FEDERAL REGISTER

VOLUME 32 • NUMBER 2

Thursday, January 5, 1967 • Washington, D.C.

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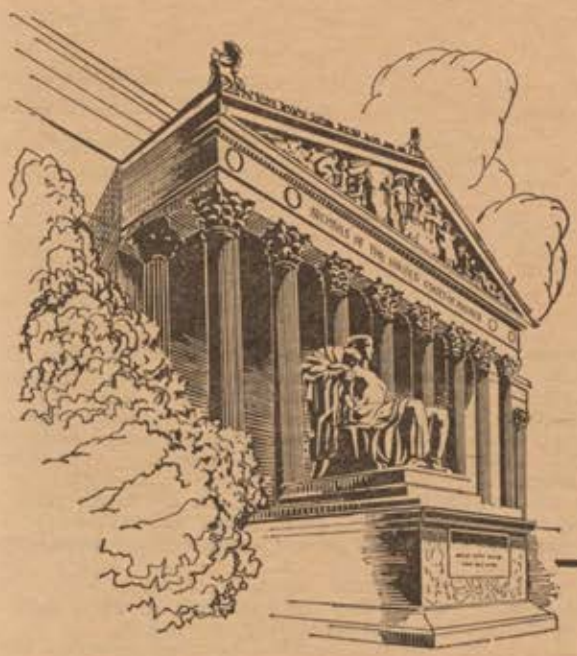

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Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

**Order from: Superintendent of Documents,
U.S. Government Printing Office,
Washington, D.C. 20402**

FEDERAL REGISTER
Area Code 202 Phone 963-3261

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Proclamation 3759

YOUTH FOR NATURAL BEAUTY AND CONSERVATION YEAR

By the President of the United States of America

A Proclamation

Last June, young men and women of the National Youth Conference on Natural Beauty and Conservation met in Washington and dedicated themselves:

—to work toward creating a healthful environment in our cities and towns.

—to speak out for the appreciation and protection of the beautiful.

—to clean, to plant, to plan and build for beauty.

—to plead with others to join them in that effort.

They made this pledge because their generation will soon inherit an America that threatens to become physically ugly.

The great industrial progress we have made in this century—resulting in an unparalleled prosperity for most of our people—has not been achieved without waste and blight. That progress grows with each year—and refuse, pollution and decay grow with it.

It is no part of America's dream that we should erect a house of material well-being in the cheerless atmosphere of physical blight. Our people will be denied their heritage if they must live out their lives among polluted rivers, spoiled fields and forests, and streets where nothing pleases the eye.

Young people sense this strongly. They have not grown accustomed to ugliness. They have not resigned themselves to living among the litter and neglect of a careless civilization.

May they never do so.

But it is not enough to be offended by ugliness. Those who would not live without beauty must join in a tireless effort to bring it into being. They must help to reverse the sorry decline of cities and countryside. They must become a force for restoring order and dignity to the environment that surrounds them. I know that ugliness will yield to such a force, if it is supported by millions of our people, in public and private life.

And, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate the year 1967 to be Youth for Natural Beauty and Conservation Year; and I ask our young people—individually and through clubs, school groups, and other organizations—to observe, to plan, and to act to preserve and protect, salvage and restore, develop and enhance their surroundings.

I ask the youth organizations which sponsored the National Youth Conference—and all other organizations and individuals working with youth—to expand the natural beauty and conservation activities now under way, and to begin new activities. I expect them to report their accomplishments to me during the year and also their plans for the future.

I call upon the President's Council on Recreation and Natural Beauty, the Citizen's Advisory Committee on Recreation and Natural Beauty, and all Federal officials and agencies to cooperate, consistent with their authorities and available funds, in providing technical assistance and support to the young people. It is an investment in better environment, and in better citizenship.

I further call upon all citizens to be alert to the activities and hopes of our young people, to hear their requests, to encourage and assist them, and with them to grow more aware of the beauty of America and the ways in which we can preserve it.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 28th day of December in the year of our Lord nineteen hundred and sixty-six, and of the Independence of the United States of America the one hundred and ninety-first.

Lyndon B. Johnson

By the President:

Dean Rusk

Secretary of State.

[F.R. Doc. 67-124; Filed, Jan. 3, 1967; 2:05 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

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

[Amdt. 6]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Requirements for Participation

Regulations for the operation of the general cash-for-food assistance phase of the National School Lunch Program (28 F.R. 1247) as amended (28 F.R. 11531, 29 F.R. 311, 29 F.R. 14619, 30 F.R. 15402, 31 F.R. 14924) are hereby amended as follows:

In § 210.8, paragraph (d), subparagraph (13), subdivisions (ii) and (iii) are revised to read as follows:

§ 210.8 Requirements for participation.

* * * * *

(d) * * *

(13) * * *

(ii) *Program income (receipts).* (*a*) From children's payments.

(*b*) From Federal school lunch reimbursement.

(*c*) From all other sources, including Federal reimbursement under the Special Milk Program and the School Breakfast Program.

(iii) *Program expenditures for the School Lunch, Special Milk, and School Breakfast Programs.* (Supported by invoices, receipts, or other evidence of expenditures.)

(*a*) For food.

(*b*) For labor.

(*c*) All other expenditures.

* * * * *

This amendment shall be effective January 1, 1967.

Approved: December 30, 1966.

[SEAL] JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 67-93; Filed, Jan. 4, 1967; 8:49 a.m.]

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS

Regulations are hereby issued for the operation of the School Breakfast Program and the Nonfood Assistance Program pursuant to the authority contained in the Child Nutrition Act of 1966, Public Law 89-642, 80 Stat. 885.

GENERAL

SCHOOL BREAKFAST PROGRAM

NONFOOD ASSISTANCE PROGRAM

MISCELLANEOUS PROVISIONS APPLICABLE TO BOTH PROGRAMS

AUTHORITY: The provisions of this Part 220 issued under sec. 10, 80 Stat. 889, 42 U.S.C. 1779.

GENERAL

§ 220.1 General purpose and scope.

Sections 4 and 5 of the Child Nutrition Act of 1966 authorize the apportionment of funds to the States to assist them (a) to initiate, maintain, or expand nonprofit breakfast programs in schools, and (b) to supply schools drawing attendance from areas in which poor economic conditions exist with equipment for the storage, preparation, transportation, and serving of food. This part announces the policies and prescribes the regulations necessary to carry out these provisions of the Act.

§ 220.2 Definitions.

For the purpose of this part the term:

(a) "Act" means the Child Nutrition Act of 1966.

(b) "Attendance unit" means a building or a complex of buildings and supporting facilities in which instruction is provided for classes of high school grade or under.

(c) "Breakfast" means a meal served to school children at the beginning of a school day which meets the nutritional requirements set out in this part.

(d) "C&MS" means the Consumer and Marketing Service of the U.S. Department of Agriculture.

(e) "CFPDO" means Consumer Food Programs District Office(s), of the Consumer and Marketing Service of the U.S. Department of Agriculture.

(f) "Cost of obtaining food" means the purchase price of agricultural commodities and other foods purchased for and used in the School Breakfast Program.

(g) "Department" means the U.S. Department of Agriculture.

(h) "Equipment" means articles and facilities, other than land and buildings, for the storage, preparation, transportation, and serving of food.

(i) "Fiscal year" means a period of 12 calendar months beginning with July 1 of any calendar year and ending with June 30 of the following calendar year.

(j) "Milk" means unflavored milk which meets State and local standards for fluid whole milk and flavored milk made from fluid whole milk which meets such standards, and in those areas of Alaska, Guam, and Hawaii where a sufficient supply of fresh fluid whole milk cannot be obtained shall also include recombined or reconstituted fluid whole milk, and in American Samoa, Puerto Rico, and the Virgin Islands shall also include reconstituted nonfat dry milk.

(k) "National School Lunch Program" means the program authorized by the National School Lunch Act.

(l) "Nonfood Assistance Program" means the program authorized by section 5 of the Child Nutrition Act of 1966.

(m) "Nonprofit private school" means a nonpublic school that is exempt from income tax under the Internal Revenue Code, as amended.

(n) "OIG" means the Office of the Inspector General of the U.S. Department of Agriculture.

(o) "Participation rate" means a number equal to the number of lunches meeting the minimum requirements prescribed by the Secretary pursuant to section 9 of the National School Lunch Act, served in the preceding fiscal year by schools participating in the National School Lunch Program, as determined by the Secretary.

(p) "School Breakfast Program" means the program authorized by section 4 of the Child Nutrition Act of 1966.

(q) "School" means the governing body responsible for the administration of a public or nonprofit private "school" of high school grade or under, as recognized by the laws of the State, and, in the case of Puerto Rico, also includes nonprofit child-care centers certified as such by the Governor of Puerto Rico. "School of high school grade or under" shall include preschool programs operated as part of the school system. The term "school" also includes a nonprofit agency to which the school has delegated authority for the operation of its nonprofit feeding program.

(r) "Secretary" means the Secretary of Agriculture.

(s) "SLD" means the School Lunch Division, Consumer Food Programs of the Consumer and Marketing Service of the U.S. Department of Agriculture.

(t) "State" means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, or American Samoa.

(u) "State Agency" means the State educational agency.

(v) "State educational agency" means, as the State legislature may determine, (1) the chief State school officer (such as the State Superintendent of Public Instruction, Commissioner of Education, or similar officer), or (2) a board of education controlling the State department of education.

§ 220.3 Administration of School Breakfast and Nonfood Assistance Programs.

(a) Within the Department, C&MS shall act on behalf of the Department in the administration of the programs covered by this part. Within C&MS, SLD shall be responsible for administration of the programs.

(b) Within the States, responsibility for the administration of the programs in schools shall be in the State Agency, except that CFPDO shall administer the programs in nonprofit private schools of any State where the State Agency is not permitted by law to disburse Federal funds paid to it under the Act to nonprofit private schools. References in this part to "CFPDO where applicable" are to CFPDO as the agency administering the programs in nonprofit private schools.

(c) Each State Agency desiring to take part in either of the programs shall enter into a written agreement with the Department for the administration of the program in the State in accordance with the provisions of this part. Any such agreement shall cover the operation of the program during a period which shall not extend beyond the end of the fiscal year in which the agreement became effective unless the agreement is extended for succeeding fiscal years at the option of the Department.

SCHOOL BREAKFAST PROGRAM

§ 220.4 Apportionment of funds to States.

(a) The Secretary shall apportion any funds made available for the School Breakfast Program in accordance with the provisions of section 4 of the Act.

(b) C&MS shall withhold a share of the funds apportioned to any State for the School Breakfast Program for the nonprofit private schools of that State, if the State Agency does not administer the program in such schools. The funds so withheld by C&MS shall be an amount which bears the same ratio to the School Breakfast Program funds apportioned to that State as the participation rate of all nonprofit private schools of the State bears to the participation rate of all schools in the State.

§ 220.5 Payments to States.

Funds apportioned to any State for the School Breakfast Program, except any funds withheld for nonprofit private schools, shall be made available by means of Letters of Credit issued by C&MS to appropriate Federal Reserve Banks in favor of the State Agency. Such Letters of Credit shall be designed to provide funds for the State Agency for the operation of the School Breakfast Program in such amounts and at such times as the funds are needed to reimburse schools. As soon as practicable after funds are made available to C&MS, C&MS shall prepare a Letter of Credit for each State with which it has an agreement. Notwithstanding the foregoing provisions, if funds are made available by Congress for the operation of the program under a continuing resolution, pending an appropriation of funds for a fiscal year, Letters of Credit shall reflect only the amounts available for the effective period of the resolution. The State Agency shall obtain funds needed to reimburse schools through presentation by designated State officials of a Payment Voucher on Letter of Credit (Treasury Department Form SF-218) to a local commercial bank for transmission to the appropriate Federal Reserve Bank, in accordance with procedures prescribed by C&MS and approved by the U.S. Treasury Department. The State Agency shall draw only such funds as are needed to pay claims certified for payment and shall use such funds without delay to pay the claims. The State Agency shall report information on the use of program funds on a monthly basis to C&MS on a form provided for it. Notwithstanding the foregoing provision for the use of Letters of Credit, program funds shall be made available to the State Agency in the District of Columbia by means of Treasury Department checks.

§ 220.6 Use of funds by State Agencies.

School Breakfast Program funds shall be used only to reimburse schools in connection with breakfasts served to needy children of high school grade or under in accordance with the provisions of this part during the fiscal year for which such funds are appropriated.

§ 220.7 Requirements for school participation.

(a) Any school desiring to participate in the School Breakfast Program shall make written application for participation to the State Agency, or CFPDO where applicable. The school's need to participate in the program shall be reviewed annually by the State Agency or CFPDO, where applicable.

