart 3107—Oil and Gas Exploration Operations

On page 13799 of the FEDERAL REGISTER of October 27, 1966, there were published a notice and text of proposed new regulations, 43 CFR Subpart 3107. The purpose of the regulations is to establish a procedure to be followed in conducting exploration of the public lands for oil and gas.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections to the proposed amendments. Comments were received and carefully considered. Three changes have been made as follows:

1. Paragraphs (a) and (c) of § 3107.05 have been amended to make it clear that the regulations are not intended to cover those who may be casual users of the public lands, causing no significant disturbance to resources.

2. To make certain that State and nationwide bonds would be entitled to the automatic termination of liability the same as individual bonds, State and nationwide bonds have been included in the last sentence of § 3107.1–4 (published as § 3107.1–5).

3. Sections 3107.1–4 and 3107.1–5 are renumbered to §§ 3107.1–3 and 3107.1–4, respectively.

The regulations as proposed are hereby adopted as changed and are set forth below.

Effective date. These regulations shall be effective at the beginning of the 30th calendar day following the date of publication in the FEDERAL REGISTER.

Sec.
3107.01 Purpose.
3107.05 Definitions.
3107.1–1 Notice of intent to conduct oil and gas exploration operations.
3107.1–2 Bond.
3107.1–3 Completion of operations.
3107.1–4 Consent to release of bond; termination of liability thereunder.

AUTHORITY: The provisions of this Subpart 3107 issued under R.S. 2478; 43 U.S.C. sec. 1201.

§ 3107.01 Purpose.

The purpose of the regulations in this Subpart 3107 is to establish procedures to be followed in conducting exploration of the public land for oil and gas. For exploratory operations for other leasable minerals, the lease or permit required by the appropriate regulations must be secured. The regulations in this subpart are not applicable to exploration operations conducted pursuant to oil and gas lease, and also are not applicable to the exploration of public domain lands for minerals subject to location under the U.S. mining laws.

§ 3107.05 Definitions.

For the purpose of the regulations in this subpart:

(a) "Oil and gas exploration" means any activity relating to the search for evidence of oil and gas which requires physical presence upon the land and which may result in damage to public lands or resources thereon. It includes, but is not limited to, geophysical operations, construction of roads and trails, and cross-country transit by vehicle over public domain. It does not include the casual use of public lands for oil and gas exploration. It does not include core drilling for subsurface geologic information or drilling for oil and gas; these activities will only be authorized by the issuance of an oil and gas lease. The regulations in this subpart, however, are not intended to prevent drilling operations necessary for placing explosive charges for seismic exploration, nor do they affect the exclusive right to "drill" for oil and gas by a lessee upon his leased premises.

(b) "Public lands" means lands owned by the United States and administered by the Bureau of Land Management. It does not include retained mineral interest in lands, title to which has passed from the United States.

(c) "Casual use" means activities that involve practices which do not ordinarily

lead to any appreciable disturbance or damage to lands, resources, and improvements. For example, activities which do not involve use of heavy equipment or explosives and which do not involve vehicle movement except over established roads and trails are "casual use."

§ 3107.1–1 Notice of intent to conduct oil and gas exploration operations.

(a) Any person desiring to conduct oil and gas exploration operations under the regulations of this subpart shall, prior to entry upon the lands, file with the District Manager of the Bureau of Land Management for the district in which the public lands are located a "Notice of Intent to Conduct Oil and Gas Exploration Operations," on a form[1] approved by the Director.

(b) The "Notice of Intent to Conduct Oil and Gas Exploration Operations" will contain the following:

(1) The name and address, including zip code, both of the person, association, or corporation for whom the operations will be conducted and of the person who will be in charge of the actual exploration activities.

(2) A statement that the signers agree that exploration operations will be conducted pursuant to the terms and conditions listed on the approved form.

(c) A brief description of the type of operations which will be undertaken.

(d) A description of the lands to be explored, by township and range.

(e) Approximate date of commencement of operations.

§ 3107.1–2 Bond.

Simultaneously with the filing of the Notice of Intent to Conduct Oil and Gas Exploration Operations, and before entry is made on the land, the party or parties filing the "Notice of Intent to Conduct Oil and Gas Exploration Operations" must file with the District Manager a surety company bond in the amount of $5,000, conditioned upon the full and faithful compliance, for each oil and gas exploration operation, with all of the terms and conditions of the regulations in this subpart and of that notice, or a statewide bond in the amount of $25,000 covering all oil and gas exploration operations in the same State, or a $50,000 nationwide bond. Holders of nationwide and statewide oil and gas lease bonds shall be permitted to amend their bonds to include exploration activities in lieu of furnishing additional bonds.

§ 3107.1–3 Completion of operations.

Upon completion of the exploratory operations, there shall be filed with the District Manager a "Notice of Completion of Oil and Gas Exploration Operations". Within 90 days after the filing of such "Notice of Completion", the District Manager shall notify the party who had conducted the operations whether all of the terms and conditions set out by the regulations in this subpart and in the "Notice of Intent to Conduct Oil and Gas Exploration Operations" have been complied with, or whether any additional measures must be taken to rectify any damage to the land, specifying the nature and extent thereof.

§ 3107.1–4 Consent to release of bond; termination of liability thereunder.

The District Manager will not give his consent to the cancellation of the bond if an individual bond was submitted, or to the termination of liability if a State or nationwide bond was submitted, unless and until all of the terms and conditions of the "Notice of Intent to Conduct Oil and Gas Exploration Operations" have been complied with. Should the District Manager or any other authorized officer of the Bureau of Land Management fail to notify the party within 90 days from the filing of "Notice of Completion" that all terms and conditions have been complied with or that additional corrective measures must be taken to rehabilitate the land, liability under an individual bond or liability for a particular oil and gas exploration operation under a State or nationwide bond shall automatically terminate on the 91st day.

CHARLES F. LUCE,
Acting Secretary of the Interior.

JUNE 19, 1967.

[F.R. Doc. 67–7064; Filed, June 22, 1967; 8:45 a.m.]

[1] Form filed as part of original document.

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission and Department of Transportation

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Corrected 2d Rev. S.O. 976–A]

PART 195—CAR SERVICE

Unloading Boxcars and Covered Hopper Cars at Ports

Correction

In F.R. Doc. 67–6841 appearing at page 8718 in the issue of Saturday, June 17, 1967, the section number in the third paragraph which now reads "§ 195.176" should read "§ 195.976".

Title 50—WILDLIFE AND FISHERIES

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER H—EASTERN PACIFIC TUNA FISHERIES

PART 280—YELLOWFIN TUNA

Experience gained since the initial adoption of regulations, effective September 15, 1966 (31 F.R. 11938), prescribing restrictions on the taking of yellowfin tuna from a defined area from the eastern Pacific Ocean has demonstrated a need for minor revisions in the regulations in the nature of interpretive rules to clarify their scope and intent and to make the regulations more effective. Amendments are also necessary to carry into effect two substantive changes in the existing yellowfin tuna regulatory system recommended in a resolution adopted by the Inter-American Tropical Tuna Commission on April 6, 1967. These changes involve (1) the application of the 15 percent allowance for incidental catches of yellowfin tuna during the closed season to "other marketable species of fish" rather than to "other tuna fishes", as originally recommended, and (2) the accumulation of catches of yellowfin tuna by small vessels making daily trips for periods of 2 weeks before applying the 15 percent limitation during the closed season.

Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER on May 27, 1967 (32 F.R. 7776), a public hearing was held at San Diego, Calif., on June 6, 1967, to allow for oral presentation of views, comments, and data regarding proposed amendments to certain sections of Part 280, Title 50, Code of Federal Regulations designed to carry into effect the recommended changes and interpretive rules referred to above. Interested persons were also invited to submit views in writing to the Regional Director, Pacific Southwest Region, Bureau of Commercial Fisheries, Terminal Island, Calif., within the period of 20 days from the date of publication of the notice.

As evidenced by the testimony offered at the public hearing and by the pertinent written views received from two sources, the proposed amendments, as published in tentative form with the notice, have received approval, in principle, by the participating public. Consideration has been given to all pertinent data received in response to the notice and two modifications have been made in the text of the amendments as originally proposed, viz., the amendment to subsection (b) of section 280.6 has been modified to permit a stopover not exceeding 48 hours at an intermediate port without affecting the date of initial departure from port for a fishing trip and paragraph (1), subsection (a) of section 280.9 has been modified to give the person making a report of an intended vessel departure the option of retaining a copy of the report on board the vessel or retaining the copy in the files of his shore representative. Accordingly, the regulations appearing below are adopted to replace Part 280—Yellowfin Tuna.

Inasmuch as the revisions in the former regulations as herein adopted constitute interpretive rules or relieve restrictions, the 30-day advance publication requirement prescribed by 5 U.S.C. 533(d) is inapplicable and this revision shall become effective upon publication.

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of the Interior on August 26, 1966 (31 F.R. 11685) and dated June 21, 1967.

H. E. CROWTHER,
Director,
Bureau of Commercial Fisheries.

Sec.
280.1 Definitions.
280.2 Basis and purpose.
280.3 Catch limit.
280.4 Open season.
280.5 Closed season.
280.6 Restrictions applicable to fishing vessels.
280.7 Restrictions applicable to cargo vessels.
280.8 Restrictions applicable to purchasers.
280.9 Reports and record keeping.
280.10 Persons and vessels exempted.
280.11 Fish and Wildlife Service employees designated as enforcement agents.
280.12 State officers designated as enforcement agents.

AUTHORITY: The provisions of this Part 280 issued under 64 Stat. 777, as amended, 16 U.S.C. 951.

§ 280.1 Definitions.

For the purposes of this part, the following terms shall be construed, respectively, to mean and to include:

(a) *United States.* All areas under the sovereignty of the United States, the Trust Territory of the Pacific Islands, and the Canal Zone.

(b) *Convention.* The Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, May 31, 1949, by the United States of America and the Republic of Costa Rica (1 U.S.T. 230).

(c) *Commission.* The Inter-American Tropical Tuna Commission established pursuant to the Convention.

(d) *Director of Investigations.* The Director of Investigations, Inter-American Tropical Tuna Commission, La Jolla, Calif.

(e) *Bureau Director.* The Director of the Bureau of Commercial Fisheries, Fish and Wildlife Service, U.S. Department of the Interior.

(f) *Regional Director.* The Regional Director, Pacific Southwest Region, Bureau of Commercial Fisheries, 101 Seaside Avenue, Terminal Island, Calif.

(g) *Regulatory area.* All waters of the eastern Pacific Ocean bounded by the mainland of the Americas and the following lines: Beginning at a point on the mainland where the parallel of 40 degrees north latitude intersects the coast; thence due west to the meridian of 125 degrees west longitude; thence due south to the parallel of 20 degrees north latitude; thence due east to the meridian of 120 degrees west longitude; thence due south to the parallel of 5 degrees north latitude; thence due east to the meridian of 110 degrees west longitude; thence due south to the parallel of 10 degrees south latitude; thence due east to the meridian of 90 degrees west longitude; thence due south to the parallel of 30 degrees south latitude; thence due east to a point on the mainland where the parallel of 30 degrees south latitude intersects the coast.

(h) *Yellowfin tuna.* Any fish of the species *Thunnus albacares* (synonymy: *Neothunnus macropterus*).

(i) *Other tuna fishes.* Those species (and none other) of the family Scombridae which are known as:

(1) Albacore — *Thunnus alalunga* (synonymy: *Thunnus germo*).

(2) Bigeye—*Thunnus obesus* (synonymy: *Parathunnus sibi*).

(3) Bluefin—*Thunnus thynnus* (synonymy: *Thunnus saliens*).

(4) Skipjack — *Euthynnus pelamis* (synonymy: *Katsuwonus pelamis*).

(j) *Fishing vessel.* Every kind, type, or description of watercraft subject to the jurisdiction of the United States (other than purse seine skiffs) used in or outfitted for catching or processing fish or transporting its catch of fish from fishing grounds.

(k) *Cargo vessel.* Every kind, type, or description of watercraft which is not employed in fishing but which is engaged in whole or in part in the transportation of fish or fish products.

(l) *Person.* Individual, association, corporation, or partnership subject to the jurisdiction of the United States.

(m) *Open season.* The time during which yellowfin tuna may lawfully be captured and taken on board a fishing vessel in the regulatory area without limitation on the quantity permitted to be retained during each fishing voyage. Unless otherwise specified, whenever time is stated in hours it shall be construed to refer to local time in the area affected.

(n) *Closed season.* The time during which yellowfin tuna may not be taken or retained on board a fishing vessel in quantities exceeding the amounts permitted to be taken and retained as an incident to fishing for other marketable species of fish.

§ 280.2 Basis and purpose.

(a) At a special meeting held at Long Beach, Calif., on September 14, 1961, the Commission recommended to the Governments of Costa Rica, Ecuador, Panama, and the United States of America, parties to the Convention, that they take joint action to limit the annual catch of yellowfin tuna from the eastern Pacific Ocean by fishermen of all nations during the calendar year 1962. This recommendation was made pursuant to paragraph 5 of Article II of the Convention on the basis of scientific investigations conducted by the Commission over a period of time dating from 1951. The most recent years of this period were marked by a substantial increase in fishing effort directed toward the yellowfin tuna stocks, resulting in a rate of exploitation of these stocks greater than that at which the maximum sustainable yield may be obtained. The Commission's recommendation for joint action by the parties to regulate the yellowfin tuna fishery has as its objective the restoration of these stocks to a level of abundance which will permit maximum sustainable catch and the maintenance of the stocks in that condition in the future.

(b) At annual meetings held at Quito, Ecuador, May 16–18, 1962; at Panama City, Panama, April 16–17, 1963; at San Diego, Calif., March 18–19, 1964; at Mexico City, Mexico, March 23–24, 1965; at Guayaquil, Ecuador, April 19–20, 1966, and at San Jose, Costa Rica, April 4–6, 1967, the Commission affirmed its conclusions regarding the need for regulating the yellowfin tuna fishery in the eastern Pacific Ocean and at each meeting recommended to the parties to the Convention that they take joint action to:

(1) Establish a prescribed tonnage limit on the total catch of yellowfin tuna by the fisherman of all nations during each calendar year from an area of the eastern Pacific Ocean defined by the Commission;

(2) Establish open and closed seasons for yellowfin tuna under prescribed conditions;

(3) Permit the landing of not more than fifteen percent (15%) by weight of yellowfin tuna among the tuna taken on a fishing trip made after the close of the yellowfin tuna fishing season (the words "all marketable species" were substituted for the words "the tuna" in a resolution adopted by the Commission on Apr. 6, 1967); and

(4) Obtain from governments not parties to the Convention, but having vessels which operate in the fishery, cooperation in affecting the recommended conservation measures.

(c) The regulations in this part are designed to implement the Commission's recommendations for the conservation of yellowfin tuna so far as they affect all vessels and persons subject to the jurisdiction of the United States.

§ 280.3 Catch limit.

The annual limitation on the quantity of yellowfin tuna permitted to be taken from the regulatory area by the fishing vessels of all nations participating in the fishery will be fixed and determined on the basis of recommendations made by the Commission pursuant to paragraph 5 of Article II of the Convention. Upon approval by the Secretary of State and the Secretary of the Interior of the recommended catch limit, announcement of the catch limit thus established shall be made by the Bureau Director through publication of a suitable notice in the FEDERAL REGISTER. The Bureau Director, in like manner, shall announce any revision or modification of an approved annual catch limit which may subsequently enter into force.

§ 280.4 Open season.

The open season for yellowfin tuna fishing shall begin annually at 0001 hours of the 1st day of January and terminate at 0001 hours on a date to be determined and announced as provided in § 280.5.

§ 280.5 Closed season.

Pursuant to authority granted by the Commission, the Director of Investigations maintains records of the catches of yellowfin tuna made in the regulatory area from time to time during the open season by the fishing vessels of all nations participating in the fishery. By taking into account the cumulative round weight of such yellowfin tuna catches and the estimated additional quantities of yellowfin tuna expected to be caught by the fishing vessels of all nations operating in the regulatory area,

the Director of Investigations will determine the date on which he deems that the yellowfin fishing season should close and will promptly notify the Bureau Director of such date. The Bureau Director shall announce the season closure date thus established by publication in the FEDERAL REGISTER. The closure date so announced shall be final except that if it shall at any time become evident to the Director of Investigations that the closure date initially determined has been affected by changed circumstances, he may substitute another date which shall be announced by the Bureau Director in like manner as provided for the date originally determined.

§ 280.6 Restrictions applicable to fishing vessels.

(a) Except as provided in paragraphs (b) and (c) of this section, after the date determined and announced in the manner provided in § 280.5 for the closing of the yellowfin tuna fishing season, it shall be unlawful for any master or other person in charge of a fishing vessel to possess yellowfin tuna on board such vessel or to land yellowfin tuna in any port or place until the yellowfin tuna fishing season reopens on January 1 next following the close of the season.

(b) Any master or other person in charge of a fishing vessel which has departed port to engage in tuna fishing prior to the date of the closure of the yellowfin fishing season may continue to take and retain yellowfin tuna without restriction as to quantity until the fishing voyage has been completed by unloading from such fishing vessel the whole or any part of the cargo of tuna taken during such voyage. For the purposes of this subsection, the date of departure from port refers to the date on which the fishing vessel departs from a port to proceed directly to the fishing grounds outfitted, supplied, fueled, provisioned, and manned by officers and crew in the manner and to the extent usually required to carry out fishing operations by means of such vessel: *Provided,* That a stopover at a single intermediate port, not exceeding 48 hours, is permitted for the specific purpose of meeting any deficiencies in such outfitting, supplying, fueling, provisioning, or manning needs of the vessel for a fishing voyage. A stay in an intermediate port in excess of 48 hours shall constitute a new date of departure from port coinciding with the date of the delayed departure from the intermediate port.

(c) Any master or other person in charge of a fishing vessel which has departed port after the date of the closure of the yellowfin season may possess on board such vessel and land in any port or place yellowfin tuna taken as an incident to fishing for other marketable species of fish but in no event shall the yellowfin tuna so permitted to be possessed or landed exceed fifteen percent (15%), by round weight, of all marketable species of fish on board the fishing vessel: *Provided,* That in the case of small vessels making daily fishing trips the fifteen percent (15%) allowance by weight for incidental catches of yellowfin tuna may be accumulated for periods of 2 weeks. Any quantity of yellowfin tuna possessed or landed in excess of the fifteen percent (15%) limitation prescribed by this subsection shall be subject to seizure pursuant to section 10(e) of the Tuna Conventions Act of 1950, as amended (16 U.S.C. 959(e)).

(d) The limitation on the quantity of incidentally caught yellowfin tuna specified in subsection (c) of this section shall be applicable to any fishing vessel irrespective of its arrival in port prior or subsequent to December 31 in every case where the catch of tuna has been made during a fishing voyage begun in the closed season.

§ 280.7 Restrictions applicable to cargo vessels.

(a) A fishing vessel shall be deemed to have completed a fishing voyage whenever the whole or any part of its catch of tuna from the regulatory area shall be transferred to a cargo vessel in conformity with the requirements of this section.