(b) Applications shall include the name and address of the school and the following information: (1) The beginning date of breakfast service under the program; (2) the estimated average daily attendance or membership; (3) the proportion of children enrolled travelling various distance mileages to reach school each day; (4) the price to be charged children for breakfasts; (5) the economic condition of the area from which the school draws attendance; (6) the needs of pupils in the school for free or reduced price breakfasts; and (7) the need of the school for additional assistance as reflected by the financial position of any food service program in the school.

(c) In selecting schools, the State educational agency or CFPDO where applicable, shall, to the extent practicable, give first consideration to those schools drawing attendance from areas in which poor economic conditions exist and to those schools to which substantial proportions of the children enrolled must travel long distances daily. If sufficient funds are available consideration shall be given to other schools.

(d) In no event shall any school which operates the food or milk service in any attendance unit under a contractual arrangement with a concessionaire or food service management company or under a similar arrangement be eligible for participation in the School Breakfast Program with respect to such attendance unit, even though the school or such attendance unit obtains no profit from the operation of such food or milk service.

(e) Schools selected for participation shall enter into a written agreement with the State Agency or, in those States in which CFPDO administers the program in private schools, the private schools selected for participation shall enter into an agreement with the Department. Such agreements shall be on a form approved by SLD and shall provide that the school shall: (1) Operate nonprofit food service programs, using all of the income accruing to the programs solely for the operation or improvement of such service: *Provided, however,* That such income shall not be used to purchase land, to acquire or construct buildings, or to make alterations of existing buildings; (2) serve breakfasts which meet the minimum requirements prescribed in §220.8 during a period designated as the breakfast period by the school; (3) price the breakfast as a unit; (4) supply free or reduced price breakfasts only to children who are determined by local school authorities to be unable to pay the full price thereof; and require that those who are able to pay the full price do so; (5) make no discrimination against any child because of his inability to pay the full price of the breakfasts; (6) claim reimbursement for breakfasts served at the assigned rate; (7) submit claims for reimbursement in accordance with procedures established by the State Agency, or CFPDO where applicable; (8) maintain, in the storage, preparation and service of food, proper sanitation and health standards in conformance with all applicable State and local laws and regulations; (9) purchase, in as large quantities as may be efficiently utilized in its breakfast program, foods designated as plentiful by the State Agency, or CFPDO, where applicable; (10) accept and use, in as large quantities as may be efficiently utilized in its breakfast program, foods donated by the Department under the authority of section 32 of the Act of August 24, 1935, as amended, section 416 of the Agricultural Act of 1949, as amended, and section 709 of the Food and Agriculture Act of 1965 (foods donated under the authority of section 6 of the National School Lunch Act are not to be distributed to schools for use in the School Breakfast Program); (11) maintain necessary facilities for storing, preparing, and serving food; (12) maintain full and accurate records of its

breakfast program, including records with respect to the following:

(i) *Breakfast service.* (*a*) Daily number of breakfasts served to children.

(*b*) Daily number of breakfasts served free or at reduced price to children.

(ii) *Program income (receipts).* (*a*) From children's payments.

(*b*) From Federal reimbursement.

(*c*) From all other sources.

(iii) *Breakfast Program Cost (supported by invoices, receipts or other evidence of expenditure).* (*a*) For food.

(*b*) For labor.

(*c*) All other costs related directly to the Breakfast Program.

Such records shall be retained for a period of 3 years after the end of the fiscal year to which they pertain; (13) upon request, make all accounts and records pertaining to its breakfast program available to the State Agency, to C&MS and to OIG for audit or administrative review at a reasonable time and place.

(f) Schools operating a breakfast program may serve children from other schools which are eligible to participate under this part, whether or not such other schools operate breakfast programs, and may make a claim for reimbursement in connection with breakfasts served children from all eligible schools. In States in which CFPDO administers the program in nonprofit private schools, any public school operating a breakfast program under this part may serve children from an eligible private school, or any private school operating a breakfast program under this part may serve children from an eligible public school, and separate claims for reimbursement may be made in connection with breakfasts served children from each type of school, provided both schools shall enter into a special agreement with the State Agency and with the Department covering the preparation and serving of breakfasts, the keeping of records, and the submission of claims and reports.

§ 220.8 Nutritional requirements for breakfasts.

(a) A breakfast shall contain, as a minimum, each of the following food components in the amounts indicated:

(1) One-half pint of fluid whole milk served as a beverage or on cereal or used in part for each purpose.

(2) A one-half cup serving of fruit or full-strength fruit or vegetable juice.

(3) One slice of whole-grain or enriched bread; or an equivalent serving of cornbread, biscuits, rolls, muffins, etc., made of whole-grain or enriched meal or flour; or three-fourths cup serving of whole-grain cereal or enriched or fortified cereal; or an equivalent quantity of any combination of any of these foods.

(b) (1) To improve the nutrition of the participating children breakfasts shall also include as often as practicable protein-rich foods such as one egg; a one ounce serving (edible portion as served) of meat, poultry, or fish; or one ounce of cheese; or two tablespoons of peanut butter; or an equivalent quantity of any combination of any of these foods.

(2) Additional foods may be served with breakfasts as desired.

(c) If emergency conditions prevent a school normally having a supply of milk from temporarily obtaining delivery thereof, the State Agency, or CFPDO where applicable, may approve reimbursement for breakfasts served without milk during the emergency period.

§ 220.9 Reimbursement payments.

(a) Reimbursement shall be paid only in connection with breakfasts meeting the requirements of § 220.8.

(b) The maximum rate of reimbursement shall be 15 cents per breakfast served: *Provided, however,* That where all or nearly all the attending children are in need of free breakfasts and the school is financially unable to meet this need the State Agency or CFPDO, where applicable, may authorize financial assistance in an amount not to exceed 80 per centum of the operating costs of the breakfast program, including the cost of obtaining, preparing and serving food. Schools shall justify the need for such additional assistance in their applications to the State Agency or CFPDO, where applicable. The State Agency or CFPDO shall assign a rate to each school.

(c) Schools shall be reimbursed on the basis of the number of breakfasts served to children times the assigned rate, or for the cost of obtaining food, whichever is the lesser.

§ 220.10 Effective date for reimbursement.

Reimbursement payments under the School Breakfast Program may be made only to schools operating under an agreement with the State Agency or the Department, and may be made only after execution of the agreement. Such payments may include reimbursement in connection with breakfasts served in accordance with provisions of the program in the calendar month preceding the calendar month in which the agreement is executed.

§ 220.11 Reimbursement procedure.

(a) Each State Agency, or CFPDO where applicable, shall require schools to submit a "Claim for Reimbursement" on a calendar month basis: *Provided, however,* That not more than 10 days of the beginning or ending month of program operations in the fiscal year may be combined with the claim of the month immediately following the beginning month or preceding the ending month. No claim for reimbursement which combines the ending month of one fiscal year and the beginning month of the next fiscal year shall be permitted.

(b) Except as otherwise provided in paragraph (c) of this section the Claim for Reimbursement shall include the following items: (1) The month and year for which claim is made; (2) the name and address of the school; (3) the total number of breakfasts served to children, the assigned rate of reimbursement for such breakfasts and the total amount of reimbursement claimed; (4) the number of free or reduced price breakfasts; (5) the quantity of purchased food used in the program and the cost of obtaining such food; (6) the quantity of federally donated foods used; (7) the cost of the labor used for the program and all other costs directly related to the program, and (8) income from sale of breakfasts.

(c) In submitting a claim each school shall certify that the claim is true and correct; that records are available to support the claim; and that payment has not been received. Where a school participates in both the School Breakfast Program and the National School Lunch Program, all income and expenditures incident to the operation of the School Breakfast Program shall be included also as a part of the related entries on the claims submitted under the National School Lunch Program.

Nonfood Assistance Program

§ 220.12 Apportionment of funds to States.

(a) Any funds made available for nonfood assistance under section 5 of the Act shall be apportioned among the States during each fiscal year on the same basis as apportionments are made under section 4 of the National School Lunch Act, as amended, except that apportionment to American Samoa for any fiscal year shall be on the same basis as the apportionment to the other States.

(b) A share of the funds apportioned to any State for the Nonfood Assistance Program shall be withheld by C&MS for the nonprofit private schools of that State if the State Agency does not administer the program in such schools. The funds so withheld by C&MS shall be an amount which bears the same ratio to the Nonfood Assistance Program funds apportioned to that State as the participation rate of all nonprofit private schools of the State bears to the participation rate of all schools in the State.

§ 220.13 Payments to States.

Funds apportioned to any State for the Nonfood Assistance Program, except any funds withheld for nonprofit private schools, shall be made available by means of Letters of Credit issued by C&MS in the same manner as that set forth in § 220.5.

§ 220.14 Matching of funds.

(a) During any fiscal year, payments made by C&MS to each State Agency, and the payment made by C&MS to any nonprofit private school in any State, shall be upon the condition that at least one-fourth of the cost of any equipment financed under this part shall be borne from sources within the State.

(b) Funds from sources within the State shall include any source of State or local funds other than Federal grants and children's payments obtained by the school through any of its nonprofit food services.

(c) It shall be the responsibility of the State Agency, or CFPDO where applicable, to determine whether the requirements for financing from sources within the State are being met. In the event it appears that such requirements will not be met, the State Agency or CFPDO

where applicable, shall take corrective action to assure compliance.

§ 220.15 Use of funds.

Nonfood Assistance Program funds shall be used to reimburse schools drawing attendance from areas in which poor economic conditions exist, that have no equipment or grossly inadequate equipment, in connection with the cost of equipment to establish, maintain, and expand school food service programs.

§ 220.16 Requirements for participation.

(a) Schools desiring to participate in the Nonfood Assistance Program shall make written application to the State Agency, or CFPDO, where applicable. Applications shall include the name and address of the school and the following information:

(1) A detailed description of the type(s) of equipment needed to provide a food service to the children; (2) the vendor's statement on the estimated cost(s) of such equipment, including installation; (3) the anticipated delivery and installation date; (4) a detailed explanation justifying the need for equipment and explaining the inability of the school to finance the food service equipment needed; (5) a description of the source of any State or local funds which will be used to meet a share of the cost of the equipment obtained under the Nonfood Assistance Program, and the manner in which payment will be made to the vendor; and (6) if the application is by one attendance unit of a centralized or a host school operation which provides a food service for other attendance units, the names and addresses of each attendance unit and the average daily attendance of each.

(b) Schools shall be selected for participation in the Nonfood Assistance Program on the basis of: (1) The relative need of the school for assistance in acquiring equipment to operate an adequate feeding program and (2) the amount of funds available to the State agency or CFPDO, where applicable.

(c) Schools selected for participation shall enter into a written agreement, on a form approved by SLD, with the State agency or CFPDO where applicable. The school shall agree to: (1) Participate in the School Breakfast Program or the National School Lunch Program, or both (2) if it participates only in the School Breakfast Program, work toward inaugurating a National School Lunch Program; (3) maintain full and accurate records to account for the receipt and use of all funds in connection with the equipment acquired under the Nonfood Assistance Program; (4) if it is a nonprofit private school, provide at least one-fourth of the purchase price of such equipment; (5) if it is a nonprofit private school, use such equipment principally in connection with the school's nonprofit feeding programs under this part and under the National School Lunch Program; (6) if it is a nonprofit private school, in the event such equipment is no longer used prior to achieving full depreciation, to transfer and assign that part of such equipment financed with Federal funds, or the residual value thereof, to the United States.

§ 220.17 Reimbursement payments.

Reimbursement shall be made only in an amount not to exceed three-fourths of the total purchase price, including installation charges, of the equipment described on the application approved by the State Agency or CFPDO, where applicable.

§ 220.18 Reimbursement procedure.

(a) Each State Agency or CFPDO, where applicable, shall require schools to submit a "Claim for Reimbursement". The Claim for Reimbursement shall include the following items: (1) The name and address of the school; (2) the month and year the equipment was purchased; (3) the style, model number, quantity, and net cost of each type of equipment, exclusive of transportation, installation, and service costs, and (4) the cost of transportation, installation, and service costs for such equipment.

(b) Each claim shall be accompanied by a copy of the bill, invoice, or other evidence of purchase and shall be made part of the school's case file maintained by the State Agency or CFPDO, where applicable.

(c) In submitting a claim each school shall certify that the claim is true and correct; that the equipment has been installed and is operating; that records are available to support the claim, and that payment has not been received.

MISCELLANEOUS PROVISIONS APPLICABLE TO BOTH PROGRAMS

§ 220.19 Special responsibilities of State Agencies.

(a) Each State Agency shall maintain a separate account of all Federal funds advanced to it under the School Breakfast Program and the Nonfood Assistance Program, respectively, each fiscal year and shall maintain a current record of payments made to schools and of the unexpended balance remaining on hand. All payments made from such funds shall be made only upon properly certified vouchers.

(b) Each State Agency shall maintain current records on program operations in schools, and shall submit monthly reports to SLD on such operations on a form provided by SLD. Such records shall be retained for a period of 3 years after the end of the fiscal year to which they pertain.

(c) Each State Agency shall promptly investigate complaints received or irregularities noted in connection with the operation of either program, and shall take appropriate action to correct any irregularities. State Agencies shall maintain on file evidence of such investigations and actions. C&MS or OIG shall make investigations at the request of the State Agency or where C&MS or OIG determines investigations are appropriate.

(d) The State Agency shall return to C&MS any Federal funds paid to it under the Act which are unobligated at the end of each fiscal year, as soon as practicable, but in any event not later than 30 days following demand by CFPDO. The State Agency shall also pay to C&MS any interest paid or credited on Federal funds paid to it under the Act.

(e) State Agencies shall provide schools with monthly information on foods available in plentiful supply, based on information provided by C&MS.

(f) Each State Agency shall provide or cause to be provided adequate personnel for program supervision, including instructional and advisory services to schools, and other supervisory assistance to assure adequacy of program operations. As one part of the supervisory assistance activities administrative evaluations, including on-site visits to the schools, shall be made.

(g) The State Agency may submit to C&MS for approval by OIG a plan under which it will conduct audits in schools. Any State Agency satisfactorily conducting, as of the effective date of this part, a school audit program, approved under the National School Lunch Program, may be deemed to have an approved plan, or such State Agency may submit its plans for formal approval. Audits performed by or on behalf of State Agencies shall meet standards prescribed by OIG, and shall be reviewed by OIG at least annually to the extent necessary to determine compliance with such standards. OIG shall have the right to perform test audits of schools and to make audits on a statewide basis if it determines that the State audit program is not functioning satisfactorily or if the State terminates its audit program.

(h) Information on schools eligible to receive food commodities donated by the Department shall be prepared each year by the State Agency with accompanying information on the average daily number of breakfasts to be served in such schools. This information shall be prepared as early as practicable each fiscal year and forwarded no later than September 1 to the Agency of the State handling the distribution of donated commodities. The State Agency shall be responsible for promptly revising the information to reflect additions or deletions of eligible schools and for providing such adjustment in participation data as is determined necessary by the State Agency.

§ 220.20 Claims against schools.

(a) If a State Agency receives information or has reason to believe that a claim or a portion of a claim for reimbursement submitted by a school is not properly payable under this part, it shall not pay the claim or such portion of the claim and shall advise the school of the reasons for nonpayment or disallowance. The school may submit to the State Agency evidence and information to justify the total amount claimed, or may submit a reclaim for the portion disallowed, with appropriate justification therefor. The State Agency may make reimbursement in the amount it believes is warranted by the evidence, subject, however, to the provisions of paragraph (e) of this section.

(b) If a State Agency receives information or has reason to believe that a payment already made to a school was not proper under this part, it shall advise the school of the amount and basis of the alleged overpayment and may request a refund or advise the school that the amount overpaid is being deducted from subsequent claims. The school shall have full opportunity to present evidence and information to the State Agency to justify the amount of reimbursement paid. If the State Agency determines that the evidence is not sufficient the State Agency shall collect the amount of the overpayment from the school by refund or by deduction from subsequent claims for reimbursement made by the school. If new evidence becomes available to the school, it may, within a reasonable time after the collection, make a reclaim for all or a portion of the amount so collected, and the State may pay the amount of any reclaim it believes is warranted by the evidence, subject, however, to the provisions of paragraph (e) of this section.

(c) The State Agency may refer to SLD through the CFPDO for determination any action it proposes to take under this section.

(d) The State Agency shall maintain all records pertaining to action taken under this section. Such records shall be retained for a period of 3 years after the end of the fiscal year to which they pertain.

(e) If SLD does not concur with the State Agency's action in paying a claim or a reclaim, or in failing to collect an overpayment, SLD shall assert a claim against the State Agency for the amount of such claim, reclaim, or overpayment. In all such cases the State Agency shall have full opportunity to submit to SLD evidence or information concerning the action taken. If, in the determination of SLD, the State Agency's action was unwarranted, the State Agency shall promptly pay to C&MS the amount of the claim, reclaim, or overpayment.

(f) The amounts recovered by the State Agency from schools may be utilized, first, to make payments to schools for the purposes of the related program during the fiscal year for which the funds were initially available, and second to repay any State funds expended in the reimbursement of claims under the program and not otherwise repaid. Any amounts recovered which are not so utilized shall be returned to C&MS in accordance with the requirements of this part.

(g) With respect to schools in which the program is administered by CFPDO, when CFPDO disallows a claim or a portion of a claim, or makes a demand for refund of an alleged overpayment, it shall notify the schools of the reasons for such disallowance or demand and the schools shall have full opportunity to submit evidence or to file reclaims for any amounts disallowed or demanded in the same manner afforded in this section to schools in which the program is administered by State Agencies.

(h) In the event that the State Agency or CFPDO, where applicable, finds that a school is failing to meet the requirements of § 220.8 other than paragraph (a)(1) thereof, the State Agency or CFPDO need not disallow payment or collect an overpayment arising out of such failure, if the State Agency or CFPDO takes such other action as, in its opinion, will have a corrective effect.

§ 220.21 Administrative analyses and audits.

(a) Each State Agency shall provide C&MS with full opportunity to conduct administrative analyses (including visits to schools) of all operations of the State Agency under the programs covered by this part and shall provide OIG with full opportunity to conduct audits of all operations of the State Agency under such programs. Each State Agency shall make available its records, including records of the receipt and expenditure of funds under such programs, upon a reasonable request by C&MS or OIG. OIG shall also have the right to make audits of the records and operations of any school.

(b) In making administrative analyses or audits for any fiscal year, the State Agency, or OIG, may disregard any overpayment which does not exceed $5 or in the case of State Agency administered programs, does not exceed the amount established under State law, regulations or procedure as a minimum amount for which claim will be made for State losses generally: *Provided, however,* That no overpayment shall be disregarded where there are unpaid claims of the same fiscal year from which the overpayment can be deducted, or where there is evidence of violation of Federal or State statutes.

§ 220.22 Prohibitions.

(a) In carrying out the provisions of this part, neither the Department nor the State shall impose any requirements with respect to teaching personnel, curriculum, instructions, methods of instruction, and materials of instruction in any school as a condition for participation in either program.

(b) The value of assistance to children under the Act shall not be considered to be income or resources for any purposes under any Federal or State laws, including, but not limited to, laws relating to taxation, welfare, and public assistance programs. Expenditure of funds from State and local sources for the maintenance of food programs for children shall not be diminished as a result of funds received under the Act.

§ 220.23 Other provisions.

(a) Any State Agency or any school may be disqualified from future participation if it fails to comply with the provisions of this part and its agreement with the Department or the State Agency. This does not preclude the possibility of other action being taken through other means available where necessary, including prosecution for fraud under applicable Federal statutes. If any part of the money received by the State Agency by any improper or negligent action is diminished, lost, misapplied, or diverted from either program, by the State Agency, CFPDO may order such money to be replaced. Until the money is replaced, no subsequent payment under that program shall be made to the State Agency. The State Agency shall have full opportunity to submit evidence, explanation or information concerning instances of noncompliance or diversion of funds before a final determination is made in such cases.

(b) Any or all of the provisions of this part may be withdrawn or amended at any time by the Department, but no withdrawal or amendment shall be made without prior written notice having been mailed to the State Agencies or to nonprofit private schools in which the program is administered by CFPDO. No change in the requirements for breakfasts which increases the food costs to schools or which decreases the maximum rates of reimbursement shall become effective except at the beginning of a fiscal year.

(c) Nothing contained in this part shall prevent the State Agency from imposing additional requirements for participation in either program which are not inconsistent with the provisions of this part.

§ 220.24 Program information.

Schools desiring information concerning these programs should write to their State educational agency or to the appropriate Consumer Food Programs District Office of C&MS as indicated below:

(a) In the States of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia:

Consumer Food Programs, Northeast District Office, C&MS, U.S. Department of Agriculture, 346 Broadway, New York, N.Y. 10013.

(b) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Virginia, and the Virgin Islands:

Consumer Food Programs, Southeast District Office, C&MS, U.S. Department of Agriculture, 1795 Peachtree Street NE., Atlanta, Ga. 30309.

(c) In the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin:

Consumer Food Programs, Midwest District Office, C&MS, U.S. Department of Agriculture, 536 South Clark Street, Chicago, Ill. 60605.

(d) In the States of Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas:

Consumer Food Programs, Southwest District Office, C&MS, U.S. Department of Agriculture, 500 Ervay Street, Dallas, Tex. 75201.

(e) In the States of Alaska, American Samoa, Arizona, California, Guam, Ha-

waii, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming:

Consumer Food Programs, Western District Office, C&MS, U.S. Department of Agriculture, 630 Sansome Street, San Francisco, Calif. 94111.

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date: January 1, 1967.

[SEAL] JOHN A. SCHNITTKER, *Acting Secretary.*

[F.R. Doc. 67-63; Filed, Jan. 4, 1967; 8:46 a.m.]

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

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 814.5]

PART 814—ALLOTMENT OF SUGAR QUOTAS, MAINLAND CANE SUGAR AREA

Calendar Year 1967

Basis and purpose. This allotment order is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 922), hereinafter called the "Act", for the purpose of establishing preliminary allotments of a portion of the 1967 sugar quota for the Mainland Cane Sugar Area for the period January 1, 1967, until the date allotments of such quota are prescribed for the full calendar year 1967 on the basis of a subsequent hearing.

Omission of recommended decision and effective date. The record of the hearing regarding the subject of this order shows that approximately 770,000 tons of 1966-crop sugar will remain to be marketed after January 1, 1967. This quantity of sugar, along with production of sugar from 1967-crop sugarcane, will result in a supply of sugar available for marketing in 1967 sufficiently in excess of the 1967 quota that disorderly marketing may occur and some interested persons may be prevented from having equitable opportunities to market sugar (R. 6). The inventories of sugar on January 1, 1967, together with production in early 1967, may make it possible for some allottees to market shortly after January 1, 1967, a quantity of sugar larger than the allotments established by this order. It, therefore, is necessary that such allotments to be effective, be in effect on January 1, 1967. In view thereof and since this proceeding was instituted for the purpose of issuing allotments to prevent disorderly marketing of sugar and to afford all interested persons an equitable opportunity to market, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the act imperatively and unavoidably requires omission of a recommended decision in this proceeding. It is hereby further found that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and, consequently, this order shall be effective on January 1, 1967.

Preliminary statement. Section 205(a) of the Act requires the Secretary to allot a quota whenever he finds that the allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar or liquid sugar, or (4) to afford all interested persons equitable opportunities to market sugar within the quota for the area. Section 205(a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may by regulation prescribe.

Pursuant to the applicable rules of practice and procedure (7 CFR 801.1 et seq.) a preliminary finding was made that allotment of the quota is necessary, and a notice was published on November 10, 1966 (31 F.R. 14457), of a public hearing to be held at Washington, D.C., in Room 2-W, Administration Building, on November 18, 1966, beginning at 10 a.m., e.s.t., for the purpose of receiving evidence to enable the Secretary, (1) to affirm, modify, or revoke the preliminary finding of necessity for allotment, and (2) to establish fair, efficient, and equitable allotments of a portion of the 1967 quota for the Mainland Cane Sugar Area for the period January 1, 1967, until the date the Secretary prescribes allotments of such quota for the calendar year 1967 based on a subsequent hearing.

The hearing was held at the time and place specified in the notice of hearing and testimony was received with respect to the subject and issues referred to in the hearing notice. In arriving at the findings, conclusions, and the regulatory provisions of this order all proposed findings and conclusions were carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings and conclusions proposed by the interested persons are inconsistent with the findings and conclusions herein, the specified or implied request to make such findings and reach such conclusions are denied on the basis of the facts found and stated and the conclusions reached as set forth herein.