(b) In keeping with the provisions of section 251, Title 46, United States Code, no foreign-flag vessel, whether documented as a cargo vessel or otherwise, is permitted to land in a port of the United States any tuna fish or tuna fish products taken on board such vessel on the high seas.

(c) The transfer of tuna from a fishing vessel to a cargo vessel while in a foreign country or in waters over which the country has recognized jurisdiction is subject to the applicable laws and regulations of such foreign country.

(d) During the closed season for yellowfin tuna, no fishing vessel shall transfer on the high seas any part of its catch of tuna fish to a cargo vessel documented under the laws of the United States and no such cargo vessel shall receive, possess or bring to any place in the United States tuna fish taken on board on the high seas from a fishing vessel unless the cargo vessel shall hold a permit issued in conformity with subsection (e) of this section.

(e) Upon written application made to him, the Regional Director may issue a permit authorizing a cargo vessel documented under the laws of the United States to receive, possess, and transport to the United States tuna fish transferred from fishing vessels on the high seas during the closed season on yellowfin tuna. Such permit may authorize the possession and transportation of yellowfin tuna by a cargo vessel without regard to the quantities of yellowfin or other marketable species of fish received or possessed on board such vessel during the closed season on yellowfin tuna and shall contain such additional conditions and restrictions as the Regional Director shall determine to be necessary in light of the circumstances in each case to achieve compliance with the regulations in this part and the objectives of the program for the conservation of the yellowfin tuna resources of the regulatory area.

§ 280.8 Restrictions applicable to purchasers.

(a) Except as provided in paragraphs (b) and (d) of this section it shall be unlawful for any person knowingly to receive, purchase, offer to purchase, sell, offer for sale, import, export, or have in custody, possession, or control any yellowfin tuna taken or retained by a fishing vessel in violation of the regulations in this part.

(b) In view of the perishable nature of yellowfin tuna when not processed otherwise than by chilling or freezing, any person authorized to enforce the regulations in this part may cause to be sold, and any person may purchase, for not less than its reasonable market value such quantities of perishable yellowfin tuna as may be seized pursuant to section 10(e) of the Tuna Conventions Act of 1950, as amended (16 U.S.C. 959(e)).

(c) The proceeds of any sale made pursuant to subsection (b) of this section, after deducting the reasonable costs of the sale, if any, shall be remitted by the purchaser to the Regional Director for deposit and retention in the Suspense Account of the Bureau of Commercial Fisheries (Account No. 14X6875(17)) pending judgment of the court or other disposition of the case.

(d) If a duly constituted official acting under authority and in behalf of a State of the United States, of the Commonwealth of Puerto Rico, or of American Samoa seizes any yellowfin tuna under the applicable laws or regulations of such government, such yellowfin tuna may be forfeited and sold or otherwise disposed of pursuant to such laws or regulations. Any yellowfin tuna so seized by an official of a State, the Commonwealth of Puerto Rico, or American Samoa shall not be seized by an officer or employee of the Federal Government unless it is voluntarily turned over to him to be proceeded against under applicable Federal laws or regulations.

§ 280.9 Reports and record keeping.

(a) The master or other person in charge of a fishing vessel or such person as may be authorized in writing to serve as the agent of either of such persons shall—

(1) During the period beginning on June 1 of each year and ending on the date of closure of the yellowfin tuna fishing season, and not earlier than 48 hours prior to each departure from port to engage in yellowfin tuna fishing, furnish to the Regional Director, either by letter, telegram, radiogram, or on a form obtainable from the Regional Director, a report certifying that all tuna fishes taken during the immediately preceding fishing voyage, if any, have been unloaded and that the vessel is departing port to engage in or resume yellowfin tuna fishing. A report as required by this paragraph shall be dispatched from the vessel's port of departure for a fishing voyage as defined in § 280.6(b) and if in letter form the report shall be dispatched by airmail in every case except from ports of departure on the Pacific coast of the United States where surface mail may

be used for such purpose. A copy of the report certified by the maker to be a true copy and certifying the date and place of dispatch of the original shall be retained on board the reporting vessel for a period of 6 months following the date of the report or, at the option of the maker, the copy shall be retained for a like period in the files of the shore representative of the maker. Proof of mailing of the report required by this paragraph may be provided by dispatching the same by registered or certified mail and attaching the receipt evidencing such mailing to the copy of the report to be retained on board the reporting vessel or in the files of the maker, as the case may be. Proof of mailing may also be provided by similarly attaching a completed U.S. Post Office Department "Certificate of Mailing," POD Form 3817, or a form specially printed for the mailer's convenience. The failure of any vessel, irrespective of cause, to depart upon a fishing voyage within the 48-hour period specified in this paragraph shall require the furnishing in like manner of a new report not earlier than 48 hours prior to the delayed departure time.

(2) Keep an accurate log of all operations conducted from the vessel, entering therein for each day the date, noon position (stated in latitude and longitude or in relation to known physical features) and the estimated quantities (in short tons, round weight), of tuna fish and other marketable fish, by species, which are taken on board the vessel: *Provided*, That the record and bridge log maintained at the request of the Commission shall be deemed a sufficient compliance with this subsection whenever the items of information specified herein are fully and accurately entered in such log.

(3) Report by radio at least once each calendar week during a fishing voyage conducted in the open season; such reporting to begin on a date to be announced by the Bureau Director through publication of a suitable notice in the FEDERAL REGISTER and to continue throughout the open season. Reports by radio shall be made directly or through a cooperating vessel to Radio Station WWD, La Jolla, Calif., 4415.8 kc, 8805.6 kc, 12403.5 kc, or 16533.5 kc or by prepaid commercial radio message directed to the Director of Investigations. Radio reports shall be made between 0900 and 2400 P.s.t. and shall state the name of the fishing vessel and the cumulative estimated quantities, by species, of all tuna fish taken on board from week to week throughout the duration of the fishing voyage. Weekly reports containing all items of information required by this subsection may be submitted to the Director of Investigations by the shore representative of the master or other person in charge of the vessel in lieu of radio reports from the vessel.

(4) Furnish on a form obtainable from the Regional Director, following the delivery or sale of a catch of tuna made by means of such vessel, a report, certified to be correct as to facts within the knowledge of the reporting individual, giving the name and official number of the fishing vessel, the dates of commencement and conclusion of the fishing voyage and listing separately by species and round weight in pounds or short tons, the gross quantities of tuna fish and other marketable species of fish so sold or delivered: *Provided*, That, at the option of the vessel master or other person in charge, a copy of the fish ticket, weigh-out slip, settlement sheet, or similar record customarily issued by the fish dealer or his agent may be used for reporting purposes, in lieu of the form obtainable from the Regional Director, if such alternate record is similarly certified and contains all items of information required by this paragraph: *Provided further*, That for any vessel landing its catch in California and reporting by means of a copy of the California fish ticket, the California Fish and Game boat number may be indicated in lieu of the vessel's official number. Such report shall be delivered or dispatched by mail to the Regional Director within 72 hours after the weigh-out has been completed.

(b) Any person authorized to carry out enforcement activities under the regulations in this part and any person authorized by the Commission shall have power, without warrant or other process to inspect, at any reasonable time, log books, catch reports, statistical records, or other reports as are required by the regulations in this part to be made, kept, or furnished. (16 U.S.C. 956.)

§ 280.10 Persons and vessels exempted.

Nothing contained in §§ 280.2 to 280.9 shall apply to:

(a) Any person or vessel authorized by the Commission, the Bureau Director, or any State of the United States to engage in fishing for research purposes.

(b) Any person or vessel engaged in sport fishing for personal use.

§ 280.11 Fish and Wildlife employees designated as enforcement agents.

Any employee of the Fish and Wildlife Service duly appointed and authorized to enforce Federal laws and regulations administered by the Fish and Wildlife Service is authorized and empowered to carry out enforcement activities under the Tuna Conventions Act of 1950, as amended (16 U.S.C. 951–961).

§ 280.12 State officers designated as enforcement agents.

Any officer or employee of a State of the United States, of the Commonwealth of Puerto Rico, or of American Samoa who has been duly designated by the Bureau Director or his delegate, with the consent of the government concerned, is authorized to function as a Federal law enforcement agent and to carry out enforcement activities under the Tuna Conventions Act of 1950, as amended (16 U.S.C. 951–961).

[F.R. Doc. 67-7166; Filed, June 22, 1967; 10:00 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 301]

FORMOSAN SUBTERRANEAN TERMITE

Supplemental Notice of Public Hearing

On May 25, 1967, there was published in the FEDERAL REGISTER (32 F.R. 7631) a notice of public hearing in accordance with section 8 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161) to consider quarantining the States of Hawaii, Louisiana, and Texas, and Guam and Midway Islands, and regulating the interestate movement from the quarantined areas of timber and timber products, soil, and, when determined to present a hazard of spread of said termite, other products and articles and means of conveyance, under the authority of said section 8 because of the discovery in said States and Islands of the Formosan subterranean termite (*Coptotermes formosanus* Shiraki).

Since publication of this notice, information has been received that the Formosan subterranean termite has been discovered in a locality in South Carolina.

Accordingly, the scope of the public hearing is enlarged to include the State of South Carolina among the States being considered for quarantining as specified in the original notice. Officials of that State have been consulted in the matter and indicate that they can be represented at the hearing.

The public hearing will be held before a representative of the Agricultural Research Service in Room T 13003, New Federal Building, 701 Loyola Street, New Orleans, La., at 10 a.m., June 27, 1967, at which hearing any interested person may appear and be heard, either in person or by attorney, on the aforesaid proposals. Any interested person who desires to submit written data, views, or arguments on the proposals may do so by filing the same with the Director of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, on or before July 7, 1967, or with the presiding officer at the hearing.

All written communications received pursuant to this notice will be made available for public inspection at times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 20th day of June 1967.

[SEAL] E. P. REAGAN,
Acting Deputy Administrator, Agricultural Research Service.

[F.R. Doc. 67-7113; Filed, June 22, 1967; 8:49 a.m.]

Consumer and Marketing Service

[7 CFR Part 1063]

[Docket No. AO 105-A28]

MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

Decision on Proposed Amendment to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Rockton, Ill., on May 25, 1967, pursuant to notice thereof issued on May 18, 1967 (32 F.R. 7499).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator on June 2, 1967 (32 F.R. 8179; F.R. Doc. 67-6359), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (32 F.R. 8179; F.R. Doc. 67-6359) are hereby approved and adopted and are set forth in full herein.

The material issue on the record of the hearing related to the pooling requirements for distributing plants.

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

Pool distributing plants. The pooling requirements for distributing plants should be revised by changing the percentage and the basis for calculating such percentage of Grade A milk receipts which must be disposed of as Class I packaged fluid milk products to qualify a distributing plant for pool status.

The percentage of such receipts that must be disposed of in the marketing area on routes as Class I packaged fluid milk products should remain at 15 percent.

The Grade A milk receipts for such computation should be all Grade A plant receipts (including producer milk diverted from such plant) except receipts of packaged fluid milk products from other pool distributing plants and receipts from other order plants for which a Class II utilization is requested.

Disposition of Class I packaged fluid milk products should include such products disposed of on routes and those moved to other plants in excess of packaged fluid milk products received from other pool distributing plants.

The percentage of such receipts which must be disposed of as Class I packaged fluid milk products to qualify for pool status should be 45 percent except from the effective date of this amendment through August 1967 the percentage should be 40 percent.

The distributing plant pooling requirements presently in the order specify that any such plant is a pool plant if it disposes of at least 35 percent of its total Grade A milk receipts, including all receipts from other plants during the month, as Class I milk on routes and not less than 15 percent of such receipts are so disposed in the marketing area. By suspension action effective May through August 1967, Class I packaged fluid milk products moved to other plants are included with the Class I milk disposed of on routes in computing the pooling qualifications.

Producers and a handler who operates a distributing plant at Rock Island, Ill., proposed that receipts of milk from other order markets with an agreed Class II classification should not be included in computing a distributing plant's pooling requirements. Further, they proposed that packaged fluid milk products moved to another plant should be included in determining a distributing plant's performance as a plant primarily engaged in the distribution of Class I milk in this marketing area. There was no opposition to these proposals. There was disagreement, however, regarding the percentage of such Grade A receipts that should be utilized each month as Class I packaged fluid milk products. Producers asked that 45 percent of such receipts each month be so disposed, while the handler proposed that 40 percent of such receipts each month during the months of March through August and 45 percent during all other months be so disposed.

A combination of factors, as described below, has significantly affected the Rock Island, Ill., distributing plant's ability to maintain its pool plant status. This plant, in addition to its route sales in the marketing area, packages fluid milk products for distribution from other plants. Except for the suspension described above, the packaged fluid milk products sold to these other plants do not enter into this plant's pool qualifications insofar as the disposition of Class I products is concerned. Since this plant is engaged in packaging significant quantities of fluid milk products, the fact that it chooses to distribute some of these packaged products through distribution routes from other plants should not cause it to lose its pool plant status. Therefore, it is appropriate to include Class I distribution of packaged fluid milk products moved through other plants in measuring a plant's distribution for determining pool status. To avoid duplication of route sales in such computations it is appropriate that receipts of Class I packaged fluid milk

products from other pool distributing plants should be excluded.

This distributing plant also manufactures cottage cheese for distribution from plants regulated under other Federal orders. Milk in sufficient volumes to offset the cottage cheese sales to the other order plants is received from producer cooperative associations in other order markets. This milk is received on an agreed Class II classification. Presently, even though this milk is received from other order markets expressly for manufacturing uses it, nevertheless, is included in this plant's receipts for the purpose of computing its pooling requirements. Since the milk needed for such out-of-market cottage cheese sales is received from other order markets on an agreed Class II classification, it is appropriate that such milk should not be included in its receipts for determining eligibility for pooling.

Receipts of producer milk under the Quad Cities-Dubuque order have increased significantly this year compared to 1 year ago while Class I utilization has not increased a corresponding amount. Some of this increase is due to the shifting of a plant formerly regulated under the Cedar Rapids-Iowa City order on April 1, 1967, to regulation under the Quad Cities-Dubuque order. Producer receipts in April 1967 were about 13 million pounds greater than during the corresponding month a year ago (32,800 thousand pounds in April 1967, as compared to 19,772 thousand pounds in April 1966). During this same period producer milk utilized as Class I milk increased only about 6.6 million pounds (20,643 thousand pounds in April 1967, compared to 13,999 thousand pounds in April 1966). This abrupt increase of producer receipts under the order and corresponding increase in reserve milk supplies has caused heavy use of the manufacturing facilities in the market. To permit the efficient handling of reserve milk supplies in the market during this spring and summer flush production months, it is concluded that from the effective date of this amendment through August 1967, the 40 percent factor is appropriate and thereafter a distributing plant's overall utilization should be 45 percent to meet the pooling requirements.

Another hearing involving the Quad Cities-Dubuque order was being held at the same time as this hearing. As a result of that hearing, which involved six other marketing areas now or previously regulated under Federal orders, significant changes in the provisions of the Quad Cities-Dubuque order could be made. The pooling requirements set forth herein should permit stable marketing conditions until such time as the order may be amended upon the basis of the other hearing. Further, even though the proposed overall percentage utilization factors exceed the 35 percent now contained in the order, the other changes in the pooling provisions made herein will more than offset the higher percentage requirements of 40 and 45 percent.

Proponents also urged that in-area sales required for pooling be reduced from 15 percent of Grade A receipts to 10 percent. However, the record does not show that the proposed reduction of the in-area sales requirement is necessary. In fact, neither proponent offered any testimony in support of this proposal, and, accordingly, it is denied.

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

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

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

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

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

Rulings on exceptions. No exceptions to the recommended decision were filed.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Quad Cities-Dubuque Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Quad Cities-Dubuque Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of March 1967 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Quad Cities-Dubuque marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on June 19, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Quad Cities-Dubuque Marketing Area

§ 1063.0 Findings and determinations.

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Quad Cities-Dubuque marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

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

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

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

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Quad Cities-Dubuque marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

1. Section 1063.10(a) is revised to read as follows:

§ 1063.10 **Pool plant.**

* * * * *

(a) A distributing plant from which:

(1) The volume of Class I packaged fluid milk products disposed of during the month either on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets or moved to other plants, less receipts of packaged fluid milk products from other pool distributing plants, is not less than 45 percent (40 percent from the effective date hereof through August 1967) of the total Grade A fluid milk products received at such plant, exclusive of receipts of packaged fluid milk products from other pool distributing plants and receipts from other order plants which are assigned pursuant to § 1063.46(a)(4)(ii) and the corresponding step of § 1063.46(b); and

(2) Not less than 15 percent of such receipts during the month are so disposed of in the marketing area on routes.

* * * * *

2. Section 1063.15 is revised to read as follows:

§ 1063.15 **Fluid milk product.**

"Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream or any mixture in fluid form of skim milk and butterfat (except aerated cream products, products containing cheese and labeled as such, yogurt, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers). Fluid milk products in consumer-type packages or dispenser units are referred to in this part as packaged fluid milk products.

[F.R. Doc. 67-7087; Filed, June 22, 1967; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 29]

FRUIT JELLIES, FRUIT PRESERVES, AND RELATED PRODUCTS

Identity Standards; Listing of Fumaric Acid as Optional Ingredient

Notice is given that The National Preservers Association, 23 East Chestnut Street, Chicago, Ill. 60610, has submitted a petition proposing that the identity standards for fruit jelly (21 CFR 29.2), fruit preserves or jams (21 CFR 29.3), artificially sweetened fruit jelly (21 CFR 29.4), and artificially sweetened fruit preserves or artificially sweetened fruit jams (21 CFR 29.5) be amended by listing fumaric acid as an optional acidifying ingredient.

Grounds set forth in the petition in support of the proposal are that fumaric acid, meeting the requirements specified in § 121.1130 of the food additive regulations (21 CFR 121.1130), is a safe and suitable acidifier and should properly be added to the list of acidifiers already provided for in the subject standards.

Accordingly, it is proposed that the standards for the above-mentioned foods be amended by adding fumaric acid to the list of optional ingredients listed in §§ 29.2(a)(2), 29.3(a)(2), 29.4(a)(2), and 29.5(a)(2).

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), all interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, within 60 days following the date of publication of this notice in the FEDERAL REGISTER, and may be accompanied by a memorandum or brief in support thereof.

Dated: June 16, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-7111; Filed, June 22, 1967; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket 67-EA-23]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Hazleton, Pa., control zone.

To permit more flexibility in the change of the hours of operation of the control zone, the amendment will permit the use of NOTAM/s to publish such changes rather than the need to refer to formal rulemaking. Further, there has been a refinement of the geographical coordinates of the airport.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Hazelton, Pa., proposes the airspace action hereinafter set forth.

Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the Hazelton, Pa., Control Zone the coordinates of the airport center and insert in lieu thereof "40°59'05" N., 75°-59'40" W.," and further to add after the words "local time" the following: "or during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on June 12, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-7073; Filed, June 22, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-EA-31]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Huntington, W. Va., control zone and 700-foot floor transition area.