Basis for findings and conclusions. Section 205(a) of the Act reads in pertinent part as follows:

* * * Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processing of sugar or liquid sugar from sugarbeets or sugarcane, limited in any year when proportionate shares were in effect to processings to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person; and the ability of such person to market or import that portion of such quota or proration thereof allotted to him. The Secretary is also authorized in making such allotments, whenever there is involved any allotment that pertains to a new sugarbeet processing plant or factory serving a locality having a substantial sugarbeet acreage for the first time or that pertains to an existing sugarbeet processing plant or factory with substantial sugarbeet acreage for the first time, to take into consideration in lieu of or in addition to the foregoing factors of processing, past marketings, and ability to market, the need of establishing an allotment which will permit such marketing of sugar as is necessary for reasonably efficient operation of any such new processing plant or factory or expanded facilities during each of the first 2 years of its operation. The Secretary is also authorized in making such allotments of a quota for any calendar year to take into consideration in lieu of or in addition to the foregoing factors of processing, past marketings, and ability to market, the need for establishing an allotment which will permit such marketing of sugar as is necessary for the reasonably efficient operation of any nonaffiliated single plant processor of sugarbeets or any processor of sugarcane and as may be necessary to avoid unreasonable carryover of sugar in relation to other processors in the area: *Provided*, That the marketing allotment of any such processor of sugarbeets shall not be increased under this provision above an allotment of 25,000 short tons, raw value, and the marketing allotment of a processor of sugarcane shall not be increased under this provision above an allotment equal to the effective inventory of sugar of such processor on January 1 of the calendar year for which such allotment is made, ----------: *Provided further*, That the total increases in marketing allotments made pursuant to this sentence to processors in the domestic beet sugar area shall be limited to 25,000 short tons of sugar, raw value, for each calendar year and to processors in the mainland cane sugar area shall be limited to 16,000 short tons of sugar, raw value, for each calendar year. In making such allotments, the Secretary may also take into consideration and make due allowance for the adverse effect of drought, storm, flood, freeze, disease, insects, or other similar abnormal and uncontrollable conditions seriously and broadly affecting any general area served by the factory or factories of such person. The Secretary may also, upon such hearing and notice as he may by regulations prescribe, revise or amend any such allotment upon the same basis as the initial allotment was made. * * *

The necessity for allotment of the 1967 sugar quota for the Mainland Cane Sugar Area is indicated by the extent to which the quantity of sugar in prospect for marketing in 1967 exceeds the quota that may be established and that in the absence of allotments disorderly marketing would result, and some interested persons would be prevented from having equitable opportunities to market sugar (R. 6).

Testimony indicates that it is desirable to defer allotment proceedings with respect to the allotment of the full quota for 1967 until most allottees have completed processing of 1966-crop sugarcane, but allotments of a portion of the quota should be in effect beginning January 1, 1967, because inventories of sugar on January 1, 1967, together with production of sugar in early 1967 may make it possible for some allottees to market shortly after January 1, 1967, a quantity of sugar larger than eventually may be allotted to them (R. 6, 7).

The Department of Agriculture proposed at the hearing that for the period January 1, 1967, to the date an order is made effective based on a subsequent

hearing that for the Mainland Cane Sugar Area, preliminary 1967 allotments be established at 75 percent of the allotments of the 1966 quota for the area which became effective on July 27, 1966, pursuant to Sugar Regulation 814.4, Amdt. 2 (31 F.R. 10109): *Provided*, That any allotment established shall not be less than the estimated January 1, 1967, physical inventory of the respective allottee which cannot be marketed within the allottee's 1966 marketing allotment (R. 7, 8).

The witness representing 46 of the 48 Mainland Cane Sugar Processors concurred in the Government's proposal except for the determination of the precise percentage of the 1966 allotment that should be allotted under the 1967 preliminary order. The witness proposed that preliminary 1967 allotments be established as high as 80 percent of the 1966 allotments and recommended that the order be delayed until late in the year so the Secretary could consider production information then available to make sure preliminary allotments would not exceed final 1966 allotments for any processor.

The method for determining preliminary allotments of a portion of the 1967 Mainland Cane Sugar Area quota set forth in the accompanying findings and conclusions, follows the proposal of the Department except that 1967 preliminary allotments shall be established at 80 percent of 1966 allotments instead of 75 percent. On the basis of latest production data available the establishment of preliminary allotments at 80 percent of 1966 allotments, the maximum recommended by the industry witness, would not result in any allottee marketing a larger quantity than eventually may be allotted to him when the entire 1967 quota is allotted.

The hearing record contains proposals to include in the order to become effective January 1, 1967, paragraphs essentially the same as paragraphs (b), (c), and (d) of Sugar Regulation 814.4 (31 F.R. 197), which established initial allotments for 1966 (R. 11).

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) For the calendar year 1967 Mainland Cane Sugar processors will have available for marketing from 1966-crop sugarcane approximately 770,000 short tons, raw value, of sugar. This quantity of sugar, together with production of sugar from 1967-crop sugarcane, will result in a supply of sugar available for marketing in 1967 sufficiently in excess of the anticipated 1967 quota for the Mainland Cane Sugar Area to cause disorderly marketing and prevent some interested persons from having equitable opportunities to market sugar.

(2) The allotment of the 1967 Mainland Cane Sugar Area quota is necessary to prevent disorderly marketing and to afford all interested persons equitable opportunities to market sugar processed from sugarcane produced in the area.

(3) It is desirable to defer the allotment of the entire 1967 calendar year sugar quota for the Mainland Cane Sugar Area until processings from 1966-crop sugarcane can be known or closely estimated for all allottees, but it is necessary to make allotments of a portion of the 1967 quota effective January 1, 1967, to prevent some allottees from marketing a quantity of sugar larger than eventually may be allotted to them when the entire 1967 quota is allotted.

(4) The findings in (3), above, require that effective for the period January 1, 1967, until the date allotments of the 1967 calendar year Mainland Cane Sugar Area quota are prescribed on the basis of a subsequent hearing, the preliminary allotment of the 1967 Mainland Cane Sugar Area quota for each allottee shall be established at 80 percent of its 1966 allotments which became effective on July 27, 1966, pursuant to Sugar Regulation 814.4, Amendment 2 (31 F.R. 10109): *Provided*, That any allotments established by this order shall not be less than the respective allottee's estimated January 1, 1967, physical inventory, which could not be marketed within its 1966 marketing allotment. Official notice will be taken of production reports received from allottees of their estimated January 1, 1967, physical inventories by letters postmarked not later than December 24, 1966, when they become official records of the Department.

(5) The January 1, 1967, physical inventory of sugar in short tons, raw value, as estimated by the Secretary which could not be marketed under the 1966 allotment for Cajun Sugar Coop., Inc., is 18,639 tons and the allotment established for this processor in this order is not less than this quantity. The individual preliminary allotments for all other allottees determined at 80 percent of each allottee's 1966 allotment as provided in finding (4) above exceeds their respective January 1, 1967, physical inventories as estimated by the Secretary.

(6) Consideration has been given to the statutory factors "processings," "past marketings," and "ability to market" in establishing allotments of the 1967 sugar quota for the Mainland Cane Sugar Area as set forth in Finding (4) above.

(7) South Puerto Rico Sugar Co. shall succeed to all rights of Okeelanta Sugar Refinery, Inc., incident to allotments of the Mainland Cane Sugar Area quota.

(8) Provision shall be made in the order to restrict marketings of sugar to allotments established herein.

(9) To facilitate full and effective use of allotments, provision shall be made in the order for transfer of allotments under circumstances of a succession of interest, and under circumstances involving an allottee becoming unable to process sugarcane and such cane as he would normally process, if operating, is processed by other allottees.

(10) To aid in the efficient movement and storage of sugar, provision shall be made to enable a processor to market a quantity of sugar of his own production in excess of his allotment equivalent to the quantity of sugar which he holds in storage and which was acquired by him within the allotment of another allottee of the 1967 Mainland Cane Sugar Area quota.

(11) For the period January 1, 1967, until the date allotments of the Mainland Cane Sugar Area quota for the 1967 calendar year are prescribed on the basis of a subsequent hearing, the allotments established in the foregoing manner provide a fair, efficient, and equitable distribution of such quota and meet the requirements of section 205(a) of the Act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act: *It is hereby ordered:*

§ 814.5 Allotment of the 1967 sugar quota for the Mainland Cane Sugar Area.

(a) *Allotments.* For the period January 1, 1967, until the date allotments of the 1967 calendar year sugar quota for the Mainland Cane Sugar Area are prescribed, on the basis of a subsequent hearing, the 1967 quota of 1,100,000 tons for the Mainland Cane Sugar Area is hereby allotted in part, to the extent shown in this section, to the following processors in the quantities which appear opposite their respective names:

Processors	*Allotments (short tons, raw value)*
Albania Sugar Co.	8,324
Alma Plantation	8,053
J. Aron & Co., Inc.	11,815
Billeaud Sugar Factory	8,410
Breaux Bridge Sugar Co-op.	6,875
Wm. T. Burton Ind., Inc.	5,091
Caire & Graugnard	4,381
Cajun Sugar Co-op., Inc.	18,639
Caldwell Sugars Co-op., Inc.	10,288
Columbia Sugar Co.	6,828
Cora-Texas Manufacturing Co., Inc.	5,675
Dugas & LeBlanc, Ltd.	12,119
Duhe & Bourgeois Sugar Co.	7,894
Erath Sugar Co., Ltd.	5,968
Evan Hall Sugar Co-op., Inc.	18,084
Frisco Cane Co., Inc.	2,098
Glenwood Co-op., Inc.	12,642
Helvetia Sugar Co-op., Inc.	9,158
Iberia Sugar Co-op., Inc.	15,324
Lafourche Sugar Co.	14,648
Harry L. Laws & Co., Inc.	12,984
Levert-St. John, Inc.	11,466
Louisa Sugar Co-op., Inc.	9,219
Louisiana State Penitentiary	3,529
Louisiana State University	80
Meeker Sugar Co-op., Inc.	9,681
Milliken & Farwell, Inc.	12,010
M. A. Patout & Son, Ltd.	12,732
Poplar Grove Planting & Refining Co.	6,727
Savoie Industries	12,078
St. James Sugar Co-op., Inc.	13,883
St. Mary Sugar Co-op., Inc.	12,128
South Coast Corp.	49,009
Southdown, Inc.	28,963
Sterling Sugars, Inc.	21,751
J. Supples' Sons Planting Co., Inc.	4,581
Valentine Sugars, Inc.	9,078
Vida Sugars, Inc.	4,261
A. Wilbert's Sons Lumber & Shipping Co.	8,662
Young's Industries, Inc.	6,337
Louisiana subtotal	441,473
Atlantic Sugar Association	27,796
Florida Sugar Corp.	11,246
Glades County Sugar Growers Co-op., Association	36,328
Osceola Farms Co.	35,027
South Puerto Rico Sugar Co.	56,886

Processors	Allotments (short tons, raw value)
Sugarcane Growers Co-op. of Florida	80,353
Talleman Sugar Corp	30,821
United States Sugar Corp	159,493
Florida subtotal	437,950
Total all mainland cane	879,423

(b) *Marketing limitations.* Marketings shall be limited to allotments as established herein subject to the prohibitions and provisions of § 816.3 of this chapter (23 F.R. 1943).

(c) *Transfer of allotments.* The Administrator, Agricultural Stabilization and Conservation Service of the Department, may permit marketings to be made by one allottee, or other person, within the allotment established for another allottee upon relinquishment by such allottee of a quantity of its allotment and upon receipt of evidence satisfactory to the Administrator that (1) a merger, consolidation, transfer of sugar-processing facilities, or other action of similar effect upon the allottees or persons involved has occurred, or (2) the allottee receiving such permission will process 1967-crop sugarcane which the allottee relinquishing allotment has become unable to process.

(d) *Exchanges of sugar between allottees.* When approved in writing by the Administrator, Agricultural Stabilization and Conservation Service of the Department, any allottee holding sugar or liquid sugar acquired by him within the allotment of another person established in paragraph (a) of this section may ship, transport, or market up to an equivalent quantity of sugar processed by him in excess of his allotment established in paragraph (a) of this section. The sugar or liquid sugar held under this paragraph shall be subject to all other provisions of this section as if it has been processed by the allottee who acquired it for the purpose authorized by this paragraph.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, as amended, 928; 7 U.S.C. 1115, 1119)

Effective date: January 1, 1967.

Signed at Washington, D.C., this 28th day of December 1966.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 67-59; Filed, Jan. 4, 1967; 8:46 a.m.]

[Sugar Reg. 815.8]

PART 815—ALLOTMENT OF DIRECT-CONSUMPTION PORTION OF MAINLAND SUGAR QUOTA FOR PUERTO RICO

Calendar Year 1967

Basis and purpose. This allotment order is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 926 as amended), hereinafter called the "Act," for the purpose of allotting the portion of the sugar quota for Puerto Rico for the calendar year 1967 which may be filled by direct-consumption sugar among persons who market such sugar for consumption in the continental United States.