ADF-1 and ADF-2 instrument approaches for Huntington-Downtown and Tri-State Airport respectively, have been canceled and the Tri-State Airport ILS approach procedures have been revised.

These cancellations and revisions require an alteration of both the control zone and transition area.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Huntington, W. Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Huntington, W. Va., control zone and insert in lieu thereof the following:

Within a 5-mile radius of the center, 38°22'00" N., 82°33'25" W., of Tri-State Airport (Walker-Long Field), Huntington, W. Va., including a 1-mile radius of the center, 38°25'10" N., 82°29'45" W., of Huntington-Downtown Airport, Chesapeake, Ohio; within 2 miles each side of the Tri-State Airport ILS localizer east course extending from the 5-mile radius zone to 13 miles east of the Shoals, W. Va., FM and within 2 miles each side of the Tri-State Airport ILS localizer west course extending from the 5-mile radius zone to the OM.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Huntington, W. Va., transition area and insert in lieu thereof:

HUNTINGTON, W. VA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 38°22'00" N., 82°33'25" W., of the Tri-State Airport (Walker-Long Field), Huntington, W. Va., within 2 miles each side of the Tri-State Airport ILS localizer west course extending from the 6-mile radius area to 8 miles west of the OM and within 2 miles each side of the Tri-State Airport ILS localizer east course extending from the 6-mile radius area to 13 miles east of the Shoals, W. Va., FM.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on June 12, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-7074; Filed, June 22, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SW-35]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Houston, Tex., transition area. Alteration of the Houston, Tex., transition area, as proposed, will provide airspace protection for aircraft executing the VOR/DME instrument approach procedure proposed for Spaceland Airpark, League City, Tex. Also, the Coast and Geodetic Survey has provided corrected data that indicates a 002° change in bearings from the Spaceland RBN (formerly League City RBN) is necessary. The specified bearing of 306° (298° magnetic) is being changed to 304° (296° magnetic) accordingly.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

The Houston, Tex., transition area described in § 71.181 (32 F.R. 2200) would be altered by adding to the 700-foot portion "• • • within 2 miles each side of the Galveston VORTAC 345° radial (337° magnetic) extending from the 4-mile radius area to 6 miles north of the VORTAC • • •." Additionally, "• • • 306° bearing from the League City RBN • • •." would be corrected to "• • • 304° bearing from the Spaceland RBN • • •."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on June 14, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67-7075; Filed, June 22, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-EA-7]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations which would designate a transition area over Somerset-Pulaski County Airport, Somerset, Ky.

A new ADF instrument approach procedure has been authorized for the subject airport. This will require the designation of a transition area to protect aircraft executing the arrival and departure procedures.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Somerset, Ky., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a Somerset, Ky., transition area described as follows:

SOMERSET, KY.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 37°03'25" N., 84°36'45" W., of Somerset-Pulaski County Airport, Somerset, Ky.; and within 2 miles each side of the Somerset, Ky., RBN (latitude 37°03'19" N., longi-

tude 84°36'58" W.) 220° bearing extending from the 5-mile radius area to 8 miles southwest of the RBN; within 2 miles each side of the centerline of Runway 4 extended from the 5-mile radius area to 8 miles northeast of the end of the runway; and within 2 miles each side of the centerline of Runway 22 extended from the 5-mile radius area to 5 miles southwest of the end of the runway.

That airspace extending upward from 1,200 feet above the surface bound on the northwest by V493 on the northeast by V310 and on the south by V140 N excluding that portion that coincides with the London, Ky., transition area.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on June 12, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-7076; Filed, June 22, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket 67-EA-14]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor transition area over Schuylkill County (Zerbey) Airport, Pottsville, Pa.

A new VOR instrument approach procedure has been authorized for the subject airport and will require the designation of a transition area to protect aircraft executing the approach and departure procedures.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Pottsville, Pa., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Pottsville, Pa., transition area described as follows:

POTTSVILLE, PA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40°42'25" N., 76°22'40" W., of Schuylkill County (Zerbey) Airport, Pottsville, Pa.; and within 2 miles each side of the Ravine, Pa., VOR 049° radial extending from the 6-mile radius area to 9 miles northeast of the VOR.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on June 12, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-7077; Filed, June 22, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-EA-16]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor transition area over Emporia Municipal Airport, Emporia, Va.

A new instrument approach procedure will be authorized for the subject airport. This will require the designation of a transition area to protect aircraft executing the arrival and departure procedures.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Emporia, Va., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor Emporia, Va., transition area described as follows:

EMPORIA, VA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 36°41'15" N., 77°29'10" W., of Emporia Municipal Airport, Emporia, Va.; within 2 miles each side of the Runway 27 centerline extended from the 6-mile radius area to 6 miles west of the end of the runway; within 2 miles each side of the Runway 33 centerline extended from the 6-mile radius area to 6 miles northwest of the end of the runway and within 2 miles each side of the 144° bearing from the Emporia RBN (36°41'20" N, 77°29'30" W.) extending from the 6-mile radius area to 8 miles southeast of the RBN.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on June 12, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-7078; Filed, June 22, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-EA-20]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor transition area over Ashland-Boyd County Airport, Ashland, Ky.

A modification of the Huntington, W. Va., transition area requires a separate designation of a transition area for Ashland, Ky.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in

this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Ashland, Ky., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot Ashland, Ky., transition area described as follows:

ASHLAND, KY.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 38°33'15" N., 82°44'20" W., of Ashland-Boyd County Airport, Ashland, Ky.; within 2 miles each side of the Runway 10 centerline extended from the 6-mile radius area to 9 miles east of the end of the runway; within 2 miles each side of the Runway 28 centerline extended from the 6-mile radius area to 9 miles west of the end of the runway and within 2 miles each side of the York VOR 116° radial extending from the 6-mile radius area to the VOR.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on June 12, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-7079; Filed, June 22, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-EA-22]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor transition area over Concord Airpark, Painesville, Ohio.

A new VOR instrument approach has been authorized for the subject airport. This requires the designation of a transition area to protect aircraft executing the arrival and departure procedures.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Painesville, Ohio, proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor transition area for Painesville, Ohio, described as follows:

PAINESVILLE, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°40'00" N., 81°12'00" W., of Concord Airpark, Painesville, Ohio; within 2 miles each side of the Runway 12 centerline extended from the 5-mile radius area to 6 miles southeast of the end of the runway; within 2 miles each side of the Runway 20 centerline extended from the 5-mile radius area to 7 miles south of the end of the runway and within 2 miles each side of the Chardon VOR 350° radial extending from the 5-mile radius area to the VOR, excluding those portions within the Willoughby, Ohio, and Chagrin Falls, Ohio, transition areas.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on June 12, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-7080; Filed, June 22, 1967; 8:47 a.m.]

Notices

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

UNIVERSITY OF CALIFORNIA

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. 67–00005–01–46040. Applicant: University of California, Lawrence Radiation Laboratory, Berkeley, Calif. 94702. Article: Electron microscope Model JEM 7A with ACS–2 anticontamination trap, ABD–2 high resolution dark field (6 degree beam tilt), AD–2 high resolution diffraction accessory, and charge neutralizer for AD–2 and control box. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Tokyo, Japan. Intended use of article: Phase studies and structure determinations of actinide elements. Comments: Comments were received from one domestic manufacturer, Radio Corporation of America (RCA), which alleged inter alia "that the RCA model EMU–4 Electron Microscope with [* * *] accessories is of equivalent scientific value to the instrument and accessories 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 comment, Apr. 13, 1967, par. (3)) Decision: Application approved.

No instrument or apparatus of equivalent scientific value to such article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reason: (1) The RCA Electron Microscope is not of equivalent scientific value to the foreign article for the purposes for which the article is intended to be used.

Six Angstroms resolution or better (i.e. numerically lower than 6), dark field imaging, and short exposure times are necessary for the accomplishment of the purposes for which the article is intended to be used.

RCA guarantees resolving power of 8 Angstroms (RCA comment, Apr. 13, 1967, par. (4)a., and RCA letter, May 3, 1967, par. 1.). Although RCA indicates that better resolution has been demonstrated under certain conditions (RCA comment, Apr. 13, 1967, par. (4)a.), it does not claim such capability on a day-to-day basis for routine use of the instrument. That the foreign article offers resolving power of 4.5 Angstroms line or 6 Angstroms point-to-point (application, attachment A, final paragraph) is not disputed by RCA. In our judgment, this difference in the resolving powers of the two instruments will be significant to the applicant in the accomplishment of the purposes for which the article is intended to be used, particularly when such characteristic is available in conjunction with the other necessary characteristics listed above.

In phase studies and structure determinations with respect to actinide elements, short exposure times are essential since such elements are themselves radioactive and are destroyed in short periods by their own radioactivity.

In response to the applicant's statement that short exposure times (5 seconds) are required for working with the short-lived isotopes of elements 99 through 103, RCA states as follows:

> The best way to extend capabilities for phase-studies and structure determinations with limited quantities of elements is by prolonging the life of the specimens. This can be done most effectively by reducing the current density of the electron beam incident upon the specimen. (RCA comment, Apr. 13 ,1967, par. (4).)

While this may be true generally — and we make no finding with respect thereto in this decision — it is not correct with respect to actinide elements, since, as already noted, such elements are themselves radioactive and are destroyed by their own radioactivity.

With respect to the dark field imaging requirement, RCA has apparently developed a prototype (RCA comment, Apr. 13, 1967, par. (5)), and is apparently now offering a dark field accessory (Ibid., par. (4)).

RCA does not dispute applicant's contention, however, that:

> At the time this article was purchased, January 23, 1967, RCA did not have this accessory available. (Applicant's letter, dated Apr. 25, 1967, par. 2.)

The determination, whether an instrument or apparatus of equivalent scientific value to the foreign article "is being manufactured in the United States", must be made in the context of facts existing at the time an applicant places its order for the instrument in question or perhaps, under special circumstances not existing in this case, at the time the purchase contract for the foreign article becomes binding.

Thus, RCA's assertion that "RCA is willing and able to produce this accessory within the United States and have it available promptly so that it may be obtained by the applicant without unreasonable delay" (RCA comment Apr. 13, 1967, par. (5)) is irrelevant.

(2) The Department of Commerce knows of no other instrument or apparatus which is of equivalent scientific value to the foreign article for the purposes for which the article is intended to be used and 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. 67–7059; Filed, June 22, 1967; 8:45 a.m.]

UNIVERSITY OF CALIFORNIA AND UNIVERSITY OF MINNESOTA

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 67–00109–33–46040. Applicant: University of California, Lawrence Radiation Laboratory, East End of Hearst Avenue, Berkeley, Calif. 94720. Article: Scanning Electron Microscope Model JSM–3 and ancillary equipment. Manufacturer: Japan Electron Optics

Laboratory Co., Ltd., Japan. Intended use of article: Applicant states:

The Scanning Electron Microscope will be used in a wide range of biological and medical investigations where a high resolution of 250 angstroms on a continuously maintained basis, and multiinformational image is needed. Information will be sought concerning stereoscopic morphology, chemistry and electrical properties of cells, tissue sections and complete living organisms. The information will be used in describing the pathology of certain diseases as well as in basic physiological developmental studies. It will also be used as a microsource of radiation and radiobiological investigations using living specimens (such as the flour beetle).

Application received by Commissioner of Customs: June 6, 1967.

Docket No. 67-00110-75-76595. Applicant: University of Minnesota, Minneapolis, Minn. 55455. Article: Broad range, split pole magnetic spectrograph with regulated power supply. Manufacturer: Instrument A B Scanditronix, Sweden. Intended use of article: Applicant states:

The broad range, split pole magnetic spectrograph with its regulated power supply will be used to study charged particles produced in nuclear reactions resulting from operation of the Tandem Van de Graaff machine operated by the University of Minnesota. This equipment will make possible the identification of these charged particles and a precise measurement of their energies. This information will lead to additional knowledge of nuclear structure and nuclear reaction processes.

Application received by Commissioner of Customs: June 6, 1967.

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

[F.R. Doc. 67-7060; Filed, June 22, 1967; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Notice of Acceptance for Filing Application for Federal Financial Assistance

Notice is hereby given that effective with this publication the following described application for Federal financial assistance in the construction of noncommercial educational television broadcast facilities is accepted for filing in accordance with 45 CFR § 60.7:

Alabama Educational Television Commission, 2101 Magnolia Avenue, Suite 512, Birmingham, Ala., File No. 200, to improve the facilities of noncommercial educational television station, Channel 10, Birmingham, Ala.

Any interested person may, pursuant to 45 CFR § 60.8 within 30 calendar days from the date of this publication, file comments regarding the above application with the Chief, Educational Television Facilities Branch, U.S. Office of Education, Washington, D.C. 20202.

(76 Stat. 64, 47 U.S.C. 390)

RAYMOND J. STANLEY,
Chief, Educational Television Facilities Branch, U.S. Office of Education.

[F.R. Doc. 67-7109; Filed, June 22, 1967; 8:49 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR ADMINISTRATION, REGION III (ATLANTA)

Designation

The officers appointed to the following listed positions in Region III (Atlanta) are hereby designated to serve as Acting Assistant Regional Administrator for Administration, Region III, during the absence of the Assistant Regional Administrator for Administration, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Administration: *Provided*, That no officer is authorized to serve as Acting Assistant Regional Administrator for Administration unless all other officers whose titles precede his in this designation are unable to serve by reason of absence:

1. Chief, Personnel Operations Branch.
2. Chief, Budget-Management and Organization Branch.
3. Chief, Accounting Branch.
4. Chief, General Services Branch.

This designation supersedes the designation effective December 18, 1962 (27 F.R. 12494, Dec. 18, 1962).

(Delegation effective May 4, 1962 (27 F.R. 4319, May 4, 1962))

Effective as of the 23d day of June 1967.

EDWARD H. BAXTER,
Regional Administrator, Region III.

[F.R. Doc. 67-7093; Filed, June 22, 1967; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 67-37]

SURRENDER OF MARINE DOCUMENTS OF VESSELS OF UNITED STATES SUBJECT TO PREFERRED MORTGAGES

Procedures

1. Reorganization Plan No. 1 of 1967 (32 F.R. 7049) transferred to the Secretary of Transportation, effective May 9, 1967, functions of the Secretary of Commerce exercised through the Maritime Administration relating to the approval required by subsections B(4) and O(a) of the Ship Mortgage Act, 1920, as amended (46 U.S.C. 911(4) and 961(a)), of the surrender of marine documents of vessels of the United States subject to preferred mortgages. The Secretary of Transportation delegated responsibility for performance of the transferred functions to the Commandant by Department of Transportation Order 1100.2 of May 15, 1967 (32 F.R. 7497; 49 CFR 1.4(a-1)).

2. Consequently, Coast Guard approval now is required of the surrender of marine documents of vessels of the United States subject to preferred mortgages, except that approval is not required in the following circumstances enumerated in footnote 19 to 19 CFR 3.30 (footnote 19 to § 3.30, Customs Regulations):

(1) A renewal of license, including a case in which the former document is replaced by reason of the fact that all renewal spaces are filled;

(2) A change of document incident to a change of trade;

(3) A change to a permanent document on arrival of a vessel at its home port under a temporary document, or the issuance of a permanent document to a vessel absent from its home port;

(4) The replacement or renewal of a lost, mislaid, or mutilated document;

(5) The replacement of a document issued in error or on an improper form; or

(6) The replacement of a document of a vessel owned by a corporation when the president or secretary whose name appears thereon dies, is removed, or resigns, and there has been no change in ownership.

NOTE 1: A document may be deemed to be mutilated within the meaning of item (4) above when it has been partially burned, torn, soiled, or otherwise defaced so as to be unsuitable for the purpose for which it was issued.

NOTE 2: When some cause for surrender of the vessel's document occurs other than or in addition to one or more of those recited above, such as a change in ownership or home port, approval of the surrender is required.

3. Heretofore, applicants for approval of the surrender of marine documents of vessels of the United States subject to preferred mortgages have been required to submit to the Maritime Administration, Department of Commerce, Washington, D.C., Maritime Administration Form MA-232 (Application for Maritime Administration Approval of Surrender of Marine Document of Vessel Covered by Preferred Mortgage(s)), Maritime Administration Form MA-233 (Consent of Preferred Mortgagee to Surrender of Marine Document), a certificate of ownership on Customs Form 1330 obtained from the home port, and an affidavit of citizenship of the transferee on the appropriate of Forms MA-4557, MA-4557-A, MA-4558, MA-4559, MA-4560, or MA-4561 if the vessel ownership were to be changed; and to pay a user charge of

§15. The application and accompanying documents were examined and verified and if found to be in order, the Maritime Administration would issue an order authorizing surrender of the document.

4. Effective May 9, 1967, the approvals heretofore granted under Sections 911(4) and 961(a), Title 46, U.S.C., by the Secretary of Commerce acting through the Maritime Administration, shall be granted by Coast Guard Officers in Charge, Marine Inspection, or Coast Guard documentation officers, at the several ports of documentation. Only questionable cases shall be referred to Headquarters.

5. In order that the transferred functions may be accomplished in the field, authority to approve the surrender of marine documents of vessels of the United States covered by preferred mortgages is delegated to the District Commanders for redelegation to Officers in Charge, Marine Inspection, who may, in their discretion, further delegate the authority to documentation officers at the several ports of documentation in their respective zones. All delegations of authority will be in writing and made available for reading purposes, when requested.

6. If application is made at the home port and an Officer in Charge, Marine Inspection, or documentation officer to whom authority to grant approval has been delegated, is located at that port, the applicant shall submit one copy of Form MA–232 and a Form MA–233 for each preferred mortgagee to the Officer in Charge, Marine Inspection, or documentation officer. The cognizant officer shall carefully examine the general index relating to the vessel and compare the information with that on Forms MA–232 and MA–233. If the application is found in order, he shall approve the surrender of the document and accept surrender of the document.

7. If application is made at the home port and no Officer in Charge, Marine Inspection, or documentation officer to whom authority to grant approval has been delegated, is located at that port, the applicant shall submit two copies of Form MA–232 and Form MA–233 for each preferred mortgagee to the documentation officer. The documentation officer shall then prepare a certificate of ownership on Customs Form 1330, and forward the file, together with his recommendation that approval be granted or denied, to the Officer in Charge, Marine Inspection, having jurisdiction over his port. Upon receipt, the Officer in Charge, Marine Inspection, shall review the file, and if the application is found in order, he shall approve the surrender of the document, and the documentation officer shall then accept surrender of the document.

8. If application is made at a port other than the home port and an Officer in Charge, Marine Inspection, or documentation officer to whom authority to grant approval has been delegated, is located at that port, the applicant shall submit two copies of Form MA–232 and Form MA–233 for each preferred mortgagee, together with a certificate of ownership on Customs Form 1330 issued at the home port within 15 days of the date the application is presented, to the Officer in Charge, Marine Inspection, or documentation officer. The cognizant officer then shall review the file, and if the application is found in order, he shall approve the surrender of the document and shall accept surrender of the document.

9. If application is made at a port other than the home port and no Officer in Charge, Marine Inspection, or documentation officer to whom authority to grant approval has been delegated, is located at that port, the applicant shall submit three copies of Form MA–232 and a Form MA–233 for each preferred mortgagee, together with a certificate of ownership on Customs Form 1330 issued at the home port within 15 days of the date the application is presented, to the documentation officer. The documentation officer shall then forward the file, together with his recommendation, to the Officer in Charge, Marine Inspection, having jurisdiction over his port. Upon receipt, the Officer in Charge, Marine Inspection, shall review the file, and if the application is found in order, he shall approve the surrender of the document and the documentation officer shall then accept surrender of the document.

10. When the cognizant officer has verified that the particulars of the vessel's ownership are as stated in the application and that the consent of all preferred mortgagees has been obtained, he shall signify his assent to the surrender of the vessel's document by endorsement on the copy or copies of Form MA–232 submitted to him.

11. In all cases in which the ownership of the vessel is to be changed as an incident of its redocumentation after surrender of the vessel's outstanding document, the application shall be accompanied by the declaration of citizenship required by section 40, Shipping Act, 1916, as amended (46 U.S.C. 838), and 19 CFR 3.33 (§ 3.33, Customs Regulations) on the appropriate of Forms MA–4557, MA–4557–A, MA–4558, MA–4559, MA–4560, or MA–4561.

12. Forms MA–232 and MA–233 shall continue in use until superseded but shall be appropriately modified by substituting "Department of Transportation" for "Department of Commerce" and "U.S. Coast Guard" for "Maritime Administration."

13. Other than the usual fee for a certificate of ownership, if required, no fee or user charge shall be collected or made incident to granting approval of the surrender of marine documents of vessels of the United States subject to preferred mortgages.

14. Any approval granted shall be valid for a period not exceeding 60 days from its date. Notwithstanding that the approval of the surrender of the marine document of a vessel of the United States subject to one or more preferred mortgages shall have been granted, the outstanding document may not be surrendered unless the vessel is concurrently redocumented under the laws of the United States and all endorsements necessary and proper to preserve the preferred status of the preferred mortgage(s) thereon are made upon the new document.

15. Except as modified, terminated, or superseded by this notice, all orders, determinations, rules, regulations, directives, requirements, standards, statements of policy, notices, interpretations, procedures, documents, certifications, privileges, and exemptions which have been issued, made, granted, or allowed under the provisions of law transferred to the Department of Transportation by Reorganization Plan No. 1 of 1967 prior to May 9, 1967, are hereby adopted and affirmed and shall continue in effect according to their terms until modified, terminated, repealed, superseded or set aside by appropriate authorities.

16. The temporary rules, regulations, and instructions in this notice will be incorporated into the Coast Guard regulations when the applicable requirements in the Customs Regulations (19 CFR Chapter I) are transferred to 46 CFR Chapter I.

17. The instructions in this notice shall be effective on May 9, 1967.

(June 5, 1920, c. 250, section 30, subsections B(4) and O(a), 41 Stat. 1000, 1004, as amended; 46 U.S.C. 911(4), 961(a); Department of Transportation Act, P.L. 89–670, 80 Stat. 931; 1967 Reorg. Plan No. 1, 32 F.R. 7049; Department of Transportation Order 1100.2, May 15, 1967, 32 F.R. 7497, 49 CFR 1.4(a–1))

Dated: June 16, 1967.

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

[F.R. Doc. 67–7108; Filed, June 22, 1967; 8:49 a.m.]

Federal Aviation Administration

ENGINEERING AND MANUFACTURING DISTRICT OFFICE, WHITNEY HANGAR, ZAHN'S AIRPORT, LINDENHURST, N.Y.

Notice of Relocation

Notice is hereby given that on or about July 1, 1967, the Engineering and Manufacturing District Office located at the Whitney Hangar at Zahn's Airport, Lindenhurst, N.Y., will be relocated to the Melville Park Building, 425, Route 110 in Melville, Long Island, N.Y. Services presently rendered by this office will continue to be provided at the new location.

(Sec. 313(a), 72 Stat. 752, 49 U.S.C. 1354)

Issued in New York, N.Y., on June 14, 1967.

OSCAR BAKKE,
Director, Eastern Region.

[F.R. Doc. 67–7081; Filed, June 22, 1967; 8:47 a.m.]

AUTOMOTIVE AGREEMENT ADJUSTMENT ASSISTANCE BOARD

[APTA No. 7–003]

CERTAIN WORKERS OF AMERICAN MOTORS CORP., MILWAUKEE, WIS.

Eligibility for Adjustment Assistance

Determinations of the Board. Pursuant to the Automotive Products Trade Act of 1965 (Public Law 89–283, 79 Stat. 1016) the Automotive Agreement Adjustment Assistance Board determines that:

Dislocation of workers at the Milwaukee, Wis. plant of American Motors Corp. has ocurred.

U.S. production of the automotive product concerned—built-up bodies for conventional passenger automobiles—has decreased appreciably (sec. 302(b)(2), Act) and U.S. imports from Canada of the Canadian automotive product concerned have increased appreciably (sec. 302(b)(3)(A), Act).

No factor other than the operation of the United States-Canadian Automotive Products Agreement has been the primary factor in causing the dislocation of the group of workers specified in the Board's certification.

Certification. The Board hereby certifies that workers of the Milwaukee, Wis., plant, American Motors Corp., who were laid off for an indefinite period between January 9 and January 31, 1967, and whose seniority dates with the company are between April 22 and April 29, 1959, inclusive are eligible to apply for adjustment assistance.

Background. A petition for a determination of eligibility to apply for adjustment assistance under the Automotive Products Trade Act of 1965 was filed with the Automotive Agreement Adjustment Assistance Board on February 28, 1967, by the International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (U.A.W.) and its Local Number 75, on behalf of a group of workers at the Milwaukee plant of American Motors Corp. (AMC). The petitioners alleged that the transfer of production from the Milwaukee plant to the AMC plant in Brampton, Ontario, resulted in extensive layoffs at Milwaukee during the January 1965–January 1967 period, including the permanent layoff of approximately 2,000 workers on January 9, 1967. The petitioners further alleged that the layoffs prior to October 1966 were attributable to a decrease in AMC automobile exports to Canada supplied from the Milwaukee plant and that the layoffs beginning in October 1966 were caused by increased U.S. imports of automobiles produced in Canada. Both of these developments were attributed to the Automotive Products Trade Act of 1965.

On March 6, 1967, the Automotive Assistance Committee of the Board requested the U.S. Tariff Commission to investigate and report on the facts relating to this petition (32 F.R. 4003, March 11, 1967). No hearing was requested and none was held.

The Commission submitted its report on April 25, 1967 (APTA–W–9). The Commission stated that only certain sections of the report could be made public since much of the information it contains was received in confidence (32 F.R. 6594, Apr. 28, 1967).

Subsequently, the petitioners amended their petition to limit it to those workers laid off for an indefinite period on or after January 9, 1967, and to approximately the 10 percent of the workers with highest seniority laid off on that date (approximately 175 hourly workers). The U.A.W. further stated in the amendment to the petition that, in its opinion, these workers were those who were dislocated as a result of the operation of the United States-Canadian Automotive Products Agreement. On May 10, 1967, in accordance with section 302(f)(2) of the Act, the Automotive Assistance Committee of the Board requested the Commission to furnish additional information on certain specified matters. A supplemental confidential report was submitted to the Board on June 5, 1967.

In addition, the Board obtained advice from the Departments of the Treasury, Commerce, Labor, and the Small Business Administration under section 302(f)(1) of the Act.

American Motors Corp. and Its Milwaukee Plant. AMC has two major divisions: Appliance and Automotive. The Automotive Division operates plants in Milwaukee and Kenosha, Wis., and in Brampton, Ontario. AMC produces a total of 26 models in three series of automobiles: The American, the Rebel, and the Ambassador (including the Marlin).

The Milwaukee plant is principally a body assembly plant (most domestic Rebels and Ambassadors); it also has a metal stamping unit and a trim, cut and sew department. All the bodies produced at Milwaukee are shipped to Kenosha for assembly into complete vehicles.

The Canadian operations at Brampton include the assembly of engines, bodies, and complete automobiles.

No major changes in the organization of the Brampton operation were undertaken between the date of signing of the United States-Canadian Automotive Products Agreement (January 1965) and the start of the 1967 model year (August 1966.) For model year 1967, AMC sharply reduced the number of different models produced at Brampton and thereby improved the efficiency of its operations and increased its effective capacity. Brampton is currently used as the principal source of supply for both the eastern U.S. and Canadian market requirements for certain AMC automobiles; the balance of the United States and Canadian markets for these types of automobiles and the entire North American market for all other AMC automobiles is served by Kenosha. The United States-Canadian Automotive Products Agreement was the compelling factor in this rationalization program and the subsequent shifts in trade between the United States and Canada.

Although total North American production of automobiles by AMC has declined annually since the 1963 model year, the percent of its output at Brampton has increased, particularly in model year 1967. During model years 1963–1966, AMC exported less than one-tenth of 1 percent of its U.S. automobile output to Canada and imported no vehicles. In model year 1967 AMC expects to exchange about 15 percent of its North American output between the United States and Canada and projects significant net imports into the United States.

Conclusions and determinations—Automotive product. The Board concludes that the petitioners were employed in a plant of American Motors Corp. manufacturing an automotive product as defined by the Act: automobile bodies for use as original equipment in the assembly of motor vehicles (sec. 302(1)(1), Act).

Dislocation. Dislocation in the case of a group of workers means actual or threatened unemployment or underemployment of a significant number or proportion of the workers of a firm or an appropriate subdivision thereof.

On January 9, 1967, about 1,750 hourly workers were laid off for an indefinite period from the Milwaukee plant. The amended petition alleges that approximately 10 percent of these workers were laid off because of the operation of the United States-Canadian Automotive Products Agreement.

The Tariff Commission report states that workers whose jobs have been eliminated have plantwide "bumping rights" affecting workers with less seniority. Hence, layoffs become plantwide, even if the jobs eliminated involved but one subdivision or one shift in the plant.

The Board determines that the entire Milwaukee plant is the appropriate subdivision of American Motors Corp. and that a significant number or proportion of the workers thereof have been dislocated (sec. 302(b)(1), Act; § 501.2(i)(2), Board Regulations).

Role of the operation of the Agreement. Under section 302(c) of the Act, if there is an appreciable decrease in U.S. production and an appreciable increase in imports from Canada of the automotive product concerned (sec. 302(b)(2) and (b)(3), Act), the appropriate group of workers must be certified as eligible to apply for adjustment assistance unless the Board determines that the operation of the Agreement has not been the primary factor in causing the dislocation.[1]

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[1] "For purposes of determining whether the changes specified in sec. 302(b) have taken place, it is necessary to determine both a current period and a base period. It is believed that three to four recent consecutive months would usually be representative of the current period, and that the base period should be the model year 1964, except in cases where this year is considered to be an atypical one.

"With respect to the term 'appreciably' in sec. 302(b), a change of five percent in production, imports, or exports would normally be an appreciable one * * *."

House Report No. 537 (Committee on Ways and Means), 89th Cong., 1st sess., on H.R. 9042, pp. 21–22.

The Tariff Commission obtained data covering U.S. production and trade in automobile bodies through February 1967; the Board has supplemented this with production data for March 1967 from the Automobile Manufacturers' Association. Since the number of automobile bodies produced during any model year is virtually identical to the number of automobiles produced, the data on automobile production in the United States and Canada are used herein as a measure of the number of automobile bodies produced in the two countries. In the 4-month period, December 1966 through March 1967, U.S. production of automobile bodies was 8 percent below production during the corresponding months in model year 1964. The data on U.S. imports of automobile bodies produced in Canada show that there have been appreciable imports in model year 1967, and that there were no such imports from Canada in model year 1964.

The Board therefore determines that the economic criteria in section 302(b) of the Act are met.

The Board determines that approximately 1,650 of 1,750 dislocated workers were laid off from the Milwaukee, Wis., plant of American Motors Corp. because of the general decline in automobile sales in model year 1967, and the specific decline in the American Motors Corp. share of the North American market. The Board determines that no factor other than the operation of the Agreement has been the primary factor in causing the dislocation of the balance, approximately 100 workers. In this connection, the Board attaches particular significance to the volume of net imports of American Motors Corp. automobiles from Canada.

Because of the existence of plantwide seniority and because the Brampton expansion affects essentially all assembly operations in the U.S. plants, the Board concludes it is the laid-off workers with highest seniority whose jobs would have been maintained if it were not for the rationalization made possible by the United States-Canadian Automotive Products Agreement. These are the workers who were placed on indefinite layoff between January 9 and January 31, 1967, and whose seniority at the plant dated between April 22 and April 29, 1959. These workers are the ones described in the certification.

(Sec. 302, Auotomotive Products Trade Act of 1965, 79 Stat. 1018, Executive Order 11254, 30 F.R. 13569, the Automotive Agreement Adjustment Assistance Board Regulations, 48 CFR, Part 501; 31 F.R. 827, and Board Order No. 1, 31 F.R. 853)

Dated: June 15, 1967.

Attest:

AUTOMOTIVE AGREEMENT ADJUSTMENT ASSISTANCE BOARD,
EDGAR I. EATON,
Executive Secretary.

[F.R. Doc. 67-7068; Filed, June 22, 1967; 8:45 a.m.]

[APTA No. 7-004]

CERTAIN WORKERS OF AMERICAN MOTORS CORP., KENOSHA, WIS.

Eligibility for Adjustment Assistance

Determinations of the Board. Pursuant to the Automotive Products Trade Act of 1965 (Public Law 89-283, 79 Stat. 1016) the Automotive Agreement Adjustment Assistance Board determines that:

Dislocation of workers at the Kenosha, Wis., plant of American Motors Corp. has occurred.

U.S. production of the automotive product concerned—conventional passenger automobiles—has decreased appreciably (sec. 302(b)(2), Act) and U.S. imports from Canada of the Canadian automotive product concerned have increased appreciably (sec. 302(b)(3)(A), Act).

No factor other than the operation of the United States-Canadian Automotive Products Agreement has been the primary factor in causing the dislocation of the group of workers specified in the Board's certification.

Certification. The Board hereby certifies that workers of the Kenosha, Wis., plant, American Motors Corp., who were laid off for an indefinite period between January 9, and January 30, 1967, and whose effective seniority dates with the company are between March 20, 1960, and September 9, 1960, inclusive, are eligible to apply for adjustment assistance.

Background. A petition for a determination of eligibility to apply for adjustment assistance under the Automotive Products Trade Act of 1965 was filed with the Automotive Agreement Adjustment Assistance Board on February 28, 1967, by the International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (U.A.W.) and its Local No. 72, on behalf of a group of workers at the Kenosha plant of American Motors Corp. (AMC). The petitioners alleged that the transfer of production from the Kenosha plant to the AMC plant in Brampton, Ontario, resulted in extensive layoffs at Kenosha during the January 1965–January 1967 period, including the permanent layoff of approximately 2,300 workers on January 9, 1967. The petitioners further alleged that the layoffs prior to October 1966 were attributable to a decrease in AMC automobile exports to Canada supplied from the Kenosha plant and that the layoffs beginning in October 1966 were caused by increased U.S. imports of automobiles produced in Canada. Both of these developments were attributed to the Automotive Products Trade Act of 1965.

On March 6, 1967, the Automotive Assistance Committee of the Board requested the U.S. Tariff Commission to investigate and report on the facts relating to this petition (32 F.R. 4004, Mar. 11, 1967). No hearing was requested and none was held.

The Commission submitted its report on April 25, 1967 (APTA-W-10). The Commission stated that only certain sections of the report could be made public since much of the information it contains was received in confidence (32 F.R. 6593, Apr. 28, 1967).

Subsequently, the petitioners amended their petition to limit it to those workers laid off for an indefinite period on or after January 9, 1967, and to approximately the 10 percent of the workers with highest seniority laid off on that date (approximately 225 hourly workers). The U.A.W. further stated in the amendment to the petition that, in its opinion, these workers were those who were dislocated as a result of the operation of the United States-Canadian Automotive Products Agreement. On May 10, 1967, in accordance with section 302(f)(2) of the Act, the Automotive Assistance Committee of the Board requested the Commission to furnish additional information on certain specified matters. A supplemental confidential report was submitted to the Board on June 5, 1967.

In addition, the Board obtained advice from the Departments of the Treasury, Commerce, and Labor, and the Small Business Administration under section 302(f)(1) of the Act.

American Motors Corp. and its Kenosha Plant. AMC has two major divisions: Appliance and Automotive. The Automotive Division operates plants in Milwaukee and Kenosha, Wis., and in Brampton, Ontario. AMC produces a total of 26 models in three series of automobiles: The American, the Rebel, and the Ambassador (including the Marlin).

There are two facilities at Kenosha—Main and Lake Front—which are considered a single plant for this determination.

The Main facility is the center of AMC automotive operations, where the company manufactures and assembles engines and some chassis components, assembles bodies for one series of vehicles, and undertakes the final assembly of all the company's domestically produced automobiles. The Lake Front facility is used generally for the assembly of bodies that are produced in small quantities such as convertibles.

The Canadian operations at Brampton include the assembly of engines, bodies, and complete automobiles.

No major changes in the organization of the Brampton operation were undertaken between the date of signing of the United States-Canadian Automotive Products Agreement (January 1965) and the start of the 1967 model year (August 1966). For model year 1967, AMC sharply reduced the number of different models produced at Brampton and thereby improved the efficiency of its operations and increased its effective capacity. Brampton is currently used as the principal source of supply for both the eastern United States and Canadian market requirements for certain AMC automobiles; the balance of the United States

and Canadian markets for these types of automobiles and the entire North American market for all other AMC automobiles is served by Kenosha. The United States-Canadian Automotive Products Agreement was the compelling factor in this rationalization program and the subsequent shifts in trade between the United States and Canada.

Although total North American production of automobiles by AMC has declined annually since the 1963 model year, the percent of its output at Brampton has increased, particularly in model year 1967. During model years 1963–1966, AMC exported less than one-tenth of 1 percent of its U.S. automobile output to Canada and imported no vehicles. In model year 1967 AMC expects to exchange about 15 percent of its North American output between the United States and Canada and projects significant net imports into the United States. The Commission report also indicated that an assembly operation now being performed at the Brampton plant would not be carried out in Canada if the company did not have to meet its commitment regarding Canadian "value-added" requirements.

Conclusions and determinations—Automotive product. The Board concludes that the petitioners were employed in a plant of American Motors Corp. manufacturing an automotive product as defined by the Act: complete passenger automobiles (sec. 302(1)(1), Act).

Dislocation. Dislocation in the case of a group of workers means actual or threatened unemployment or underemployment of a significant number or proportion of the workers of a firm or an appropriate subdivision thereof.

On January 9, 1967, more than 2,200 hourly workers were laid off for an indefinite period from the Kenosha plant. The amended petition alleges that approximately 10 percent of these workers were laid off because of the operation of the United States-Canadian Automotive Products Agreement.

The Tariff Commission report states that workers whose jobs have been eliminated have plantwide "bumping rights" affecting workers with less seniority. Hence, layoffs become plantwide, even if the jobs eliminated involved but one subdivision, or one shift in the plant.