Omission of recommended decision and effective date. The record of the hearing regarding the subject of this order shows that the capacity to produce refined sugar in Puerto Rico far exceeds the maximum quantity of Puerto Rican direct-consumption sugar that may be marketed within probable mainland and local quotas (R–10). The proceeding to which this order relates was instituted for the purpose of allotting the direct-consumption portion of the mainland quota to prevent disorderly marketing and to afford each interested person an equitable opportunity to market direct-consumption sugar in the continental United States. The allotments made effective by this order are small in relation to the quantities of sugar that could be produced for marketing and delay in the issuance of the order might result in some persons marketing more than their fair share of the direct-consumption portion of the quota. Therefore, it is imperative that this order become effective on January 1, 1967, in order to fully effectuate the purposes of section 205(a) of the Act. Accordingly, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision in this proceeding. It is hereby further found that compliance with the 30-day effective date requirements in 5 U.S.C. 553 is impracticable and contrary to the public interest and, consequently, this order shall be effective on January 1, 1967.

Preliminary statement. Under the provisions of section 205(a) of the Act, the Secretary is required to allot a quota or proration thereof whenever he finds that allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar or liquid sugar, or (4) to afford all interested persons an equitable opportunity to market sugar or liquid sugar within the quota for the area. Section 205(a) also provides that such allotment shall be made after such hearing and upon such notice as the Secretary may by regulation prescribe.

Pursuant to the applicable rules of practice and procedure (7 CFR 801.1 et seq.), a preliminary finding was made that allotment of the direct-consumption portion of the quota is necessary and a notice was published on November 16, 1966 (31 F.R. 14598), of a public hearing to be held at Washington, D.C., in Room 2–W, Administration Building, U.S. Department of Agriculture, on December 7, 1966, at 10 a.m., e.s.t., for the purpose of receiving evidence to enable the Secretary to make a fair, efficient and equitable distribution of the direct-consumption portion of the mainland sugar quota for Puerto Rico for the calendar year 1967. The hearing was held at the time and place specified in the notice.

In arriving at the findings, conclusions, and regulatory provisions contained herein, all proposed findings and conclusions were carefully and fully considered in conjunction with the record evidence pertaining to the allotment of the direct-consumption portion of the mainland quota.

Basis for findings and conclusions. Section 205(a) of the Act reads in pertinent part as follows:

> * * * Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processing of sugar or liquid sugar from sugarbeets or sugarcane, limited in any year when proportionate shares were in effect to processings to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person; and the ability of such person to market or import that portion of such quota or proration thereof allotted to him. * * *

The record of the hearing regarding the subject of this order shows that the capacity to produce refined sugar in Puerto Rico far exceeds the maximum quantity of Puerto Rican direct-consumption sugar that may be marketed within the probable quotas. Thus, to prevent disorderly marketing of sugar and to afford all interested persons an equitable opportunity to market sugar within the quota as required by section 205(a) of the Act, allotment of the direct-consumption portion of the mainland sugar quota for Puerto Rico for the calendar year 1967 is found to be necessary (R–11).

While all three factors specified in the provisions of section 205(a) of the Act quoted above have been considered, only the "past marketings" and "ability to market" factors have been given percentile weightings in the formula on which the allotment of the direct-consumption portion of the mainland quota for Puerto Rico is based. Testimony indicates that allottees accounting for over 90 percent of the direct-consumption sugar brought into the continental United States each year do not process sugar from sugarcane and, accordingly, no weight should be given to the factor "processings from proportionate shares" (R–12).

The Government witness proposed that the factor "past marketings" be measured for each processor and refiner by the average annual quantity of direct-consumption sugar which he marketed in the continental United States within the mainland quotas for Puerto Rico during the 5 years 1962 through 1966, inclusive, expressed as a percentage of the sum of such quantities for all processors and refiners. The witness stated that the use of the quantities marketed in the most recent 5-year period will reflect market conditions similar to those which would be expected to occur in the marketing of direct-consumption sugar in the mainland in 1967, and furthermore, that a 5-year average of such mar-

ketings tends to minimize short-run influences affecting data for a single year and adds stability to the "past marketings" factor (R–12, 13).

The Government witness proposed that the factor "ability to market" be measured by the largest quantity of direct-consumption sugar marketed in the mainland by each refiner and processor in any one of the past 5 years, 1962 through 1966, expressed as a percentage of the sum of such quantities for all refiners and processors. The witness stated that the actual demonstrated ability of each allottee as measured by the largest quantity of sugar marketed in any one of the last 5 years is believed to be the best measure of processor's and refiner's relative ability to market direct-consumption sugar in the mainland in 1967, and that the use of a more remote period would not be as indicative of current ability to market (R–13, 14).

In determining allotments of the direct-consumption portion of the mainland quota for the calendar year 1967, the Government witness proposed that the factors "past marketings" and "ability to market," measured as proposed above, be weighted equally and such weighted percentages shall be applied to the quantity to be allotted in determining individual allotments (R–14).

The order allotting the direct-consumption portion of the mainland quota for 1966 established a liquid sugar reserve of 30 short tons, raw value, for other than named allottees. The record of the hearing held December 7, 1966, reveals that shipments of liquid sugar from other than named allottees totaled 31 tons in 1960, none in 1961, 24 tons in 1962, 18 tons in 1963, 10 tons in 1964, 23 tons in 1965, and 10 tons to date in 1966. Accordingly, the Government witness proposed that a liquid sugar reserve in an amount not to exceed 30 short tons, raw value, be established to permit the marketing of liquid sugar in the continental United States in 1967 by other than named allottees. Provision is therefor made for determining allotments by applying the weighted percentage factors for each allottee to the direct-consumption portion of the mainland quota less such liquid sugar reserve.

At the hearing the witness representing all five named allottees submitted a stipulation signed by representatives of all such allottees, which was marked Exhibit No. 7 for identification and received in evidence as part of the record of the hearing. This stipulation proposed that the direct-consumption portion of the 1967 mainland quota be allocated on the basis of the record of the hearing for 1966 allotments, with the formula updated by dropping the data for 1961 and including data for 1966.

In accordance with the record of the hearing (R–19) provision has been made in the findings and the order to revise allotments for the calendar year 1967, without further notice or hearing for purposes of (1) giving effect to the substitution of revised estimates or final data or both for estimates of the quantity of direct-consumption sugar imported into the continental United States by each allottee, (2) allotting any quantity of allotment to other allottees or to the residuary balance available for all persons when written notification of release of allotment becomes a part of the official records of the Department, and (3) giving effect to any increase or decrease in the direct-consumption portion of the mainland quota. Also, as proposed in the record (R–23) the findings and order contain provisions relating to restrictions on marketing similar to those contained in the 1966 Puerto Rican allotment order since such provisions operated successfully in 1966 and no objection was made in the record to their inclusion.

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) Based upon the rate of production of refiners and processors in Puerto Rico in 1966, the potential capacity of Puerto Rican processors and refiners to produce direct-consumption sugar during the calendar year 1967 is at least 330,000 short tons, and this quantity is proportionately for greater than the total quantity of such sugar which may be marketed within the mainland and local sugar quotas for Puerto Rico for the calendar year 1967.

(2) The allotment of the direct-consumption portion of the mainland sugar quota for Puerto Rico for the calendar year 1967 is necessary to prevent disorderly marketings of such sugar and to afford each interested person an equitable opportunity to market such sugar in the continental United States.

(3) Assignment of percentile weight to the "processing from proportionate shares" factor in the allotment formula would not result in fair, efficient, and equitable allotments.

(4) An allotment of 30 short tons, raw value, shall be established as a liquid sugar reserve to permit the marketing of liquid sugar in the continental United States by persons other than named allottees during the calendar year 1967.

(5) The "past marketings" factor shall be measured by each allottee's percentage of the average entries of direct-consumption sugar by all allottees into the continental United States during the years 1962 through 1966.

(6) The "ability to market" factor shall be measured for each allottee by expressing each allottee's largest entries of direct-consumption sugar into the United States during any one of the past 5 years, 1962 through 1966, as a percent of the sum of such entries for all allottees.

(7) The quantities of sugar and percentages referred to in paragraphs (5) and (6), above, based on data involving estimates for 1966 direct-consumption entries which shall be used to establish allotments pending availability and substitution of revised or final data for such estimates, are set forth in the following table:

Allottee	Average annual marketings, 1962–66		Highest annual marketings, 1962–66	
	Short tons raw value (1)	Percent of total (2)	Short tons raw value (3)	Percent of total (4)
Central Aguirre Sugar Co., a trust	5,941	3.9524	6,913	4.4174
Central Roig Refining Co.	20,720	13.7845	21,883	13.9831
Central San Francisco	1,040	.6919	1,578	1.0083
Puerto Rican American Sugar Refinery, Inc.	98,700	65.6625	101,509	64.8636
Western Sugar Refining Co.	23,913	15.9087	24,613	15.7276
Total	150,314	100.0000	156,496	100.0000

(8) Allotments totaling the direct-consumption portion of the Puerto Rican mainland quota for the calendar year 1967, less the liquid sugar reserve provided for in Finding (4), above, should be established by giving 50 percent weight to past marketings, measured as provided in Finding (5), above, and 50 percent weight to ability to market, measured as provided in Finding (6), above; and the sum of such weighted percentages for each allottee applied to the quantity to be allotted shall determine the allotment for each allottee.

(9) This order may be revised without further notice or hearing for the purpose of substituting revised estimates or final data or both for previous estimates of the Puerto Rican direct-consumption sugar entries by and on behalf of each allottee in 1966 when such revised data or final data or both become part of the official records of the Department.

(10) This order shall be revised without further notice or hearing to revise allotments to give effect to any change in the direct-consumption portion of the quota for Puerto Rico for the calendar year 1967 on the same basis as is provided in these findings for establishing allotments.

(11) This order shall require each allottee to submit to the Department, in writing, in the following form, no later than October 1, 1967, an estimate of the maximum quantity of direct-consumption sugar he will be able to market during the quota year within any allotment, and a release for allocation to other allottees or to a residuary balance available for all persons the portion of any allotment which may be established for him in excess of such maximum quantity:

I, the undersigned allottee, estimate that I will be able to market not to exceed _____ short tons, commercial weight, equivalent to _____ short tons, raw value, of sugar during the entire calendar year 1967, within any allotment of the direct-consumption portion of the 1967 mainland quota for Puerto Rico

which may be established for me pursuant to S.R. 815.

I release for disposition under the provisions of S.R. 815 the portion of any allotment in excess of the above stated quantity of sugar and any increase in my allotment in excess of such stated amount which would result from either an increase in the direct-consumption portion of the Puerto Rican sugar quota or the allocation of any allotment, or a portion thereof, released by one or more other allottees, occurring in either case, from the date of this release until the end of the calendar year.

An allottee may revise a previous notice of the maximum quantity he may market during the quota year and a previous release of allotment deficit by submitting to the Department on the prescribed form a new notice of the maximum quantity he may market during the quota year and a new release of allotment deficit. A revised notice and release may be given effect only to the extent that the allotment of any other allottee will not be reduced solely thereby as provided in Finding (12).

(12) This order shall provide for reallotment without further notice or hearing of any allotment, or portion thereof, that may be released by an allottee as provided in Finding (11) whenever such released allotments or portions thereof become available.

In revising allotments for the purpose of giving effect to a quota increase or decrease, or to give effect to a release by an allottee, allotment deficits shall be determined and allocated without regard to any previous determination and proration of deficits and such deficits shall be allocated proportionately among other allottees to the extent they are able to utilize additional allotments, on the basis of allotments computed for such allottees without including allocation of any allotment deficits: *Provided*, That the allotment previously in effect for an allottee which includes a deficit proration shall not be reduced solely to give effect to a revised notice received from another allottee subsequent to such deficit proration and which notice increases the declared maximum quantity such other allottee is able to market. Such deficit allocations to any allottee shall be limited in accordance with the written statement of the maximum quantity he will market submitted as provided in Finding (11). In the event the total of allotment deficits released by allottees exceeds the total quantity which can be utilized by other allottees, the excess quantity shall be placed in a residual balance available for all persons.

(13) Official notice will be taken of (a) written notice to the Department by an allottee of the estimated maximum marketings of such allottee within an allotment and of the quantities of sugar released for reallotment when the notification becomes a part of the official records of the Department, (b) final data for 1966 calendar year marketings of sugar for direct-consumption in the mainland that become a part of the official records of the Department, and (c) any regulation issued by the Secretary which changes the mainland sugar quota for Puerto Rico and the direct-consumption portion thereof established for 1967.