The Board determines that the Kenosha plant is the appropriate subdivision of American Motors Corp. and that a significant number or proportion of the workers thereof have been dislocated (sec. 302(b)(1), Act; § 501.2(i)(2), Board Regulations).

Role of the operation of the agreement. Under section 302(c) of the Act, if there is an appreciable decrease in U.S. production and an appreciable increase in imports from Canada of the automotive product concerned (sec. 302 (b)(2) and (b)(3), Act), the appropriate group of workers must be certified as eligible to apply for adjustment assistance unless the Board determines that the operation of the agreement has not been the primary factor in causing the dislocation.[1]

The Tariff Commission obtained data covering U.S. production and trade in automobiles through February 1967; the Board has supplemented this with production data for March 1967 from the Automobile Manufacturers' Association. In the 4-month period, December 1966 through March 1967, U.S. production of automobiles was 8 percent below production during the corresponding months in model year 1964. The data on U.S. imports of automobiles produced in Canada show that there have been appreciable imports in model year 1967, and that there were no such imports from Canada in model year 1964.

The Board therefore determines that the economic criteria in section 302(b) of the Act are met.

The Board determines that approximately 1,985 of the 2,200 workers were laid off because of the general decline in automobile sales in model year 1967 and the specific decline in the American Motors Corp. share of the North American market. The Board determines that no factor other than the operation of the agreement has been the primary factor in causing the dislocation of the balance, approximately 215 workers. In this connection, the Board attaches particular significance to the volume of net imports of American Motors Corp. automobiles from Canada and the number of workers involved in the assembly operations carried on in Canada to meet part of the company's "value-added" commitment.

Because of the existence of plantwide seniority, and because the Brampton expansion affects essentially all assembly operations in the U.S. plants, the Board concludes it is the laid-off workers with highest seniority whose jobs would have been maintained if it were not for the rationalization made possible by the United States-Canadian Automotive Products Agreement. These are the workers who were placed on indefinite layoff between January 9, and January 30, 1967 and whose seniority at the plant began between March 20, and September 9, 1960, inclusive. These workers are the ones described in the certification.

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[1] "For purposes of determining whether the changes specified in sec. 302(b) have taken place, it is necessary to determine both a current period and a base period. It is believed that 3 to 4 recent consecutive months would usually be representative of the current period, and that the base period should be the model year 1964, except in cases where this year is considered to be a typical one.

"With respect to the term 'appreciably' in sec. 302(b), a change of 5 percent in production, imports, or exports would normally be an appreciable one * * *."

House Report No. 537 (Committee on Ways and Means), 89th Cong., 1st sess., on H.R. 9042, pp. 21–22.

(Sec. 302, Automotive Products Trade Act of 1965, 79 Stat. 1018, Executive Order 11254, 30 F.R. 13569, the Automotive Agreement Adjustment Assistance Board Regulations, 48 CFR, Part 501; 31 F.R. 827, and Board Order No. 1, 31 F.R. 853)

Dated: June 15, 1967.

Attest:

AUTOMOTIVE AGREEMENT ADJUSTMENT ASSISTANCE BOARD,
EDGAR I. EATON,
Executive Secretary.

[F.R. Doc. 67-7069; Filed, June 22, 1967; 8:46 a.m.]

[APTA No. 7-006]

CERTAIN WORKERS OF CHRYSLER CORP., JEFFERSON PLANT, DETROIT, MICH.

Eligibility for Adjustment Assistance

Determinations of the Board. Pursuant to the Automotive Products Trade Act of 1965 (Public Law 89–283; 79 Stat. 1016) the Automotive Agreement Adjustment Assistance Board determines that:

Dislocation of workers of the Jefferson plant, Chrysler Corp., Detroit, Mich., has occurred.

U.S. production of the automotive product concerned—complete passenger automobiles—has decreased appreciably (sec. 302(b)(2), Act), and U.S. imports from Canada of the Canadian automotive product concerned have increased appreciably (sec. 302(b)(3)(A), Act).

No factor other than the operation of the United States-Canadian Automotive Products Agreement has been the primary factor in causing the dislocation of the group of workers specified in the Board's certification.

Certification. The Board hereby certifies that workers of the Jefferson plant, Chrysler Corp., Detroit, Mich., who became unemployed or underemployed on January 13, 1967, and whose seniority dates with the company are prior to January 1, 1966, are eligible to apply for adjustment assistance.

Background. A petition—APTA No. 7–006—for a determination of eligibility to apply for adjustment assistance under the Automotive Products Trade Act was filed with the Automotive Agreement Adjustment Assistance Board on March 3, 1967, by the International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (U.A.W.), and its Local 7 of Detroit, Mich., on behalf of a group of workers at the Jefferson plant (Detroit, Mich.) of the Chrysler Corp. The petition stated that the assembly of Dodge Polara and Monaco automobiles was discontinued at the Jefferson plant beginning with model year 1967 which resulted in the Windsor, Ontario, plant obtaining a much larger share of the total production of these Dodge automobiles. The

petition further alleged that the United States-Canadian Automotive Products Agreement was the cause of this shift from the Jefferson to the Windsor plant and that the shift subsequently led to the layoff of 1,038 workers at the Jefferson plant in January 1967. The petition was later modified by the union to exclude about 660 employees who did not have 6 months' experience with the plant and hence were not eligible for adjustment assistance.

On March 9, 1967, the U.S. Tariff Commission, in response to a request from the Automotive Assistance Committee of the Board, instituted an investigation of the facts relating to this petition (32 F.R. 4038, Mar. 14, 1967). A public hearing was not requested by any interested party and none was held.

The Tariff Commission submitted its report on April 27, 1967 (APTA–W–11). The Commission stated that only certain sections of the report could be made public since much of the data it contains were received in confidence (32 F.R. 6749, May 2, 1967). On May 12, 1967, in accordance with section 302(f)(2) of the Act, the Automotive Assistance Committee of the Board requested the Commission to furnish additional information on certain specified matters. A supplemental confidential report was submitted to the Board on June 6, 1967.

The Board also obtained advice from the Departments of the Treasury, Commerce, Labor, and the Small Business Administration under section 302(f)(1) of the Act.

The Chrysler Corp. The Chrysler Corp. and its three automotive divisions—Chrysler, Dodge, and Plymouth—produces 12 different car lines. In North America, the corporation assembles passenger cars at eight plants, seven in the United States and one at Windsor, Ontario. In order to increase operating efficiency in model year 1967, Chrysler changed the location of certain car line assembly operations. In model year 1966, the Jefferson plant produced three different car lines, including the Dodge Polara/Monaco, which accounted for about 25 percent of the plant's production, and the Windsor plant produced four car lines. In model year 1967, Polara/Monaco was shifted to Windsor, leaving Jefferson with only Chrysler and Imperial; Polara/Monaco and the Plymouth Fury are now assembled at Windsor. Over half the production of each car line at Windsor has been exported to the United States during the current model year. This rationalization and the subsequent shifts in trade between the United States and Canada by the Chrysler Corp. were made possible by the United States-Canadian Automotive Products Agreement.

For several years Chrysler Corp. has been gaining an increasing share of both the domestic and Canadian markets. Although the company is experiencing production declines along with the rest of the industry this year, it has increased its current share of U.S. output from 16.5 percent in model year 1966 to 17.5 percent. In Canada, its share has risen from 24.9 percent in model year 1966 to 29.5 percent thus far this year.

Since the agreement has been in effect, Chrysler has become a net importer of automobiles from Canada.

Conclusions and determinations—Automotive product. The Board concludes that the petitioners were employed in a plant of the Chrysler Corp. manufacturing an automotive product as defined by the Act: complete passenger automobiles (sec. 302(1)(1), Act).

Dislocation. Dislocation in the case of a group of workers means actual or threatened unemployment or underemployment of a significant number or proportion of the workers of a firm or an appropriate subdivision thereof.

On January 13, 1967, there was a layoff of 1,064 employees from the Jefferson plant of the Chrysler Corp.

Information provided by the Tariff Commission indicates that the entire Jefferson plant is the appropriate subdivision of the Chrysler Corp. No workers could be assigned to individual types of cars in either 1966 or 1967 model years.

The Board determines that the Chrysler Corp.'s Jefferson plant, Detroit, Mich., is the appropriate subdivision and that a significant number or proportion of the workers thereof have been dislocated (sec. 302(b)(1), Act; § 501.2(l)(2), Board Regulations).

Role of the operation of the agreement. Under section 302(c) of the Act, if there is an appreciable decrease in U.S. production and appreciable increase in imports from Canada of the automotive product concerned (sec. 302(b)(3), Act), the appropriate group of workers must be certified as eligible to apply for adjustment assistance unless the Board determines that the operation of the agreement has not been the primary factor in causing the dislocation.[1]

The Tariff Commission obtained data covering U.S. production and trade with Canada in automobiles. In the 4-month period, January–April 1967, production of automobiles was 13.7 percent below production during the corresponding months in model year 1964. The data on U.S. imports of automobiles produced in Canada show that there have been appreciable imports in model year 1967, and that there were no such imports from Canada in model year 1964.

The Board therefore determines that the economic criteria in section 302(b) of the Act are met.

The Board took into consideration the general decline in automobile sales, the reallocation by car lines among Chrysler plants, the fact the Dodge Polara/Monaco output accounted for about 25 percent of Jefferson production in model year 1966, the increase in net imports of Chrysler-made vehicles from Canada, the increase in employment at Windsor, and the declines in employment at Jefferson and at other Chrysler plants.

The Board determines that the primary factor in the dislocation of approximately 800 of the 1,064 workers laid off on January 13, 1967, was the decline in sales of Chrysler and Imperial automobiles. The Board further notes that many of these workers were not hired until model year 1967, and therefore could not have been dislocated as a result of the transfer of Polara/Monaco from Jefferson to Canada.

The Board determines that, with respect to approximately 265 workers from the Jefferson plant, Detroit, Mich., no factor other than the operation of the United States-Canadian Automotive Products Agreement has been the primary factor in causing their dislocation. These are the workers who were placed on indefinite layoff on January 13, 1967, and whose seniority dates with the company are prior to January 1, 1966.

(Sec. 302, Automotive Products Trade Act of 1965, 79 Stat. 1018, Executive Order 11254, 30 F.R. 13569, the Automotive Agreement Adjustment Assistance Board Regulations, 48 CFR, Part 501; 31 F.R. 827; and Board Order No. 1, 31 F.R. 853.)

Dated: June 16, 1967.

Attest:

AUTOMOTIVE AGREEMENT ADJUSTMENT, ASSISTANCE BOARD,
EDGAR I. EATON,
Executive Secretary.

[F.R. Doc. 67–7070; Filed, June 22, 1967; 8:46 a.m.]

[1] "For purposes of determining whether the changes specified in sec. 302(b) have taken place, it is necessary to determine both a current period and a base period. It is believed that 3 to 4 recent consecutive months would usually be representative of the current period, and that the base period should be the model year 1964, except in cases where this year is considered to be an atypical one.

"With respect to the term 'appreciably' in sec. 302(b), a change of 5 percent in production, imports, or exports would normally be an appreciable one * * *."

House Report No. 537 (Committee on Ways and Means), 89th Cong., 1st sess., on H.R. 9042, pp. 21–22.

CIVIL AERONAUTICS BOARD

[Docket No. 18592]

TRANSGLOBE AIRWAYS, LTD., AND SEABOARD WORLD AIRLINES, INC.

Notice of Proposed Approval

Application of Transglobe Airways, Ltd., and Seaboard World Airlines, Inc., for approval of lease of aircraft, Docket No. 18592.

Notice is hereby given, pursuant to the statutory requirements of section 408(b), that the undersigned intends to issue the order set forth below under delegated authority. Interested parties are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., June 20, 1967.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER APPROVING LEASE AGREEMENT

Issued under delegated authority.

Joint application of Transglobe Airways, Ltd., and Seaboard World Airlines, Inc., Docket 18592; for approval pursuant to section 408(b) of the Federal Aviation Act of 1958, as amended, of a lease of aircraft.

By application filed May 26, 1967, Transglobe Airways, Ltd. (Transglobe) and Seaboard World Airlines, Inc. (Seaboard), request that the Board approve pursuant to section 408(b) of the Federal Aviation Act of 1958, as amended (the Act), a lease agreement with an option to purchase six CL-44 aircraft and related spare parts.[1] Transglobe is a United Kingdom Charter Operator engaging in charter operations under a foreign air carrier permit issued by the Board.[2]

Under the Lease Agreement the aircraft, including related spare parts, are being leased to Transglobe by Seaboard at a total cost of approximately $17 million, for a period commencing with the Board's approval of the present application and ending on August 31, 1972. The delivery of the CL-44 aircraft to Transglobe will be on a scheduled basis during the period March 1, 1968, through March 1, 1969. Transglobe may exercise its option by serving 30 days written notice at any time prior to September 30, 1970; however regardless of when notice is served the effective date of purchase will be September 1, 1970, and the purchase price for the aircraft and spare parts will be $6,431,428.[3]

The application states that the lease to Transglobe is a part of Seaboard's overall reequipment and fleet modernization program since Seaboard will be acquiring up to 12 modern pure jet aircraft before, during, and subsequent to its delivery of the six CL-44 aircraft to Transglobe. A schedule of delivery dates, number and type of aircraft, and party to whom delivery will be made follows:

Date	Aircraft to be delivered to Transglobe	Aircraft to be acquired by Seaboard World
August 1967		1 DC-8F-55.
February 1968		1 B-707-345C.
March 1968	1 CL-44	1 B-707-345C.
May 1968	2 CL-44's	1 B-707-345C.
July 1968		1 DC-8-63F.
September 1968		1 DC-8-63F.
November 1968		1 DC-8-63F.
December 1968	1 CL-44	
January 1969		1 DC-8-63F.
January 1969		1 DC-8-63F.[1]
February 1969	1 CL-44	1 DC-8-63F.[1]
March 1969	1 CL-44	2 DC-8-63F.[1]

[1] On option.

It is contended in the application that the transaction was negotiated by arm's-length bargaining and is considered by the parties to be fair and reasonable and would not be found to be inconsistent with the public interest.

No adverse comments or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the foregoing, we conclude that the lease transaction is subject to section 408 of the Act in that it involves the lease by a person engaged in a phase of aeronautics of a substantial part of the properties of an air carrier within the meaning of that section. We have reviewed the matter, however, and conclude that the lease does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, and does not tend to restrain competition. Furthermore, no person disclosing a substantial interest is currently requesting a hearing and we conclude that no hearing is required.

We also conclude that the agreement will not result in any impairment of Seaboard's ability to meet its certificate obligations. The CL-44's are being replaced by larger and more modern equipment which will increase the capacity Seaboard can offer the shipping public. Moreover, during the period the CL-44's are being turned over to Transglobe, Seaboard will be acquiring new and larger replacement aircraft. Thus, at no time will Seaboard's available capacity be diminished because of the leasing of the CL-44's. It therefore appears that approval of the transaction would not be inconsistent with the public interest.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the above-described transaction should be approved under section 408(b) of the Act without a hearing.

This action will not constitute a finding as to the reasonableness of the transaction for rate-making purposes nor will it constitute a finding as to the appropriateness of the reporting of this transaction as provided for in Part 241 of the Board's Economic Regulations.

Accordingly, it is ordered:

1. That the transaction between Transglobe and Seaboard be and it hereby is approved under section 408 of the Act;

2. That this action shall not be deemed an approval for rate-making purposes of the financial provisions of the transaction;

3. That this action shall not be deemed an approval for Part 241 reporting purposes of the financial consequences of the transaction; and

4. That this order may be amended or revoked at any time in the discretion of the Board without hearing.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

By: A. M. Andrews,
Director,
Bureau of Operating Rights.

HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-7101; Filed, June 22, 1967; 8:48 a.m.]

[1] The lease agreement was entered into on Apr. 20, 1967 subject to Board approval.

[2] Order E-23730, approved by the President on May 23, 1966.

[3] The purchase price is equal to the balance due on the lease as at Sept. 1, 1970.

[Docket No. 16236; Order E-25314]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board, at its office in Washington, D.C., on the 19th day of June 1967.

Agreement adopted by Joint Conferences 1-2, 3-1, and 1-2-3 of the International Air Transport Association relating to specific commodity rates; Docket 16236, Agreement CAB 19276, R-29 through R-36.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conferences 1-2, 3-1, and 1-2-3 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated June 7, 1967,[1] as set forth in the attachment hereto,[2] (1) names rates under new commodity descriptions, (2) names additional rates under existing commodity descriptions, and (3) cancels one specific commodity rate. The new rates reflect reductions ranging from 24.7 to 50.2 percent and are consistent with the present level of specific commodity rates within the applicable areas.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act: *Provided,* That approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Agreement CAB 19276, R-29 through R-36, be approved, provided approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 67-7102; Filed, June 22, 1967; 8:48 a.m.]

[1] Received in the Board June 9, 1967.

[2] Attachment filed as part of original document.

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 621]

NEBRASKA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of June 1967, because of the effects of certain disasters, damage resulted to residences and business property located in the State of Nebraska;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in those counties through which Route 183 passes and all counties east thereof in the State of Nebraska, and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions beginning on or about June 4, 1967, and continuing thereafter.

OFFICE

Small Business Administration Regional Office, 215 North 17th Street, Omaha, Nebr. 68102.

2. Temporary offices will be established at such other areas as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to December 31, 1967.

Dated: June 16, 1967.

ROBERT C. MOOT,
Deputy Administrator.

[F.R. Doc. 67-7071; Filed, June 22, 1967; 8:46 a.m.]

CIVIL SERVICE COMMISSION

CHIEF, DIVISION OF INTERNATIONAL REHABILITATION ACTIVITIES, DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Manpower Shortage; Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found, effective June 9, 1967, that there is a manpower shortage for the position of Chief, Division of International Rehabilitation Activities, GS-102-15, Vocational Rehabilitation Administration, Department of Health, Education, and Welfare, Washington, D.C. This finding will terminate when the position is filled.

The appointee to this position may be paid for the expense of travel and transportation to the first post of duty.

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

[F.R. Doc. 67-7091; Filed, June 22, 1967; 8:48 a.m.]

CARTOGRAPHERS AND PHYSICAL SCIENTISTS IN CERTAIN AREAS

Notice of Adjustment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has increased the minimum salary rates and rate ranges for the following positions:

a. Cartographer, GS-1370, in grades GS-5 through 11, in the St. Louis, Mo. Metropolitan Area, and the Washington, D.C., Metropolitan Area.

b. Physical Scientist, GS-1301, in grades GS-7 through 11 at the Air Force Aeronautical Chart and Information Center in the St. Louis, Mo., Metropolitan Area. (Incumbents of these positions perform professional work in cartography in combination with professional work in at least one other recognized scientific occupation, such as geodesy. Such positions are normally filled by reassignment from positions of cartographer.)

The new rate ranges are as follows:

PER ANNUM RATES

Grade	[1] 1	2	3	4	5	6	7	8	9	10
GS-5	$6,387	$6,563	$6,739	$6,915	$7,091	$7,267	$7,443	$7,619	$7,795	$7,971
GS-6	7,055	7,253	7,451	7,649	7,847	8,045	8,243	8,441	8,639	8,837
GS-7	7,729	7,942	8,155	8,368	8,581	8,794	9,007	9,220	9,433	9,646
GS-8	8,006	8,243	8,478	8,713	8,948	9,183	9,418	9,653	9,888	10,123
GS-9	8,479	8,740	9,001	9,262	9,523	9,784	10,045	10,306	10,567	10,828
GS-10	8,997	9,285	9,573	9,861	10,149	10,437	10,725	11,013	11,301	11,589
GS-11	9,536	9,851	10,166	10,481	10,796	11,111	11,426	11,741	12,056	12,371

[1] Corresponding statutory rate: GS-5—Seventh; GS-6—Seventh; GS-7—Seventh; GS-8—Fifth; GS-9—Fourth; GS-10—Third; GS-11—Second.

Geographic coverage as indicated above.

The effective date is the first day of the first pay period beginning on or after June 18, 1967.

All new employees in the specified occupation will be hired at the new minimum rate.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupation. An employee who immediately prior to the effective date was receiving basic compensation at one of the rates of the statutory rate range shall receive compensation at the corresponding numbered rate authorized by this notice on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

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

[F.R. Doc. 67-7092; Filed, June 22, 1967; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17457]

AMERICAN TELEPHONE AND TELEGRAPH CO. AND WESTERN UNION TELEGRAPH CO.

Procedural Dates; Correction

In the matter of TELPAK tariff sharing provisions of American Telephone and Telegraph Co. and The Western Union Telegraph Co.

It is ordered, That the date of "August 11" in the last sentence of subparagraph (a) in the order after prehearing conference released June 14, 1967 (FCC 67M-982), should read "August 21".

Issued: June 19, 1967.

Released: June 19, 1967.

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

[F.R. Doc. 67-7103; Filed, June 22, 1967; 8:48 a.m.]

[Docket No. 15461, etc.; FCC 67-687]

CHAPMAN RADIO AND TELEVISION CO. ET AL.

Order Revising Issue

In re applications of William A. Chapman and George K. Chapman doing business as Chapman Radio and Television Co., Homewood, Ala., Docket No. 15461, File No. BPCT-3282; Alabama Television, Inc., Birmingham, Ala., Docket No. 16760, File No. BPCT-3706; Birmingham Broadcasting Co., Birmingham, Ala., Docket No. 16761, File No. BPCT-3707; for construction permit for new television broadcast station; Birmingham Television Corp. (WBMG), Birmingham, Ala., Docket No. 16758, File No. BPCT-3663; for modification of construction permit.

1. Before the Commission for consideration are: (1) The Commission's memorandum opinion and order, FCC 67-636, released May 31, 1967; (2) a motion filed June 6, 1967, on behalf of Albert Philipson and Richard K. Lyon

for modification of an issue; (3) the opposition of the Broadcast Bureau filed June 9, 1967; and (4) the opposition of the law firm of Putbrese and Fisher filed June 12, 1967.

2. From our review of the pleadings submitted, we are persuaded that the first issue which was added by the Commission's May 31, 1967, order should be revised.

3. *Accordingly, it is ordered*, That Issue (1) added by the Commission's memorandum opinion and order, FCC 67-636, released May 31, 1967, Is revised to read as follows:

(1) To determine whether any individual associated with the law firm of Philipson, Lyon and Chase engaged in any conduct or committed any acts in connection with this docketed proceeding which requires the disqualification of such individual from appearing as counsel for an applicant in this proceeding, or which requires the disqualification of the law firm of Philipson, Lyon, Nellis and Mallios from so appearing.

4. *It is further ordered*, That the motion filed June 6, 1967, on behalf of Albert Philipson and Richard K. Lyon Is granted to the extent set forth above, but in all other respects Is denied.

Adopted: June 14, 1967.

Released: June 20, 1967.

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

[F.R. Doc. 67-7104; Filed, June 22, 1967; 8:49 a.m.]

[Docket Nos. 17058-17060; FCC 67-683]

FINE MUSIC, INC. (WFMI), ET AL.

Memorandum Opinion and Order Deleting Issue

In re applications of Fine Music, Inc. (WFMI), Montgomery, Ala., Docket No. 17058, File No. BP-16502; Tennessee Valley Broadcasting Co., Inc., Huntsville, Ala., Docket No. 17059, File No. BP-16609; Rocket City Broadcasting Co., Inc., Huntsville, Ala., Docket No. 17060, File No. BP-16721; for standard broadcast construction permits.

1. The Commission has before it for consideration: (a) An application for review of the Review Board's memorandum opinion and order herein (FCC 67R-81, released Mar. 14, 1967), filed March 21, 1967, by Tennessee Valley Broadcasting Co., Inc.; (b) oppositions thereto filed on April 7, 1967, by Rocket City Broadcasting Co., Inc., and the Chief, Broadcast Bureau; and (c) the reply, filed April 17, 1967, by Tennessee Valley Broadcasting Co., Inc., to such oppositions.

2. The application for review is directed to that portion of the Review Board's action of March 14, 1967 which added the following issue:

9. To determine whether the principals of Tennessee Valley Broadcasting Co., Inc., have engaged in conduct prohibited by § 1.1227(e) of the Commission's rules and, if so, what effect such conduct has on Tennessee Valley's qualifications.

Section 1.1227(e) provides that an ex parte "request for information solely with respect to the status of a restricted proceeding" is not prohibited, but that, "Interested persons * * * are prohibited from * * * soliciting ex parte status inquiries."

3. We think it important to set out the underlying reason and purpose for the above rule. A status inquiry is a request for information concerning the current status of a proceeding and may include a request for background information, inquiry concerning the next procedural step, the time at which a change in status may reasonably be expected, the time at which final action may reasonably be expected, and other like matters. Parties to Commission proceedings are entitled under § 1.1227(e) of the rules to make inquiries of this nature on an ex parte basis to any member or employee of the Commission. When such inquiries are made, every effort is made to furnish the information requested. This being the case, there is no apparent need for a party to ask another person to make such an inquiry on his behalf. Were a party to request prominent persons to make such inquiries, other parties might reasonably inquire whether the purpose of the inquiry is to obtain information or to inform the Commission that prominent persons are taking an interest in a particular application. To the extent that such doubts are raised, public confidence in the fairness of Commission proceedings is undermined. The Commission therefore concluded that parties should be prohibited from soliciting status inquiries from others on their behalf.

4. The foregoing deals with a party's solicitation of status inquiries, and rests upon the foundation that no legitimate purpose is served by such solicitation. But an inquiry or complaint directed to administrative delay stands on a different footing. Congressional committees have long had oversight in this area, and the question of administrative delay is well established as a proper subject of communication between a party and a Congressman and between a Congressman and the Commission. The ex parte rules are not designed, and could not properly be designed, to shield the Commission from such complaints, except as the time of action may affect the merits or outcome of a restricted proceeding.[1]

Of course, all such complaints and inquiries are placed in a public file associated with the docket.

5. With this as background, we turn to the facts of this case. The Board's action was based on three letters addressed to the Chairman of the Commission by Congressman Robert E. Jones, who represents the 8th Congressional District, Huntsville, Ala. The letters of August 18, and September 30, 1966, request information concerning the status of the Tennessee Valley application. The letter of October 18, 1966, is not a status inquiry but, to the contrary, constitutes a demand for immediate action upon the Tennessee Valley application.

6. Tennessee Valley's original application was filed on February 15, 1965. In affidavits submitted to the Commission by Congressman Jones and by Charles W. Anderson and Tom G. Thrasher, principals of Tennessee Valley, it is acknowledged that solicitations by Anderson and Thrasher motivated Congressman Jones to send the letters in question. The affidavits state that Anderson and Thrasher were concerned by the length of time that the application had been on file with the FCC without action, that their concern was shared by Congressman Jones, and that the purpose of the principals and of the Congressman was to urge that some action be taken. These statements receive support from the demand for immediate action made by Congressman Jones in his letter of October 18, 1966, and are consistent with the particular time frame here involved.[2]

7. In short, the letter of October 18, 1966, was not barred by our ex parte rules, since it was reasonably directed to the factor of administrative delay; nor, in the context of this case and the motives of Anderson and Thrasher in asking Congressman Jones to communicate with the Commission in August and September of 1966, does it appear, on the basis of the materials before us, that they have sought to engage in activities which § 1.1227(e) is intended to prohibit.

8. In view of the foregoing, the application for review is granted and the Review Board's order (FCC 67R-81, Mar. 14, 1967) is reversed, insofar as it adds Issue 9 as set forth in paragraph 2 of this opinion.

Adopted: June 14, 1967.

Released: June 20, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-7105; Filed, June 22, 1967; 8:49 a.m.]

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[1] Commissisoner Cox not participating; Commissioner Wadsworth absent.

[1] We would point out, however, that there must be some reasonable basis for the complaint or inquiry concerning delay. To state the obvious, a party could not file an application and, the next week or next month, solicit his Congressman to complain about "delay". Such a complaint would appear to have the same purpose as the status request discussed in par. 3, and would be dealt with accordingly.

[2] The application was the subject of a major amendment on June 13, 1966. While this amendment is germane to the delay issue, it does not render unreasonable a general complaint as to delay in these circumstances (i.e., as to an application filed originally in February 1965).

[3] Commissioner Cox dissenting; Commissioner Wadsworth absent; Commissioner Johnson not participating.

[Docket No. 17209; FCC 67R-242]

SALTER BROADCASTING CO. (WBEL) ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Salter Broadcasting Co. (WBEL), South Beloit, Ill., et al., Docket No. 17209, File No. BMP-11646; 17210, 17211, 17212, 17213, 17214, 17215, 17217, 17219; for construction permits.

1. This proceeding involves the application of Salter Broadcasting Co. (Salter), for improvement of its existing Station WBEL, South Beloit, Ill., and nine other applications for authority to construct a new standard broadcast station in St. Louis, Mo. By memorandum opinion and order (FCC 67-225) released February 21, 1967, the Commission designated the mutually exclusive applications for consolidated hearing on issues including, inter alia, a section 307(b) issue and a contingent standard comparative issue.

2. Presently before the Board is the interlocutory request of Prudential Broadcasting Co. (Prudential), seeking expansion of the contingent comparative issue so as to permit inquiry into (a) the proposed programing of the applicants, and (b) their respective efforts to ascertain the needs and interests of the community to be served.[1] In support of its request for a comparative programing issue, Prudential, through the affidavit of its president, William C. O'Donnell, alleges that its surveys of the St. Louis area revealed a need for: (a) More religious programing throughout the broadcast day (as contrasted to a concentration on Sunday mornings); (b) additional coverage of local and national affairs through discussion programs at better time periods; (c) a regularly scheduled program directed toward young people and their problems; (d) more attention to community affairs of the St. Louis suburbs; and (e) play-by-play coverage of local sporting events. According to Prudential, these needs are not presently being met (or being met in an adequate manner) by existing stations. Prudential also contends that "a review of the program proposals of the other applicants in this proceeding indicates, relatively, a lack of any specific programing directed toward these needs", and that the programs upon which it relies to meet such needs constitute a showing of substantial differences between its programing proposal and those of the other applicants.

3. In support of its request for a comparison of the applicants' efforts to ascertain the needs and interests of the proposed service areas, Prudential alleges that it sent questionnaires to 1,554 persons believed to represent a cross section of the proposed service area; that it conducted a telephone survey consisting of 934 calls (of which 391 were completed); that its survey included over 500 personal and telephone interviews with community leaders; and that the results of its ascertainment efforts were presented to a "Permanent Program Advisory Committee" for the purpose of obtaining suggestions before the program schedule was prepared.[2]

4. Archway and the Broadcast Bureau oppose addition of the requested issues and cite as their reason a failure on the part of Prudential to demonstrate any differences between its program proposal and need ascertainment procedures, and the programing and procedures of the other applicants. In reply Prudential argues that "since most of the other applicants have made no disclosure whatever of their programing proposals, it is impossible for Prudential to show that its survey and program proposals are substantially superior to them * * *."

5. Prudential's petition represents the second occasion on which the Board has been requested to add a comparative programing issue in this proceeding. The Board's denial of the request, filed by Great River Broadcasting, Inc. (Great River), was premised upon the petitioner's failure to make any attempt "to show substantial differences between its and the other applicants' proposed programing or to compare the applicants' programing proposals in any way."[3] The request presently under consideration contains the same basic deficiency, i.e., nowhere in its pleading did Prudential even attempt to compare its proposal with those of the other applicants.[4] The argument that such a comparison is impossible was considered and rejected by the Board in connection with Great River's request; and it overlooks the fact that the application form used here requires (as a minimum) that each applicant furnish a percentage breakdown of program categories and types, a proposed weekly schedule, and certain other program information. This argument also ignores the detailed descriptions of proposed programs set forth in pleadings filed by certain applicants in response to the subject petition and the petition filed by Great River.[5] Moreover, an examination of these various showings reveals that those areas of programing for which Prudential has determined there is an unfulfilled need have also been taken into account by these other applicants.[6] Prudential's request for an issue to compare the applicants' proposed programing will therefore be denied.

6. In Chapman Radio and Television Co., FCC 67-234, 7 FCC 2d 213, the Commission held that where there appears to be a significant disparity among applicants in efforts to ascertain community needs, an issue inquiring into comparative efforts is warranted. Prudential's efforts, as documented in the subject petition, have been extensive and thorough; and its argument with respect to the difficulties of alleging facts pertaining to the efforts made by the other applicants to ascertain needs is persuasive. The application form used here, as pointed out by Prudential, contains no requirement for supplying information in this regard, and most of the applicants did not in fact specify what steps were taken to determine the needs and interests of their proposed service areas. In addition, while pleadings relating to the instant request and Great River's request reveal that surveys were made by some of the applicants, the information is not sufficiently detailed as to the methods employed, the number of contacts made, or the results obtained to offset Prudential's contention that a significant difference in efforts exists.[7] An issue inquiring into comparative efforts will therefore be added.

Accordingly, it is ordered, That the petition to enlarge issues, filed on March 13, 1967, by Prudential Broadcasting Co. is granted to the extent indicated below, and denied in all other respects; and

It is further ordered, That the issues in this proceeding are enlarged by the addition of the following issue:

To determine on a comparative basis the significant differences between the applicants with respect to the efforts made by each applicant to ascertain the needs and interests of the community and area each proposes to serve.

Adopted: June 12, 1967.

Released: June 20, 1967.

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

[F.R. Doc. 67-7106; Filed, June 22, 1967; 8:49 a.m.]

[1] The following pleadings are before the Board: (a) Petition to enlarge issues, filed Mar. 13, 1967, by Prudential; (b) opposition, filed Apr. 5, 1967, by the Broadcast Bureau; (c) response to petition to enlarge issues, filed Apr. 13, 1967, by Archway Broadcasting Co. (Archway); (d) reply, filed Apr. 25, 1967, by Prudential; and (e) statement in support of petitions to add programing issues, filed Apr. 13, 1967, by Home State Broadcasting Corp.

[2] Prudential states that its Program Advisory Committee consists of 21 civic leaders who have been invited to remain as a permanent advisory panel in the event its application is granted.

[3] Salter Broadcasting Co. (WBEL), FCC 67R-196, released May 12, 1967.

[4] We do not regard the general allegation in Prudential's petition that there are substantial differences (see par. 2, supra) as constituting such a comparison.

[5] Thus, in addition to its own proposal, Prudential has had the opportunity to review program descriptions submitted in pleadings by Home State Broadcasting Corp., Archway, and Great River.

[6] For example, other than play-by-play coverage of local sporting events, most of the programing needs found to exist by Prudential (religious programs conducted at times other than Sunday morning; teenage programs; news programs on current affairs and discussion of local and national subjects; women's programs; educational programs; and programs directed toward suburbs) are encompassed within the program proposals of both Great River, and Archway.

[7] For example, Archway, in its responsive pleading, states that a multiplicity of contacts were made with community leaders in various areas. However, the number of contacts, methods of contacts, and results are not specified.

[Docket No. 17137; FCC 67-689]

WESTERN UNION TELEGRAPH CO.

Order Terminating Proceeding

In the matter of section 14.2 of Tariff FCC No. 237 of The Western Union Telegraph Co. applicable to AUTODIN service, Docket No. 17137.

1. The Commission has before it a Joint Motion filed by the Department of Defense (DOD) and The Western Union Telegraph Co. (Western Union) requesting that the above-entitled proceeding be terminated and dismissed.

2. The proceeding herein was initiated by an order adopted January 25, 1967, whereby the Commission instituted an investigation into the lawfulness of the above-captioned provisions in Western Union's Tariff FCC No. 237 that impose certain restrictions on the connection of customer-provided station equipment to Western Union's facilities used by it to furnish AUTODIN service to the U.S. Government, 6 FCC 2d. 509. DOD had filed a petition challenging the validity of such restrictions.

3. On May 16, 1967, Western Union filed tariff revisions effective June 20, 1967, which remove the restrictions complained of by DOD. The Joint Motion states that the tariff revisions are satisfactory to both parties and that no issues remain to be resolved.

4. The Commission is of the view that the Joint Motion should be granted and that the proceeding herein should be terminated. Our action herein is not to be construed as either approving or disapproving the present or proposed tariff provisions involved herein.

5. *Accordingly, it is ordered,* That the Joint Motion is granted and the proceeding in Docket No. 17137 is terminated.

Adopted: June 14, 1967.

Released: June 20, 1967.

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

[F.R. Doc. 67-7107; Filed, June 22, 1967; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 1070]

ADELINO J. VAZQUEZ

Revocation of License

Whereas, by order to show cause served June 9, 1967, the Federal Maritime Commission ordered that Adelino J. Vazquez, 77 Ferry Street, Newark, N.J. 07105, on or before June 14, 1967, either (1) submit a valid bond effective on or before June 18, 1967, or (2) show cause in writing or request a hearing to show cause why his license should not be suspended or revoked pursuant to section 44(d), Shipping Act, 1916 (46 U.S.C. 841(b)); and

Whereas, Adelino J. Vazquez has failed within the time allotted to comply with the Commission's order to show cause.

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in its order to show cause served June 9, 1967:

It is ordered, That the independent ocean freight forwarder license of Adelino J. Vazquez be and is hereby revoked, effective 12:01 a.m., June 18, 1967.

It is further ordered, That Adelino J. Vazquez return Independent Ocean Freight Forwarder License No. 1070 to the Commission for cancellation.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on licensee.

JAMES E. MAZURE,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 67-7095; Filed, June 22, 1967; 8:48 a.m.]

[Independent Ocean Freight Forwarder License 1010]

TRANS ATLANTIC SHIPPING CO., LTD.

Order To Show Cause

On May 29, 1967, the Boston Insurance Co. notified the Commission that the surety bond filed pursuant to section 44(c), Shipping Act, 1916 (46 U.S.C. 841b) by Trans Atlantic Shipping Co., 52 Broadway, New York, N.Y. 10006, would be canceled effective June 28, 1967.