(14) Each allottee during the calendar year 1967 shall be restricted from bringing into the continental United States for consumption therein any direct-consumption sugar in excess of the smaller of his allotment established herein or the sum of the quantity of sugar produced by the allottee from sugarcane grown in Puerto Rico and the quantity of sugar acquired from Puerto Rican processors by the allottee during such year for shipment to the mainland within the applicable mainland quota for Puerto Rico. All other persons shall be prohibited from bringing direct-consumption sugar into the continental United States during the calendar year 1967 for consumption therein except such sugar acquired in such year from an allottee within his allotment established herein or sugar brought in within the liquid sugar reserve established for other than named allottees. All persons collectively shall be prohibited from bringing into the continental United States any direct-consumption sugar other than crystalline sugar in excess of the quantity by which the direct-consumption portion of the mainland quota exceeds 126,033 short tons, raw value. Of that part of the direct-consumption portion of the mainland quota that may be filled by either liquid or crystalline sugar, 30 short tons, raw value, shall be reserved to cover shipments of liquid sugar by other than named allottees as provided in Finding (4).

(15) To facilitate full and effective use of allotments, provision shall be made in the order for transfer of allotments under circumstances of a succession of interest.

(16) Allotments established in the foregoing manner and the amounts set forth in the order provide a fair, efficient, and equitable distribution of the direct-consumption portion of the mainland quota, as required by section 205(a) of the Act.

(17) To assure than an allottee will not market a quantity of sugar in excess of his final 1967 allotment to be established later on the basis of final data, allotments established by this order should be limited to 90 percent of the direct-consumption portion of the mainland sugar quota for Puerto Rico pending the allotment of the quota based on final data.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act, and in accordance with the findings and conclusions heretofore made: *It is hereby ordered:*

§ 815.8 Allotment of the direct-consumption portion of mainland sugar quota for Puerto Rico for the calendar year 1967.

(a) *Allotments.* For the period January 1, 1967, until the date allotments of the entire 1967 direct-consumption portion of the mainland sugar quota for Puerto Rico are prescribed, 90 percent of the 1967 direct-consumption portion of the mainland sugar quota for Puerto Rico is hereby allotted as follows:

Allottee	*Direct-consumption allotment (short tons, raw value)*
Central Aguirre Sugar Co., a trust	5,761
Central Roig Refining Co	19,114
Central San Francisco	1,170
Puerto Rican American Sugar Refinery, Inc	89,848
Western Sugar Refining Co	21,777
Liquid sugar reserve for persons other than named above	30
Subtotal	137,700
Unallotted	15,300
Total	153,000

(b) *Restrictions on marketing.* (1) During the calendar year 1967, each allottee named in paragraph (a) of this section is hereby prohibited from bringing into the continental United States within an allotment established for such allottee, for consumption therein, any direct-consumption sugar from Puerto Rico in excess of the smaller of (i) the allotment therefor established in paragraph (a) of this section, or (ii) the sum of the quantity of sugar produced by the allottee from sugarcane grown in Puerto Rico, and the quantity of sugar produced from Puerto Rican sugarcane which was sugar acquired by the allottee in 1967 for further processing and shipment within the direct-consumption portion of the mainland quota for Puerto Rico for the calendar year 1967.

(2) During the calendar year 1967, all persons other than the allottees specified in paragraph (a) of this section are hereby prohibited from bringing into the continental United States, for consumption therein, any direct-consumption sugar from Puerto Rico except that acquired from an allottee within the quantity limitations established in subparagraph (1) of this paragraph and that brought in within the liquid sugar reserve for persons other than named allottees.

(3) Of the total quantity of direct-consumption sugar allotted in paragraph (a) of this section, 126,033 short tons, raw value, may be filled only by sugar principally of crystalline structure and the balance may be filled by sugar whether or not principally of crystalline structure, except that 30 short tons, raw value, of such balance is reserved to cover shipments of liquid sugar by other than named allottees.

(c) *Revision of allotments.* The Administrator, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, is hereby authorized to revise the allotments established under this section without further notice or hearing to give effect to (1) the substitution of revised estimates or final data for estimates as provided in Finding (9) accompanying this order, (2) any increase or decrease in the direct-consumption portion of the mainland quota for Puerto Rico for the calendar year 1967, as provided in Finding (10) accompanying this order, and (3) the reallocation, as provided in Finding (12) accompanying this order, of any allotment or portion thereof released by an allottee.

(d) *Transfer of marketing rights under allotments.* The Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, of the Department of Agriculture, consistent with the provisions of the Act, may permit a quantity of sugar produced from sugarcane grown in Puerto Rico to be brought into the continental United States for direct-consumption therein by one allottee, or other person, within the allotment or portion thereof established for another allottee upon relinquishment by the latter allottee of an equivalent quantity of his allotment and upon receipt of evidence satisfactory to the Director that a merger, consolidation, transfer of sugar-processing facilities, or other action of similar effect upon the allottees or persons involved has occurred.

(Sec. 403, 61 Stat. 932, 7 U.S.C. 1153; interprets or applies secs. 205, 209; 61 Stat. 926, 928; 7 U.S.C. 1115, 1119)

Effective date: January 1, 1967.

Signed at Washington, D.C., this 28th day of December 1966.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 67-60; Filed, Jan. 4, 1967; 8:46 a.m.]

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

[Navel Orange Reg. 118, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel 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 recommendation and information submitted by the Navel 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 Navel 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 amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1) (i), (ii), and (iii) of § 907.418 (Navel Orange Reg. 118, 31 F.R. 16493) are hereby amended to read as follows:

§ 907.418 Navel Orange Regulation 118.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 375,000 cartons;

(ii) District 2: 89,106 cartons;

(iii) District 3: 60,000 cartons.

* * * * *

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

Dated: December 30, 1966.

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

[F.R. Doc. 67-92; Filed, Jan. 4, 1967; 8:49 a.m.]

[Lemon Reg. 247, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

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 recommendation 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 amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1) (i), (ii), and (iii) of § 910.547 (Lemon Reg. 247, 31 F.R. 16493) are hereby amended to read as follows:

§ 910.547 Lemon Regulation 247.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 33,480;

(ii) District 2: 90,210;

(iii) District 3: 136,710.

* * * * *

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

Dated: December 29, 1966.

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

[F.R. Doc. 67-58; Filed, Jan. 4, 1967; 8:46 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1424—AGRICULTURAL COMMODITIES, BULK OILS

Subpart—Standards for Approval of Warehouses for Bulk Oils

This part provides as follows:

Sec.
1424.1 General statement and administration.
1424.2 Basic standards.
1424.3 Bonding requirements.
1424.4 Inspection of warehouses.
1424.5 Basis for approval.
1424.6 Basis for disapproval.
1424.7 List of approved warehouses.
1424.8 Waiver of requirements.

AUTHORITY: The provisions of this Part 1424 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b.

§ 1424.1 General statement and administration.

(a) This subpart prescribes the requirements of Commodity Credit Corporation (hereinafter referred to as "CCC") for and the procedure to be followed by warehousemen who desire initial or continuing approval of their warehouses by CCC for the storage and handling under CCC storage agreements of bulk cottonseed oil, bulk linseed oil, bulk tung oil, and other bulk oils (such commodities are referred to collectively in this subpart as "oil") owned by CCC or held by CCC as security for price support loans. This subpart does not apply to the storage and handling of oil outside of the limits of the several States of the United States and the District of Columbia or to handling of a temporary nature.

(b) Warehousemen desiring to secure approval of their warehouses under this subpart may obtain information, an application form and other prescribed forms, and copies of the applicable storage agreements: (1) For cottonseed oil, from the New Orleans Agricultural Stabilization and Conservation Service Commodity Office, U.S. Department of Agriculture, Wirth Building, 120 Marais Street, New Orleans, La., 70112; (2) for tung oil, from the National Tung Oil

Marketing Cooperative, Inc., Post Office Box 73, Poplarville, Miss. 39470; and (3) for linseed oil and oil other than cottonseed oil and tung oil, from the Minneapolis Agricultural Stabilization and Conservation Service Commodity Office, U.S. Department of Agriculture, 6400 France Avenue, South, Minneapolis, Minn. 55410. Warehousemen shall send documents which this subpart requires to be submitted to CCC to the applicable office specified in this paragraph for the commodity involved. A warehouse must be approved by CCC before such warehouse will be used by CCC for the storage and handling of oil. The approval of a warehouse or the execution of a storage agreement with the warehouseman does not constitute a commitment that the warehouse will be used by CCC and no official or employee of the U.S. Department of Agriculture is authorized to make any such commitment.

§ 1424.2 Basic standards.

Initial approval of a warehouse, and the continued approval of an approved warehouse, are conditioned upon conformance with the following standards.

(a) The warehousemen shall:

(1) Be an individual, partnership, association, or other legal entity engaged in the business of storing oil for hire and, if organized in the corporate form, be chartered with authority to engage in such business.

(2) If State or local law requires a license to engage in the business of storing goods for hire, furnish CCC evidence that the warehouse is so licensed by the appropriate licensing authority.

(3) Have sufficient experience in, and knowledge of, the business of storing oil to assure that proper protection and adequate service will be rendered in the storage and handling of oil.

(4) Have satisfactorily complied with all previous CCC or USDA agreements and instruction issued thereunder: *Provided, however*, That this subparagraph shall apply only in circumstances excepted from CCC regulations governing suspension and debarment (31 F.R. 4950) unless suspension or debarment action has been taken as provided in such regulations.

(5) Have a net worth equal to at least 4 percent of the net book value of the estimated quantity of the oil to be stored, as determined by CCC, but in no event less than $10,000.

(6) Have sufficient funds available to meet ordinary operating expenses.

(7) Submit a completed Form CCC-513, "Application for Approval of Tank Farm" and such other documents or information as CCC may require.

(8) Furnish a financial statement, Form TW-51 "Financial Statement", supported by such supplemental schedules as may be requested. Subsequent financial statements shall be furnished annually and at such other times as may be required by CCC. The financial statement shall show the financial condition of the warehousemen as of a date not earlier than 90 days prior to the date of the statement. If the warehouseman employs the services of a public accountant, the financial statement must be certified or otherwise authenticated by the public accountant to the extent consistent with the accountant's verification of facts contained in the statement. Such certification or authentication may be separate from the financial statement. In the case of a chain of warehouses owned or operated, or both, by a single business entity, only one financial statement is required for all such warehouses.

(9) Furnish CCC such surety bonds as may be required under § 1424.3.

(10) Use only prenumbered warehouse receipts.

(11) Maintain adequate inventory and operating records.

(b) Supervisory employees of the warehouse shall meet the requirements of: (1) Paragraph (a) (3) of this section, and (2) paragraph (a) (4) of this section.

(c) Directors, responsible officers, and employees of the warehouse shall meet requirements of paragraph (a) (4) of this section.

(d) The warehouse shall:

(1) Be of sound construction with equipment in good repair.

(2) Be under the control at all times of the warehouseman who executes the agreement.

(3) Not be subject to greater than normal risk of fire, flood, or other hazards.

(4) Have adequate firefighting equipment.

(5) Be located on a railroad or waterway or have access to suitable rail or water loadout points.

(6) Have adequate equipment to assure that, within approximately thirty (30) working days, the quantity of oil for which the warehouse is or may be approved can be loaded out.

(e) Notwithstanding any other provision of this section, a Certificate of Competency issued by the Small Business Administration with respect to a warehouseman will be accepted by CCC as establishing conformance with the standards prescribed in paragraph (a) (1), (3), (5), and (6); subparagraph (1) of paragraph (b); and paragraph (d) (1), (2), (3), and (4) of this section.

§ 1424.3 Bonding requirements.

(a) Except as provided in paragraph (b) of this section, an applicant shall furnish a performance bond on Form CCC-61, "Warehouseman's Bond—Processed Commodities." Bond coverage for an applicant who fully conforms with all of the standards and requirements prescribed in this subpart, shall be in the amount of 5 percent of the net book value of the estimated quantity of the oil to be stored, but in no event less than $5,000 or, except as otherwise provided in paragraph (e) of this section, more than $100,000. The bond shall be executed by a surety company which has been approved by the U.S. Treasury Department (Circular No. 570) and which maintains an officer or representative authorized to accept services of legal process in the State where the warehouse is located.

(b) Warehouse bonds furnished under State law (statutory bonds) or under operational rules of nongovernmental supervisory agencies, cash, negotiable securities, or legal liability insurance policies may be substituted for bonds on Form CCC-61 under the following conditions:

(1) A bond offered in lieu of a Form CCC-61 bond must provide protection equivalent to that afforded by a Form CCC-61 bond and must be executed by a surety specified in paragraph (a) of this section or have a blanket rider and endorsement executed by such a surety. The liability of the surety under a blanket rider and endorsement shall be the same as that of the surety under the original bond. Such substitute bonds also must be noncancellable for not less than 90 days and include a rider providing for not less than 90 days' notice to CCC before cancellation. If the warehouseman has more than one warehouse in the same State and has State warehouse bonds covering such warehouses which are determined to be acceptable to CCC, the excess coverage on one warehouse may not be applied against insufficient bond coverage on another warehouse.