Section 44(c) of the Shipping Act, 1916 (46 U.S.C. 841b) and § 510.5(f) of General Order 4 (46 CFR) provide that no license shall remain in force unless such forwarder shall have furnished a bond.

Section 44(d) of the Shipping Act, 1916 (46 U.S.C. 841b) provides that licenses may, after notice and hearing, be suspended or revoked for willful failure to comply with any provision of the Act, or with any lawful rule of the Commission promulgated thereunder.

Now, therefore, by virtue of authority vested in me by the Federal Maritime Commission, as set forth in Manual of Orders, Commission Order 201.1 (revised) section 6.03:

It is ordered, That Trans Atlantic Shipping Co., Ltd., on or before June 23, 1967, either (1) submit a valid bond effective on or before June 28, 1967, or (2) show cause in writing or request a hearing to be held at 10 a.m., on June 26, 1967, in Room 505, Federal Maritime Commission, 1321 H Street NW., Washington, D.C. 20573, to show cause why its license should not be suspended or revoked pursuant to section 44(d), Shipping Act, 1916.

It is further ordered, That License No. 1010 be forthwith revoked if the licensee fails to comply with this order.

It is further ordered, That a copy of this order to show cause and all subsequent orders in this matter be served upon the licensee and be published in the FEDERAL REGISTER.

JAMES E. MAZURE,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 67-7096; Filed, June 22, 1967; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 595 (31 F.R. 12981) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as indicated.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Aalfs Manufacturing Co., Storm Lake, Iowa; 6-5-67 to 6-4-68; 10 learners (boys' jeans).

Angelica Uniform Co., Winfield, Mo.; 6-5-67 to 6-4-68; 10 learners (men's washable service uniforms).

Barad Lingerie Co., Salem, Mo.; 6-2-67 to 6-1-68 (ladies' cotton sleepwear).

Blue Bell, Inc., Seminole, Okla.; 5-17-67 to 5-16-68 (men's dungarees).

Carwood Manufacturing Co., Cornelia, Ga.; 5-26-67 to 5-25-68 (sport shirts, work shirts, and western shirts).

Decaturville Sportswear Co., Inc., Decaturville, Tenn.; 5-30-67 to 5-29-68 (ladies' surfers, capris, etc.).

Don Juan Manufacturing Corp., Hertford, N.C.; 6-6-67 to 6-5-68 (men's and boys' shirts).

Durant Sportswear, Inc., Durant, Miss.; 5-28-67 to 5-27-68 (men's and boys' outerwear jackets).

Eagle Pass Manufacturing Co., Eagle Pass, Tex.; 6-4-67 to 6-3-68 (work clothing and wash slacks).

Eatonton Manufacturing Co., Inc., Eatonton, Ga.; 6-8-67 to 6-7-68 (men's dress trousers).

The Farmville Corp., Farmville, N.C.; 6-5-67 to 11-3-67 (ladies' jeans, slacks, and shorts) (replacement certificate).

[1] Commissioner Wadsworth absent.

Flushing Shirt Manufacturing Co., Grantsville, Md.; 5–19–67 to 5–18–68 (men's uniform shirts).

Freeland Sportswear Co., Inc., Freeland, Pa.; 5–25–67 to 5–24–68 (men's outerwear jackets).

Gwen Fashions, Inc., McAlisterville, Pa.; 5–22–67 to 5–21–68 (dresses).

Hartselle Manufacturing Co., Hartselle, Ala.; 6–11–67 to 6–10–68 (men's work pants).

Irene Sportswear Co., Inc., Nicholson, Pa.; 5–28–67 to 5–27–68; 10 learners (ladies' blouses).

Knitwear Associates, Inc., Allentown, Pa.; 5–18–67 to 5–17–68 (men's, boys', ladies' and girls' shirts, slacks, and shorts).

Lance Garment Corp., Red Bay, Ala.; 5–29–67 to 5–28–68 (boys' sport and dress shirts).

Lavonia Industries, Inc., Lavonia, Ga.; 5–18–67 to 5–17–68 (women's cotton dresses).

Leco Manufacturing Corp., Mountain City, Tenn.; 6–4–67 to 6–3–68 (ladies' and children's nightgowns and pajamas).

Louisa Manufacturing Corp., Louisa, Va.; 5–26–67 to 5–25–68 (children's dresses).

Lynn Manufacturing Co., Johnston, S.C.; 5–29–67 to 5–28–68; 10 learners (women's dresses).

Meadow Sportswear, Inc., Okolona, Miss.; 5–23–67 to 5–22–68 (men's and ladies' slacks).

Mode O'Day Co., Salt Lake City, Utah; 6–3–67 to 6–2–68 (women's and children's dresses).

Monroe Industries, Tellico Plains, Tenn.; 6–15–67 to 6–14–68 (men's and boys' shirts).

Newport Fashions, Inc., Newport, Pa.; 5–18–67 to 5–17–68; 10 learners (women's dresses).

Oberman Manufacturing Co., Valdosta Ga.; 6–8–67 to 6–7–68 (men's and boys' dungarees).

Paramount Sportswear Corp., Fall River, Mass.; 5–25–67 to 5–24–68; 10 learners (children's clothing).

Piedmont Shirt Co., Greenville, S.C.; 5–19–67 to 5–18–68 (dress and sport shirts).

Reed Manufacturing Co., Inc., Tupelo, Miss.; 5–22–67 to 5–21–68 (boys' slacks, shorts, dungarees, and men's work clothing).

Renmar Manufacturing Corp., Parkersburg, W. Va.; 6–3–67 to 6–2–68 (infants', juniors', and children's playwear).

Fred Ronald Manufacturing Co., Parsons, Kans.; 5–20–67 to 5–19–68 (boys' slacks).

Fred Ronald Manufacturing Co., Inc., Neodesha, Kans.; 5–31–67 to 5–30–68; 10 learners (boys' shirts).

Scranton Pants Manufacturing Co., Scranton, Pa.; 5–23–67 to 5–22–68 (men's dress pants).

Stadium Manufacturing Co., Hattiesburg, Miss.; 5–18–67 to 5–17–68 (men's and boys' pajamas).

Stone Manufacturing Co., Greenville, S.C.; 5–27–67 to 5–26–68 (ladies' and children's cotton slips and playwear).

Sweet-Orr & Co., Inc., Dawsonville, Ga.; 5–28–67 to 5–27–68 (boys' uniform shirts).

Tamaqua Garment Co., Tamaqua, Pa.; 5–25–67 to 5–24–68; 10 learners (women's dresses).

Van Heusen Corp., Patton, Pa.; 6–2–67 to 6–1–68 (men's dress and sport shirts).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Aalfs Manufacturing Co., Storm Lake, Iowa; 6–5–67 to 12–4–67; 10 learners (boys' jeans).

Blanchard Shirt Corp., Mountain View, Ark.; 5–26–67 to 11–25–67; 100 learners (men's dress and sport shirts).

Brundidge Shirt Corp., Brundidge, Ala.; 6–5–67 to 12–4–67; 25 learners (men's dress and sport shirts).

Collinwood Manufacturing Co., Collinwood, Tenn.; 5–17–67 to 11–16–67; 65 learners (women's washable service uniforms).

Panola, Inc., of Batesville, Batesville, Miss.; 6–6–67 to 12–5–67; 30 learners (women's foundation garments).

Salant & Salant, Inc., Lawrenceburg, Tenn.; 6–1–67 to 11–30–67; 50 learners (men's work shirts).

Levi Strauss & Co., Roswell, N. Mex.; 5–26–67 to 11–25–67; 50 learners (men's and boys' jeans).

Tri-County Shirt Corp., Salem, Ark.; 5–26–67 to 11–25–67; 100 learners (men's dress shirts).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65 as amended).

N. Churchill Manufacturing Co., Inc., Centralia, Wash.; 5–25–67 to 5–24–68; 10 learners for normal labor turnover purposes (work gloves).

Jasper Glove Co., Inc., Jasper, Ind.; 5–28–67 to 5–27–68; 10 learners for normal labor turnover purposes (work gloves).

Piedmont Glove Manufacturing Co., Inc., Gaffney, S.C.; 6–14–67 to 6–13–68; 10 learners for normal labor turnover purposes (cotton work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.40 to 522.43, as amended).

Selma Hosiery Co., Dillon, S.C.; 6–2–67 to 6–1–68; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

W. Y. Shugart & Sons, Inc., Fort Payne, Ala.; 5–26–67 to 5–25–68; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

The Arrow Co., Eveleth, Minn.; 6–15–67 to 6–14–68; 5 learners for normal labor turnover purposes (men's pajamas).

Louisburg Sportswear Corp., Louisburg, N.C.; 5–24–67 to 5–23–68; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knitted sport and "T" shirts and underwear).

Mullins Textile Mills, Inc., Mullins, S.C.; 6–9–67 to 6–8–68; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knitted underwear).

Reidler Knitting Mills, Inc., Hazleton, Pa.; 5–29–67 to 5–28–68; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's, women's, and children's knit underwear).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Caguas Tobacco & Processing Corp., Caguas, P.R.; 4–17–67 to 10–22–67; 10 learners for normal labor turnover purposes in the occupation of selecting of half leaves, for a learning period of 240 hours at the rate of 90 cents an hour (half leaves) (supplemental certificate).

Consolidated Cigar Corp. of Cayey, Cayey, P.R.; 5–22–67 to 5–21–68; 46 learners for normal labor turnover purposes in the occupations of sorting; sizing, and tying, each for a learning period of 240 hours at the rate of 90 cents an hour (wrapper type tobacco).

Consolidated Cigar Corp. of Cayey, Cayey, P.R.; 5–22–67 to 9–18–67; 35 learners for normal labor turnover purposes in the occupation of selecting, for a learning period of 240 hours at the rate of 90 cents an hour (wrapper type tobacco) (supplemental certificate).

Guantes de Ponce, Inc., Ponce, P.R.; 5–8–67 to 9–20–67; 25 learners for plant expansion purposes in the occupation of machine stitching, for a learning period of 480 hours at the rates of 90 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours (gloves).

Maria Mills, Inc., Las Marias, P.R.; 40 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rate of 89 cents an hour (men's and boys' jeans).

Puerto Rico Knitting Mills, Inc., Corozal, P.R.; 4–24–67 to 10–23–67; 15 learners for plant expansion purposes in the occupation of machine stitching, for a learning period of 480 hours at the rates of 90 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours (gloves).

R. B. Tobacco Corp., Caguas, P.R.; 4–24–67 to 10–26–67; 4 learners for normal labor turnover purposes in the occupation of selecting of half leaves, for a learning period of 240 hours at the rate of 90 cents an hour (wrapper type tobacco) (supplemental certificate).

TPM Division General Cigar Co., Inc., Caguas, P.R.; 4–24–67 to 4–23–68; 18 learners for normal labor turnover purposes in the occupations of sorting; sizing, each for a learning period of 240 hours at the rates of 90 cents an hour (wrapper type tobacco).

United Corp., Cabo Rojo, P.R.; 4–24–67 to 4–23–68; 20 learners for normal labor turnover purposes in the occupation of machine stitching, for a learning period of 480 hours at the rates of 90 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours (gloves).

W. O. Tobacco Corp., Caguas, P.R.; 4–24–67 to 4–23–68; 21 learners for normal labor turnover purposes in the occupations of sorting; sizing, each for a learning period of 240 hours at the rate of 90 cents an hour (wrapper type tobacco).

Windmill Products Inc., Hatillo, P.R.; 5–15–67 to 8–12–67; 10 learners for plant expansion purposes in the single occupation of: Basic hand and/or machine production operations; electro plating, buffing machine operating, painting and drying machine operating, foot press operating, bench master machine operating, gas and acetylene welding, hand acetylene welding, for a learning period of 480 hours at the rate of $1.18 an hour for the first 240 hours and $1.29 an hour for the remaining 240 hours (belt buckles, snap hooks).

Each learner certificate has been issued upon the representations of the employer, which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528.

Signed at Washington, D.C., this 9th day of June 1967.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 67–7067; Filed, June 22, 1967; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 406]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 20, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub-No. 317 TA) (Correction), filed May 2, 1967, published in FEDERAL REGISTER, issue of May 9, 1967, corrected, and republished as corrected, this issue. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representative: Walter Stiegele (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Montgomery, Ala., and Baton Rouge, La.: From Montgomery over U.S. Highway 31 to junction U.S. Highway 29, thence over U.S. Highway 29 to Pensacola, Fla., thence over U.S. Highway 90 to New Orleans, La., thence over U.S. Highway 61 to Baton Rouge, and return over the same route, serving all intermediate points, and the off-route points of Plaquemine and Zee, La., near St. Francisville, La., and those in Louisiana within 10 miles of U.S. Highway 61 between New Orleans and Baton Rouge, La.; for 180 days. Supporting shipper: The application is supported by statements from 104 shippers, which may be examined at the Interstate Commerce Commission, Washington, D.C. Send protests to: District Supervisor Baccei, Interstate Commerce Commission, Bureau of Operations, 435 Federal Building, 215 Superior Avenue, Cleveland, Ohio 44114. NOTE: Applicant states that it will tack with authority in MC 2202 and all sub-numbers thereto and will effect interchange at all points served. The purpose of this republication is to set forth applicant's intention to tack and interchange, previously inadvertently omitted.

No. MC 2980 (Sub-No. 7 TA) (Correction), filed May 12, 1967, published in FEDERAL REGISTER, issue of May 19, 1967, corrected, and republished as corrected, this issue. Applicant: LANDGREBE MOTOR TRANSPORT, INC., State Road 130, Post Office Drawer 32, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment), between Valparaiso and South Bend, Ind., over Indiana Highway 2; also between junction Indiana Highway 2 and U.S. Highway 20 and South Bend, Ind., over U.S. Highway 20 serving all intermediate points, for 180 days. Supporting shippers: McGill Manufacturing Co., Inc.; Northern Supplies, Inc.; Indiana General Corp., Magnet Division; Impact Extrusions, Inc., Post Office Box 170; R. W. Pool Co., 352 South Franklin Street; Urschel Laboratories, Inc.; Valparaiso Furniture Co., 1310 East Lincolnway; Porter County Plumbing & Heating, Inc., Highway 49 North, Box 405; and Philips Furniture & Appliance, Inc., 1307 East Lincolnway; all of Valparaiso, Ind. 46383. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802. NOTE: Applicant states that it intends to tack the authority here applied for to other authority held by it, under MC 2980, MC 2980 (Sub-No. 1), and MC 2980 (Sub-No. 2). It will tack at Valparaiso, Ind. The purpose of this republication is to set forth applicant's intention to tack, previously inadvertently omitted.

No. MC 4906 (Sub-No. 2 TA), filed June 14, 1967. Applicant: D. W. RAMSAY MOTOR FREIGHT, INC., 906 Puyallup Avenue, Tacoma, Wash. 98421. Applicant's representative: Jack R. Davis, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a common carrier, by motor vehicle, over irregular and regular routes: Irregular route: Nonradial service transporting *household goods, heavy machinery, and building materials* (except cement in bulk, in tank vehicles) in Washington; *unmanufactured or unprocessed agricultural commodities*, from farms in western Washington (not exceeding 25 miles); *general freight*, in Aberdeen and Hoquiam, Wash., and in western Washington, i.e., Seattle and points south and west. Regular route: Nonscheduled service transporting *beer*, and *empty beer containers* returned, between Olympia and Port Angeles, Wash., with no service to be furnished to intermediate points; *fruit and vegetables*, between Yakima, Wenatchee, Prosser, or Wapato and Seattle, Tacoma, Raymond, or Hoquiam, Wash.; for 150 days. NOTE: Applicant states that the authority set forth above is identical to that contained in certificate of registration No. MC 4906 (Sub-No. 1) authorizing interstate or foreign commerce operations commensurate with authority granted by the Washington Utilities and Transportation Commission in permit No. CC 178. Applicant also holds authority in certificate of public convenience and necessity No. MC 4906. Applicant further states that it is not intended by this application to duplicate in whole or in part any authority contained therein. Applicant states that it intends to tack authority sought with that contained in MC 4906. Supporting shippers: There are 18 shippers' supporting statements attached to application which may be examined at the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 39721 (Sub-No. 14 TA), filed June 14, 1967. Applicant: THE WM. HERBERT & SON COMPANY, 39 Ridge Avenue, Youngstown, Ohio 44502. Applicant's representative: Harold G. Hernly, 711 14th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Institutional and business furniture, equipment, fixtures, supplies, accessories, and parts;* and *data processing accessory equipment, supplies, and parts;* and *data processing equipment cabinets, frames, accessories, and parts thereof;* and *printed forms, advertising matter, and plastic articles*, between the plants and facilities of the General Fireproofing Co. at Youngstown, Ohio, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia; for 150 days. Supporting shipper: The General Fireproofing Co., Youngstown, Ohio 44501. Send protests to: District Supervisor G. J. Baccei, Bureau of Operations, Interstate Commerce Commission, 435 Federal Building, 215 Superior Avenue, Cleveland, Ohio 44114.

No. MC 53965 (Sub-No. 59 TA), filed June 14, 1967. Applicant: GRAVES TRUCK LINE, INC., 739 North 10th Street, Salina, Kans. 67401. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment,

and those injurious or contaminating to other lading), (1) between Denver, Colo., and Pueblo, Colo.: From Denver over Interstate Highway 25 to Pueblo, and return over the same route, serving Pueblo for the purpose of tacking only; and (2) between Denver, Colo., and Eads, Colo.: From Denver over U.S. Highway 40 to Kit Carson, Colo., thence over U.S. Highway 287 to Eads, and return over the same route, serving Eads for the purpose of tacking only; for 180 days. NOTE: Applicant states that it intends to tack at Pueblo and Eads, Colo., with service authorized under MC 53965 (Sub-No. 56). Supporting shippers: There are 117 shippers' supporting statements attached to application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: I. C. Peterson, District Supervisor, Bureau of Operations, Interstate Commerce Commision, 234 Federal Building, Topeka, Kans. 66603.