(2) CCC will determine the amount of cash and the acceptability of and valuation to be placed on negotiable securities offered in substitution for bond coverage. When the period for which the bond was required has ended and it is determined that all liability under the agreement has terminated, such cash or securities held by CCC will be returned to the warehouseman.

(3) Legal liability insurance policies must show CCC as the insured and be approved for legal sufficiency by the Regional Attorney or the Attorney-in-Charge, Office of the General Counsel, U.S. Department of Agriculture for the region or area in which the warehouse for which approval is requested is located.

(d) In the case of a warehouseman applying for approval of more than one warehouse in the same State, the net book value of the estimated quantity of oil to be stored in all such warehouses shall be used in determining bonding requirements.

(e) Notwithstanding any other provisions of this subpart, CCC may, after considering all the circumstances relating to the operation of the warehouse and determining that the amount of bond coverage required under this section is not sufficient to protect adequately the interests of CCC, require additional bond coverage. CCC shall take the net worth of the warehouseman into consideration in establishing the amount of such additional bond coverage.

§ 1424.4 Inspection of warehouse.

The warehouse will be examined by a person designated by CCC before it is approved for the storage and handling of oil. The warehouse examiner will make recommendations regarding the approval or disapproval of the warehouse. Such other action as considered necessary will be taken to determine whether

the requirements of § 1424.2 have been met.

§ 1424.5 Basis for approval.

A review and analysis will be made of the information disclosed by the warehouseman's application, warehouse examiner's report and recommendation, financial statement, credit reports, and other pertinent information. If it is determined that the warehouseman and the warehouse conform with the standards and other requirements set out in this subpart, the warehouse will be approved. The applicant also may be approved, if one or more of the standards of § 1424.2, other than the standard of paragraph (a)(5) thereof, are not met, if it is determined that the warehouse storage and handling conditions provide satisfactory protection for oil, that the services of the warehouseman are required by CCC in fulfilling its program responsibilities, and additional bond coverage or acceptable substitute security is furnished in an amount determined to be sufficient to protect the interests of CCC.

§ 1424.6 Basis for disapproval.

A warehouse will not be approved (or its present approval will be terminated) if:

(a) The warehouseman is in violation of any provisions of the regulations of the licensing authority, or if any condition which has resulted or may result in the refusal, suspension, or revocation of the applicable warehouse license has not been corrected. (Correction of any such condition shall not result in automatic approval of the warehouse and CCC may require the submission of a new application, such additional information as it considers pertinent, and a new inspection of the warehouse to determine whether the warehouse meets the requirements of this subpart).

(b) The warehouseman or any of the directors, responsible officers, and employees of the warehouse are suspended or debarred under regulations issued by CCC.

§ 1424.7 List of approved warehouses.

(a) After a warehouse has been approved and the storage agreement has been executed on behalf of CCC, a notice of approval will be forwarded to the warehouseman by CCC. The warehouse will then be eligible to store and handle CCC-owned oil and oil under CCC's price support programs. A list of approved warehouses will be maintained by CCC.

(b) The financial condition and the amount of bond or substitute security furnished by an approved warehouseman will be reviewed from time to time to determine that the requirements of CCC are being met. The warehouse will be reexamined from time-to-time to determine its continued compliance with the standards and requirements of this subpart. If at any time it is determined that a warehouseman or a warehouse does not conform with the standards and other requirements set out in this subpart, CCC shall remove the warehouse from the list of approved warehouses and take such other appropriate action as may be necessary to protect the interests of CCC. If a warehouse is removed from the list of approved warehouses under this section, CCC will inform the warehouseman of the reasons therefor and the warehouseman may obtain reinstatement on presentation of information satisfactory to CCC that the warehouseman or warehouse or both again comply with the standards and requirements of this subpart.

(c) Approval of the warehouse will remain in effect until the warehouse is removed from the list of approved warehouses, or the storage agreement is terminated, or the warehouseman is suspended or debarred from contracting with CCC under applicable regulations.

§ 1424.8 Waiver of requirements.

If the warehousing services required in fulfilling responsibilities under CCC programs cannot be secured under the provisions of this subpart and no reasonable and economical alternative is available, CCC may exempt the applicant from one or more of the provisions of this subpart and may establish such other requirements in lieu thereof as are determined necessary to safeguard the interests of CCC. Such action shall be authorized only by the Executive Vice President, CCC.

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on December 29, 1966.

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

[F.R. Doc. 67-91; Filed, Jan. 4, 1967; 8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS

Mexico

Pursuant to the provisions of sections 6, 7, 8, and 10 of the Act of August 30, 1890, as amended (21 U.S.C. 102–105), section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306), and sections 2, 3, 4, and 11 of the Act of July 2, 1962 (21 U.S.C. 134a–134c and 134f), the regulations in Part 92, Subchapter D, Chapter I, Title 9, Code of Federal Regulations, as amended, are hereby amended in the following respects:

1. Section 92.31(a) is amended to read:

§ 92.31 Import permit and application for inspection for animals and animal semen.

(a) For ruminants, swine, poultry, and animal semen intended for importation from Mexico, the importer shall first apply for and obtain from the Division an import permit as provided in § 92.4: *Provided*, That an import permit is not required for a ruminant or swine offered for entry at a land border port designated in § 92.3(c) if such animal: (1) Was born in the Mexican States of Tamaulipas, Nuevo Leon, Coahuila, Chihuahua, Sonora, Durango, Zacatecas, or Baja California, or the United States, and (2) has been in no country other than the United States or Mexico, and in no Mexican State other than those specified above, and (3) has not, during the preceding 60 days, been corralled, pastured, or held with, or bred by, or inseminated with semen from, any ruminants or swine for which a permit would be required under this part, and (4) is not pregnant as a result of having been bred by, or artificially inseminated with semen from, a ruminant or swine for which a permit would be required under this part.

* * * * *

2. Section 92.34(a) is amended to read:

§ 92.34 Detention at port of entry and periods of quarantine.

(a) Cattle, other ruminants, and swine imported from Mexico and originating in the Mexican States of Tamaulipas, Nuevo Leon, Coahuila, Chihuahua, Sonora, Durango, Zacatecas, or Baja California, except animals being transported in bond for immediate return to Mexico and except animals imported for immediate slaughter, may be detained at the port of entry and there subjected to such disinfection, blood tests, other tests, and dipping as may be required by the Director of Division to determine their freedom from any communicable disease or infection with such disease and the importer shall be responsible for the care, feed, and handling of the animals during the period of detention.

* * * * *

3. Section 92.40 is amended by changing the first sentence therein to read:

§ 92.40 Animals for immediate slaughter.

Swine and ruminants, other than sheep and goats, from the Mexican States of Tamaulipas, Nuevo Leon, Coahuila, Chihuahua, Sonora, Durango, Zacatecas, or Baja California, and horses and poultry from any part of Mexico, may be imported, subject to the applicable provisions of §§ 92.31, 92.32, 92.33, 92.35(a)(2) and 92.39(a) for immediate slaughter if accompanied by a certificate of a salaried veterinarian of the Mexican Government stating that he has inspected such animals on the premises of origin and found them free of evidence of communicable disease, and that, so far as it has been possible to determine, they have not been exposed to any such disease common to animals of their kind during the preced-

ing 60 days, and if the animals are shipped by rail or truck, the certificate shall further specify that the animals were loaded into cleaned and disinfected cars or trucks for transportation directly to the port of entry. * * *

(Secs. 6, 7, 8, 10, 26 Stat. 416, 417, as amended, sec. 2, 32 Stat. 792, as amended, sec. 306, 46 Stat. 689, as amended, sec. 2, 3, 4, 11, 76 Stat. 129, 130, 132; 19 U.S.C. 1306, 21 U.S.C. 102–105, 111, 134a, 134b, 134c, 134f; 29 F.R. 16210, as amended, 30 F.R. 5799, as amended)

The foregoing amendments relieve restrictions upon the importation of certain livestock from the State of Zacatecas, Mexico, so as to afford this State the same status as the seven northern States of Mexico now have in this respect under the regulations, since no communicable disease of livestock is now known to exist in the State of Zacatecas which would justify any different requirement with respect to it. Accordingly, under the administrative procedure provisions (5 U.S.C. 553) it is found upon good cause that notice and other public procedure with respect to the foregoing amendments are impracticable and contrary to the public interest and good cause is found for making the amendments effective less than 30 days after publication hereof in the FEDERAL REGISTER.

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of December 1966.

E. P. REAGAN,
Acting Deputy Administrator, Agricultural Research Service.

[F.R. Doc. 67-90; Filed, Jan. 4, 1967; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7534; Amdts. 61-26, 183-2]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

PART 183—REPRESENTATIVES OF THE ADMINISTRATOR

Medical Certificates Serving as Student Pilot Certificates; Parental Consent Requirements

The purpose of these amendments to Parts 61 and 183 of the Federal Aviation Regulations is to (1) authorize the issuance of student pilot certificates (combined with medical certificates) by aviation medical examiners when examining applicants for medical certification who meet the eligibility requirements of § 61.61 as to age and ability to read, speak, and understand the English language; and (2) delete the requirements of § 61.61 pertaining to consent of the parent or guardian of an unmarried applicant under 21 years of age or the husband of a married female applicant under that age, and statement of membership of a minor applicant in an Armed Force of the United States or enrolled in its ROTC or other training program. These amendments were proposed in Notice No. 66–30 issued on July 28, 1966, and published in the FEDERAL REGISTER on August 3, 1966 (31 F.R. 10415).

Except for dissents evidently based upon misunderstanding of its purpose, the public comments concurred with the first change as a time- and money-saving convenience to applicants for student pilot certificates. One of these two dissents remarked that issuing a pilot certificate is a function and responsibility of the FAA. This comment apparently did not consider the fact that an aviation medical examiner is a representative of the Administrator designated under section 314(a) of the Federal Aviation Act of 1958. The other dissent asked whether there now would be "two classes" of third-class medical certificates. This commentator apparently did not realize that there would still be only one class of third-class (or other-class) medical certificate but that, as explained in the notice, there would be two alternate procedures, one of these providing a certificate serving the dual function of both student pilot and medical certification, and the other preserving the applicant's right to obtain separate medical and student pilot certification from different representatives of the Administrator. As stated in Notice No. 66–30, the latter would be necessary to accommodate situations where the applicant already has an airman certificate, such as a certificated air traffic control tower operator with a second-class medical certificate, who now desires to obtain a student pilot certificate. In this kind of situation, it should not be necessary for him to go to an aviation medical examiner to obtain the pilot certificate.

Some comment was concerned with the disposition of a combination certificate when the student pilot applies for a private pilot certificate, since under prior administrative procedure the student pilot certificate has been surrendered upon issue of a different pilot certificate. The Agency will meet this situation with appropriate administrative methods preserving the continuance of the issued medical certification.

The objectives stated in Notice 66–30 are now implemented by amending § 61.61(b) to state that student pilot certificates are issued by FAA inspectors, designated pilot examiners, and aviation medical examiners when requested by persons being examined by them for medical certification under Part 67. However, it is provided that an aviation medical examiner may not issue a student pilot certificate if the applicant cannot read, speak, and understand the English language, since operating limitations then must be placed on the student pilot certificate that should be determined by another examiner. Section 183.21 also is amended to complete the delegation of authority to aviation medical examiners, and the term "Federal Air Surgeon" is substituted for the term "Civil Air Surgeon" throughout Part 183 to state the correct name of this official of the Agency.

Some comments opposed the deletion of the parental consent requirements from § 61.61, asserting that potentially parents may now be held responsible, without their consent, for damages that may result from operation of aircraft by their children. However, since these regulations provide safety rules prescribing standards for competency of pilots, their content should not depend upon the question of liability of a parent for a child's tort (that is determined by the law of the place where the tort takes place, not by regulations issued by this Agency). Furthermore, as stated in Notice No. 66–30, the parental consent requirement does not seem to serve any realistic safety purpose, and imposes an undue burden on the applicant for a pilot certificate since generally persons less than 21 years of age are inducted into the armed services, can exercise property rights, can marry, and are able to secure automobile driving licenses without parental consent.

Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all matter presented.

In consideration of the foregoing, Parts 61 and 183 of the Federal Aviation Regulations are amended, effective May 1, 1967, as follows:

1. By striking out paragraph (c) of § 61.61, and amending paragraph (b) of that section to read as follows:

§ 61.61 Eligibility requirements: general.

* * * * *

(b) Student pilot certificates are issued by the following:

(1) FAA inspectors.

(2) Designated pilot examiners.

(3) Aviation medical examiners, when requested by persons being examined by them for medical certificates under Part 67 of this chapter.

However, an aviation medical examiner may not issue a student pilot certificate if operating limitations are required under paragraph (a)(2) of this section.