No. MC 68980 (Sub-No. 12 TA), filed June 15, 1967. Applicant: CHECKER EXPRESS CO., 960 West Montana Street, Milwaukee, Wis. 53215. Applicant's representative: John L. Brummer, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Milwaukee, Wis., and Allenton, Wis.: From Allenton and junction Wisconsin Highways 33 and 175 over Wisconsin Highway 175 to Milwaukee; and (2) between Milwaukee, Wis., and North Lake, Wis., over Wisconsin Highway 74; and return over the same routes, serving all intermediate points; for 180 days. NOTE: Applicant requests authority to interline at Milwaukee, Wis., and Chicago, Ill., and to tack the authority requested herein to authority held in MC 68980. Supporting shippers: There are 17 shippers' supporting statements attached to application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 98869 (Sub-No. 3 TA) (Correction), filed May 9, 1967, published in FEDERAL REGISTER, issue of May 17, 1967, corrected, and republished as corrected, this issue. Applicant: KOSCHKEE TRANSFER, INC., Route 1, Fennimore, Wis. 53809. Applicant's representative: Mark H. McCluskey (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Dubuque, Iowa, and Madison, Wis., and Prairie du Chien, Wis., as follows: U.S. Highway 20 to East Dubuque, Ill., thence over Illinois Highway 35 and Wisconsin Highway 35 to junction Wisconsin Highway 11, thence over Wisconsin Highway 11 to junction Wisconsin Highway 78, thence over Wisconsin Highway 78 to junction U.S. Highways 18 and 151. Junction Wisconsin Highways 11 and 23, thence over Wisconsin Highway 23 to junction U.S. Highway 151. Junction Wisconsin Highways 11 and 80, thence over Wisconsin 80 to junction U.S. Highway 151. Junction U.S. Highway 20 and Illinois Highway 35, thence over Illinois Highway 35 and Wisconsin Highway 35 to junction U.S. Highways 61 and 151, thence over U.S. Highway 151 to junction U.S. Highway 18. Junction U.S. Highway 151 and Wisconsin Highway 80, thence over Wisconsin Highway 80 to junction U.S. Highway 18. Junction Wisconsin Highway 80 and Wisconsin Grant County Highway A, thence over Wisconsin Grant County Highway A to junction Wisconsin Grant County Highway E, thence over Wisconsin Grant County Highway E to junction Wisconsin Highway 80. Junction U.S. Highway 151 and Wisconsin Highway 81, thence over Wisconsin Highway 81 to junction U.S. Highway 61, thence over U.S. Highway 61 to junction U.S. Highway 18.

Junction U.S. Highway 61 and Wisconsin Grant County Highway E, thence over Wisconsin Grant County Highway E to junction Wisconsin Grant County Highway F, thence over Wisconsin Grant County Highway F to junction U.S. Highway 18. Junction U.S. Highway 61 and Wisconsin Grant County Highway K, thence over Wisconsin Grant County Highway K to junction U.S. Highway 18. U.S. Highway 61 to Lancaster, Wis. U.S. Highway 61 to junction Wisconsin Highway 133, thence over Wisconsin Highway 133 to junction Wisconsin Highway 35. Junction Wisconsin Highway 133 and Wisconsin Highway 81, thence over Wisconsin Highway 81 to Lancaster, Wis. Junction Wisconsin Highway 81 and Wisconsin Grant County Highway U, thence over Wisconsin Grant County Highway U to junction Wisconsin Highway 35, thence over Wisconsin Highway 35 to junction U.S. Highway 18. U.S. Highway 18 and Wisconsin Highway 35 at Prairie du Chein, Wis., thence over U.S. Highway 18 to junction U.S. Highway 151, thence over U.S. Highways 18 and 151 to Madison, Wis., and return. Junction U.S. Highway 18 and Wisconsin Highway 80, thence over Wisconsin Highway 80 to Highland, Wis.; and return over the same route, serving all intermediate points; for 180 days. Supporting shippers: Blackhawk Industries, 250 South Main Street; Crescent Electric Supply Co., 200 South Main Street; Dubuque Storage & Transfer Co., 3000 Elm Street; Kretschmer-Tredway Co., Ninth and Washington Street; A. Y. McDonald Manufacturing Co., Post Office Box 508; and Dubuque Traffic Association, Post Office Box 546; all of Dubuque, Iowa, 52001; and Mautz Paint & Varnish Co., 939 East Washington Avenue, Madison, Wis. 53701. Send protests to: Charles W. Buckner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 214 North Hamilton Street, Madison, Wis. 53703. NOTE: Applicant states that it intends to tack the authority here applied for to other authority held by it, and to interline at Dubuque, Iowa, and Madison, Wis. The purpose of this republication is to set forth applicant's intention to tack and interline, previously inadvertently omitted.

No. MC 107104 (Sub-No. 10 TA), filed June 15, 1967. Applicant: ARTHUR R. ALTNOW, doing business as LODI TRUCK SERVICE, Post Office Box 111, 1420 South Cherokee Lane, Lodi, Calif. 95240. Applicant's representative: Marvin Handler, 405 Montgomery Street, Suite 1401, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives), which are moving in motor vehicles equipped with refrigeration, temperature or atmospheric control, between points in Alameda, Contra Costa, Sacramento, San Francisco, San Joaquin, Santa Clara, Solano, Stanislaus, and Yolo Counties, Calif., which are stations of the Western Pacific Railroad Co. or its subsidiaries, Sacramento Northern Railway and Tidewater Southern Railway Co., and of Central California Traction Co., 526 Mission Street, San Francisco, Calif., moving in substituted service on rail billing; for 180 days. Supporting shipper: Western Pacific Railroad Co., 526 Mission Street, San Francisco, Calif. 94105. Send protests to: William E. Murphy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 108207 (Sub-No. 223 TA), filed June 14, 1967. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Impregnated broadgoods*, from Orange, Calif., to Wichita, Kans.; St. Louis, Mo.; Akron, Cincinnati, Cleveland, and Columbus, Ohio; Tulsa, Okla.; Dallas, Fort Worth, Arlington, and Irving, Tex.; for 150 days. NOTE: Applicant states that commodity must be transported at zero degrees temperature, and that shipments will be l.t.l. from 500 to 5,000 pounds. Supporting shipper: Fiberite West Coast Corp., 690 North Lemon Street, Orange, Calif. Send protests to: E. K. Willis, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 111069 (Sub-No. 47 TA), filed June 14, 1967. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, State Highway 131, Clarksville, Ind. 47130. Applicant's representative: Ollie L. Merchant, 140 South Fifth Street, Louisville, Ky. 40202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C.

209 and 766, from Louisville, Ky., to points in Alabama (except Montgomery, Ala.), Massachusetts (except Boston, Salem, and Worcester, Mass.), Michigan, North Carolina, Ohio, and South Carolina; for 180 days. Supporting shipper: Klarer of Kentucky, Incorporated, Post Office Box 1108, Louisville, Ky 40201. Send protests to: R. M. Hagarty, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 113440 (Sub-No. 3 TA), filed June 14, 1967. Applicant: BARCO TRANSPORTATION CO., Post Office Box 287, Chagrin Falls, Ohio 44022. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Institutional and business furniture, equipment, fixtures, supplies, accessories, and parts; Data processing accessory equipment, supplies and parts; data processing equipment cabinets, frames, accessories and parts thereof;* and *printed forms, advertising matter, and plastic articles*, between the plants and facilities of The General Fireproofing Co. at Youngstown, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Maryland, New Jersey, New York, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia; for 180 days. Supporting shipper: The General Fireproofing Co., Youngstown, Ohio 44501. Send protests to: G. J. Baccei, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 435 Federal Building, 215 Superior Avenue, Cleveland, Ohio 44114.

No. MC 113678 (Sub-No. 282 TA), filed June 14, 1967. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Minnie Mandel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fish and agriculture commodities* (not including manufactured products thereof), when moving in the same vehicle and at the same time with commodities the transportation of which are requested, *salad dressing, frozen foods, and bakery products*, from Denver, Colorado Springs, and Greeley, Colo., to points in Minnesota, North Dakota, South Dakota, Montana, Arkansas, Oklahoma, Kansas, Missouri, Illinois, Iowa, Nebraska; and (2) *meat, meat products, and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Denver, Greeley, and Colorado Springs, Colo., to points in Minnesota, North Dakota, Arkansas, Oklahoma, Indiana, and Montana; for 180 days. NOTE: Applicant states that it seeks no authority that duplicates that now held by it. Supporting shippers: Mapelli-Lindner-Sigman, Ltd., 1624 Market Street, Denver, Colo.; and Aspen Frozen Foods, Inc., Livestock Exchange Building, Denver, Colo. Send protests to: Herbert C. Ruoff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 114194 (Sub-No. 139 TA), filed June 14, 1967. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Starch* (inedible), in bulk, in pneumatic vehicles, from Lafayette, Ind., to Three Rivers, Grand Rapids, and Plymouth, Mich., Chicago and Milan, Ill., and Massillon, Zanesville, and Youngstown, Ohio; for 180 days. Supporting shipper: Anheuser-Busch, Inc., St. Louis, Mo., 63118. Send protests to: Harold Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 115331 (Sub-No. 228 TA), filed June 15, 1967. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint and paint products*, in bulk, in tank vehicles, from Fort Madison, Iowa, to points in Illinois, Indiana, Missouri, Kansas, and Minnesota; for 180 days. Supporting shipper: E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3248-B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 116730 (Sub-No. 3 TA) filed June 14, 1967. Applicant: CARL W. STOLTENBERG, doing business as STOLTENBERG TRUCKING, 305 Polk Street, Box 365, Kimberly, Idaho 83341. Applicant's representative: J. Robert Alexander, Twin Falls Bank & Trust Building, Post Office Box 366, Twin Falls, Idaho 83301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery, steel, steel products, and grain bins*, from points in Illinois, Kansas, and Kansas City, Mo., and Pueblo, Colo., to points in Southern Idaho; for 180 days. Supporting shippers: Krengel Machine Co., Inc., Post Office Box 532; McVey's, Inc., 161 Third Avenue West; C. K. Brown & Associates, Inc., Post Office Box Q; Western States Distributors, Inc., Post Office Box 228; and Curl Manufacturing Co., Inc., 1960 Floral Avenue; all of Twin Falls, Idaho 83301. Send protests to: C. W. Campbell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 203 Eastman Building, Boise, Idaho 83702. NOTE: Applicant states that it intends to tack authority sought with that contained in MC 116730 (Sub-No. 2).

No. MC 119268 (Sub-No. 68 TA), filed June 13, 1967. Applicant: OSBORN, INC., 125 Milton Avenue, SE., Post Office Box 6985, Atlanta, Ga. 30315. Applicant's representative: B. K. McLain (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesive cements, tire treads or tread stock*, from Muscatine, Iowa, to Atlanta, Ga., Birmingham, Ala., and Memphis, Tenn.; for 180 days. Supporting shipper: George A. Stack, Traffic Manager, Bandag, Inc., Muscatine, Iowa. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 300, 680 West Peachtree Street NW., Atlanta, Ga. 30308.

No. MC 119833 (Sub-No. 3 TA), filed June 13, 1967. Applicant: DUANE TROYER, Ranges' Corner, Rural Delivery No. 3, Corry, Pa. 16407. Applicant's representative: Robert B. McCullough, 1115 G. Daniel Baldwin Building, Erie, Pa. 16501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough lumber*, from points in Pennsylvania, New York, Ohio, Indiana, Michigan, Massachusetts, Vermont, New Hampshire, New Jersey, and Maryland, to points in Pennsylvania, New York, Ohio, Indiana, Michigan, Massachusetts, Vermont, New Hampshire, New Jersey, Maryland, Illinois, Kentucky, and Connecticut; for 180 days. Supporting shippers: American Lumber Co., Post Office Box 347, Union City, Pa. 16438; and Tri-State Hardwoods, Inc., Post Office Box 347, Union City, Pa. 16438. Send protests to: Gasper Piovarchy, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 128305 (Sub-No. 2 TA), filed June 14, 1967. Applicant: STALCUP TRUCKING, INC., 795 Teakwood, Coos Bay, Oreg. 97420. Applicant's representative: John G. McLaughlin, Pacific Building, Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from points in Douglas, Lane, Coos, and Curry Counties, Oreg., to Coos Bay, Oreg.; for 150 days. Supporting shippers: Weyerhaeuser Co., Tacoma, Wash. 98401; and Sun Veneer, Inc., Roseburg, Oreg. 97470. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 129168 TA, filed June 14, 1967. Applicant: RAYMOND C. LOVELL, doing business as R & L TRUCKING, 1529 Peoria Road, Springfield, Ill. 62701. Applicant's representative: Robert T. Lawley, Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel storage tanks and component parts thereof*, from Springfield, Ill., to points in Indiana, Iowa, Missouri, and Wisconsin; and *rejected or damaged shipments*, on return; for the account of Certified Equipment & Manufacturing Co., Springfield, Ill.; for 180 days. Supporting shipper: Certified Equipment & Manufacturing Co., Post Office Box 298, Springfield, Ill. Send protests to: Harold Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 129173 (Sub-No. 1 TA), filed June 15, 1967. Applicant: INLAND MOVING & STORAGE CO., Post Office Box 15, San Bernardino, Calif. 92402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in San Bernardino, Riverside, Los Angeles, and Orange Counties, Calif.; restricted to traffic having a prior or subsequent movement in containers, in interstate or foreign commerce; for 180 days. Supporting shippers: Delcher Intercontinental Moving Service, 262 Riverside Avenue, Post Office Box 507, Jacksonville, Fla.; and Northwest Consolidators, Post Office Box 3583, Terminal Annex, Seattle, Wash. 98124. Send protests to: John E. Nance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Building, Room 7708, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

MOTOR CARRIER OF PASSENGERS

No. MC 129174 (Sub-No. 1 TA), filed June 15, 1967. Applicant: SALVATORE DI PAOLO, doing business as BRONXVILLE BUS LINE, 798 Nepperhan Avenue, Yonkers, N.Y. 10703. Applicant's representative: Edward F. Bowes, 1060 Broad Street Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Passengers*, between Yonkers, N.Y., and the plantsite of Stelma, Inc., at Stamford, Conn.; for 150 days. Supporting shipper: Stelma, Inc., 200 Henry Street, Stamford, Conn. (V. A. Metelsky, Director of Personnel). Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-7099; Filed, June 22, 1967; 8:48 a.m.]

[Notice 1537]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 20, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69655. By order of June 16, 1967, the Transfer Board approved the transfer to Clay Products Transport, Inc., Dover, Ohio, of permit No. MC-86931 (Sub-No. 12), issued September 22, 1959, to Ward E. Lanning, Inc., Coshocton, Ohio, authorizing the transportation of stainless steel strip, from the plantsite of Universal Cyclops Steel Corp. at or near Coschocton, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, New Jersey, New York, Pennsylvania, and Wisconsin. Dual operations were authorized. A Charles Tell, 100 East Broad Street, Columbus, Ohio 43215, John A. Childers, 40 South Third Street, Columbus, Ohio 43215, attorneys for applicants.

No. MC-FC-69680. By order of June 19, 1967, the Transfer Board approved the transfer to United Motor Ways, Inc., 409 North Walnut Street, Grand Island, Nebr. 68801, of a portion of the operating rights in certificate No. MC-62749 issued to Harlan A. Richards and Lester D. Pedersen, doing business as Yellow Diamond Lines, 928 West First, Hastings, Nebr. 68901, authorizing the transportation of: Passengers and their baggage and express, in the same vehicle, between Superior and Grand Island, Nebr., over specified regular routes, serving all intermediate points.

No. MC-FC-69695. By order of June 16, 1967, the Transfer Board approved the transfer to Earl Larsen, Freeman, S. Dak., of certificate No. MC-55443 and corrected certificate No. MC-55443 (Sub-No. 1), issued November 30, 1943, and September 14, 1953, respectively, to Roland Haar, Freeman, S. Dak., authorizing the transportation of: livestock, new and used furniture, building materials, fencing and fence posts, and pipe, between Freeman, S. Dak., and points and places within 15 miles thereof, on the one hand, and, on the other, Sioux City, Iowa; emigrant movables, between Freeman, S. Dak., and points within 15 miles of Freeman, and points and places in Iowa and Minnesota, in radial operations; grain and seeds, between Freeman, S. Dak., and points and places within 15 miles thereof, on the one hand, and, on the other, points in Iowa; petroleum products, in containers, between Freeman, S. Dak., on the one hand, and, on the other, Omaha, Nebr., and Pipestone, Minn., and livestock and poultry feeds, from Sioux City, Iowa, to Freeman, S. Dak. Don A. Bierle, Suite 4, Law Building, 322 Walnut Street, Yankton, S. Dak. 57078.

No. MC-FC-69753. By order of June 12, 1967, the Transfer Board approved the transfer to Stewart Motor Freight, Inc., Lexington, Mo., of certificate of registration No. MC-121030 (Sub-No. 1), issued December 13, 1963, to Cecil Stewart, Lexington, Mo., authorizing transportation in interstate and foreign commerce pursuant to certificate of convenience and necessity No. T-20,524, dated July 31, 1961, issued by the Public Service Commission of Missouri. D. W. Sherman, Jr., 9 South 11th Street, Lexington, Mo. 64067, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-7100; Filed, June 22, 1967; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 16, 1967.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 1854, for the withdrawal of the lands described below, from all forms of appropriation, subject to valid existing rights.

The applicant desires the land as a part of the Forest Development Road System in connection with the administration of the Umpqua National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street (Post Office Box 2965), Portland, Oreg. 97208.

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

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

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

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

The lands involved in the application are:

WILLAMETTE MERIDIAN

UMPQUA NATIONAL FOREST

Negro Creek Road

T. 27 S., R. 2 W., W.M.
Sec. 1, SW¼SW¼.

A strip of land 66 feet in width, being 33 on each side of the centerline of Negro Creek Road No. 272-H in and through the above subdivision.

The area described aggregates 0.8 acres.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 67-7065; Filed, June 22, 1967; 8:45 a.m.]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 16, 1967.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 1943, for the withdrawal of the lands described below, from all forms of appropriation, subject to valid existing rights.

The applicant desires the land as a part of the Forest Development Road System in connection with the administration of the Deschutes National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street (Post Office Box 2965), Portland, Oreg. 97208.

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

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

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

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

The lands involved in the application are:

WILLAMETTE MERIDIAN

DESCHUTES NATIONAL FOREST

Crescent Creek Road

T. 24 S., R. 9 E.,
Sec. 4, SW¼NE¼, SE¼NW¼, and NE¼SW¼.

A strip of land 66 feet in width, being 33 feet on each side of the centerline of Crescent Creek Road No. 2320 in and through the above subdivisions.

The area described aggregates 4.4 acres.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[F.R. Doc. 67-7066; Filed, June 22, 1967; 8:45 a.m.]

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THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

FEDERAL REGISTER

Area Code 202 Phone 962-8626

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PART 213—EXCEPTED SERVICE

National Aeronautics and Space Administration

Section 213.3348 is amended to show that the positions of Special Assistant to the Director, Office of Manned Space Flight Field Center Development and of Staff Assistant to the Administrator are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraphs (o) and (p) are added to § 213.3348 as set out below.

§ 213.3348 National Aeronautics and Space Administration.

* * * * *

(o) One Special Assistant to the Director, Office of Manned Space Flight Field Center Development.

(p) One Staff Assistant to the Administrator.

(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. 67-7142; Filed, June 23, 1967; 8:46 a.m.]

Title 7—AGRICULTURE

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

[Valencia Orange Reg. 208]

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

Limitation of Handling

§ 908.508 Valencia Orange Regulation 208.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(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 Valencia oranges 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 Valencia oranges; 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 June 22, 1967.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period June 25, 1967, through July 1, 1967, are hereby fixed as follows:

(i) District 1: 180,000 cartons;

(ii) District 2: 420,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" 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: June 23, 1967.

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

[F.R. Doc. 67-7241; Filed, June 23, 1967; 11:16 a.m.]

[Lemon Reg. 273]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.573 Lemon Regulation 273.

(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 June 20, 1967.

(b) *Order.* (1) The respective quantities of lemons grown in California and