(c) [Deleted]

2. By amending Part 183 as follows:

a. By striking out the term "Civil Air Surgeon" wherever it appears in Part 183 and substituting the term "Federal Air Surgeon" therefor.

b. By striking out the word "and" at the end of paragraph (c), redesignating paragraph (d) as paragraph (e), and inserting a new paragraph (d), in § 183.21, to read as follows:

§ 183.21 Aviation Medical Examiners.

* * * * *

(d) Issue student pilot certificates as specified in § 61.61 of this chapter; and

* * * * *

(Secs. 313(a), 314(a), 601, 602, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1355, 1421, 1422)

Issued in Washington, D.C., on December 29, 1966.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 67-65; Filed, Jan. 4, 1967; 8:46 a.m.]

[Airspace Docket No. 66-WE-19]

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

Alteration of Federal Airways

On September 28, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 12682) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would raise the floors of Federal airway segments in the Oakland, Calif., Air Route Traffic Control Center area.

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

The Air Transport Association of America concurred with the proposals. No other comments were received.

Subsequent to publication of the notice, an evaluation of flight inspection data determined that aircraft westbound for operation along V-244 may cross the Coaldale, Nev., VORTAC at 11,000 feet MSL. This will permit an easterly extension of the 14,500 feet MSL floor on V-244, 6 miles farther east. Such action is taken herein. In addition, revised air traffic control procedures at Reno, Nev., will necessitate a reduction of 2 miles in the length of the 13,100 feet MSL floor on the segment of V-283 south of Reno. Such action is taken herein.

Since these actions are minor in nature and are in the interest of safety, the Administrator has determined that notice and public procedure thereon are impractical.

The proposal to raise the floor on a segment of V-485 will not be considered herein as such action was taken in Airspace Docket No. 66-WE-36 (31 F.R. 14631).

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., March 2, 1967, as hereinafter set forth.

Section 71.123 (31 F.R. 2009, 2475, 5057, 5120, 5121, 6487, 6582, 6685, 6791, 7171, 7172, 7279, 7556, 8747, 10027, 14631) is amended as follows:

1. In V-6 all before "12 AGL Lovelock, Nev.," is deleted and "From INT Oakland, Calif., 221° and Point Reyes, Calif., 161° radials, 12 AGL Oakland; 12 AGL INT Oakland 039° and Sacramento, Calif., 212° radials; 12 AGL Sacramento, including a 12 AGL S alternate via INT Oakland 077° and Sacramento 192° radials; 12 AGL Lake Tahoe, Calif.; 12 AGL Reno, Nev., including a 12 AGL N alternate from Sacramento to Reno via INT Sacramento 038° and Reno 257° radials;" is substituted therefor.

2. In V-23 all between "Fresno, Calif.;" and "Fort Jones, Calif.;" is deleted and "12 AGL INT Fresno 322° and Linden, Calif., 140° radials 10 miles, 12 AGL; 6 miles wide, 12 AGL Linden; 12 AGL Sacramento, Calif., including a 12 AGL W alternate from Fresno to Sacramento via Los Banos, Calif., and Stockton, Calif.; 12 AGL INT Sacramento 346° and Red Bluff, Calif., 158° radials; 12 AGL Red Bluff;" is substituted therefor.

3. In V-25 all between "Salinas 131° radials;" and "INT of Red Bluff 015°" is deleted and "12 AGL INT Salinas 310° and Woodside, Calif., 158° radials; 12 AGL Woodside; 12 AGL San Francisco, Calif.; 12 AGL INT San Francisco 304° and Point Reyes, Calif., 161° radials; 12 AGL Point Reyes; 12 AGL INT Point Reyes 352° and Ukiah, Calif., 147° radials; 28 miles, 12 AGL, 24 miles, 85 MSL, 18 miles, 75 MSL, 12 AGL Red Bluff, Calif.;" is substituted therefor.

4. In V-27 all between "Big Sur;" and "Crescent City, Calif.;" is deleted and "12 AGL INT Big Sur 325° and Point Reyes, Calif., 161° radials; 12 AGL Point Reyes; 12 AGL INT Point Reyes 352° and Ukiah, Calif., 147° radials; 12 AGL Ukiah; 12 AGL Fortuna, Calif.;" is substituted therefor.

5. V-28 is amended to read as follows:

V-28 From Oakland, Calif., 12 AGL INT Oakland 077° and Linden, Calif., 246° radials; 12 AGL Linden; 12 AGL INT Linden 046° and Reno, Nev., 208° radials; 12 AGL Reno.

6. V-87 is amended to read as follows:

V-87 From San Francisco, Calif., 12 AGL INT San Francisco 359° and Napa, Calif., 182° radials; 12 AGL Napa; 12 AGL INT Napa 004° and Maxwell, Calif., 188° radials; 12 AGL Maxwell; 12 AGL Red Bluff, Calif.

7. In V-107 all between "Los Banos, Calif.;" and "The airspace within R-2519" is deleted and "12 AGL Oakland, Calif.; 12 AGL Point Reyes, Calif.; 12 AGL INT Point Reyes 306° and Ukiah, Calif., 172° radials." is substituted therefor.

8. In V-108 all before "From Colorado Springs, Colo.," is deleted and "From San Francisco, Calif., 12 AGL INT San Francisco 304° and Sausalito, Calif., 232° radials; 12 AGL Sausalito; 12 AGL INT Sausalito 052° and Linden, Calif., 269° radials; 12 AGL Linden." is substituted therefor.

9. V-109 is amended to read as follows:

V-109 From Los Banos, Calif., 12 AGL Stockton, Calif.; 12 AGL INT Stockton 268° and Oakland, Calif., 077° radials; 12 AGL Oakland." is substituted therefor.

10. V-111 is amended to read as follows:

V-111 From Big Sur, Calif., 12 AGL Salinas, Calif.; 12 AGL INT Salinas 026° and Los Banos, Calif., 312° radials.

11. V-113 is amended to read as follows:

V-113 From Paso Robles, Calif., via Priest, Calif.; Los Banos, Calif.; 12 AGL Stockton, Calif.; 12 AGL Linden, Calif.; 12 AGL INT Linden 046° and Reno, Nev.; 208° radials; 12 AGL Reno.

12. V-150 is amended to read as follows:

V-150 From San Francisco, Calif., 12 AGL INT San Francisco 304° and Sausalito, Calif., 232° radials; 12 AGL Sausalito; 12 AGL Sacramento, Calif.

13. V-195 is amended to read as follows:

V-195 From Oakland, Calif., 12 AGL INT Oakland 004° and Williams, Calif., 191° radials; 12 AGL Williams; 12 AGL INT Williams 002° and Red Bluff, Calif., 158° radials; 12 AGL Red Bluff; 12 AGL Fortuna, Calif.

14. V-199 is amended to read as follows:

V-199 From San Francisco, Calif., 12 AGL INT San Francisco 304° and Ukiah, Calif., 172° radials; 12 AGL Ukiah; 17 miles 12 AGL, 23 miles 85 MSL, 18 miles 75 MSL, 12 AGL Red Bluff, Calif. The portion outside the United States has no upper limit.

15. In V-200 all before "From Provo, Utah," is deleted and "From Ukiah, Calif., 12 AGL Williams, Calif.; 12 AGL Reno, Nev." is substituted therefor.

16. V-230 is amended to read as follows:

V-230 From INT Big Sur, Calif., 325° and Salinas, Calif., 281° radials; 12 AGL Salinas; 12 AGL Los Banos, Calif.; 12 AGL Fresno, Calif.; 12 AGL Friant, Calif. The portion outside the United States has no upper limit.

17. In V-244 all before "12 AGL Tonopah, Nev.;" is deleted and "From Oakland, Calif., 12 AGL INT Oakland 077° and Stockton, Calif., 268° radials; 12 AGL Stockton, including a 12 AGL S alternate INT Oakland 110° and Stockton 246° radials; 76 miles 12 AGL, 51 miles 145 MSL, 12 AGL Coaldale, Nev.;" is substituted therefor.

18. In V-283 "From Fresno, Calif., via Reno, Nev.;" is deleted and "From Fresno, Calif., 68 miles 12 AGL, 50 miles 131 MSL, 12 AGL Reno, Nev.;" is substituted therefor.

19. V-301 is amended to read as follows:

V-301 From Point Reyes, Calif., 12 AGL Santa Rosa, Calif.; 12 AGL Williams, Calif.

20. In V-459 all after "Friant, Calif.;" is deleted and "12 AGL INT Friant 319° and Linden, Calif., 124° radials; 12 AGL Linden." is substituted therefor.

21. In V-494 all before "12 AGL INT Lake Tahoe 078°" is deleted and "From Ukiah, Calif., 12 AGL INT Ukiah 147° and Santa Rosa, Calif., 325° radials; 12 AGL Santa Rosa; 12 AGL Sacramento, Calif.; 12 AGL INT Sacramento 038° and Lake Tahoe, Calif., 249° radials; 12 AGL Lake Tahoe;" is substituted therefor.

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

Issued in Washington, D.C., on December 28, 1966.

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

[F.R. Doc. 67-66; Filed, Jan. 4, 1967; 8:46 a.m.]

[Airspace Docket No. 66-WE-39]

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

Alteration of Federal Airways

On September 24, 1966, a notice of proposed rule making was published in the

FEDERAL REGISTER (31 F.R. 12602) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would raise the floors on segments of Federal airways in the Los Angeles, Calif., and a portion of the Albuquerque, N. Mex., Air Route Traffic Control Center area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Due consideration was given to all comments received.

The Air Transport Association of America offered no objection to the proposals. The Department of the Navy offered no objection to the proposals. However, they expressed concern that, in those instances where an airway traverses a transition area or control area, the proposal to designate a specific airway floor could be misinterpreted to mean that all controlled airspace below the airway floor was revoked. To preclude any misunderstanding, the actions taken herein affect only the control area associated with airways. All other controlled airspace will remain in effect. In those instances of dual designation of airspace, the lower floor will be depicted on aeronautical charts.

Subsequent to publication of the notice, it was determined that the following changes should be made to the proposals:

1. To more clearly delineate the airway floors, on aeronautical charts, in the area of the intersection of V–12/442 and V–538 southwest of Goffs, Calif., the MSL floor of V–12 should be changed to read Hector, Calif., 12 miles, 12 AGL, 38 miles 85 MSL, 14 miles 75 MSL, 12 AGL Needles. The MSL floor of V–442 should be changed to read Hector, Calif., 12 miles 12 AGL, 38 miles 85 MSL, 14 miles 75 MSL, 12 AGL INT Needles, Calif., 272° and Goffs, Calif., 163° radials * * * The MSL floor of V–538 should be changed to read Twentynine Palms, Calif., 12 AGL INT Twentynine Palms 043° and Goffs, Calif., 200° radials; 23 miles 95 MSL, 21 miles 75 MSL, 12 AGL Goffs.

2. To provide adequate control area to protect a revised departure procedure from Bryce Canyon, Utah (Panguitch Airport) the 12 AGL floor proposed for V–8 should be extended 3 miles southwest of Bryce Canyon and all the way from Bryce Canyon on V–8 N alternate, to Summit INT.

3. The minimum enroute altitude for V–257 between Grand Canyon, Ariz., and Bryce Canyon, Utah has been lowered to 13,000 feet MSL and the minimum crossing altitude for the Grand Canyon VOR has been established at 12,800 feet MSL northbound. Accordingly, the floor of this segment of V–257 should read Grand Canyon, 7 miles 12 AGL, 71 miles 125 MSL, 12 AGL Bryce Canyon.

4. The installation of a terminal VOR and designation of a transition area at Kingman, Ariz., will require alteration of the floors of V–105, 105 N alternate and V–208 by the extension of the 12 AGL floors for the protection of IFR departures from Kingman Airport. Because of the control area between V–105 and V–105 N alternate, the extension of the 12 AGL floors will in turn require a further alteration of the floors of these airways for aeronautical chart legibility. V–105 should read, Prescott, Ariz. 25 miles, 12 AGL, 22 miles, 85 MSL, 12 AGL Boulder, Nev., including an E alternate from Prescott, 25 miles 12 AGL, 85 MSL INT Prescott 319° and Peach Springs, Ariz. 134° radials; 8 miles 85 MSL, 12 AGL Peach Springs; 12 AGL to Las Vegas. V–208 should read Needles, Calif., 12 AGL Peach Springs, Ariz.

5. V–202 from Cochise, Ariz., to San Simon, Ariz. will not be considered herein as it was processed as a rule in ASD 65–SW–29, and is in effect.

6. V–291 from Winslow, Ariz., to Flagstaff, Ariz. will not be considered herein as it was processed as a rule (31 F.R. 13421).

7. In paragraph 32 of the notice, V–372 should be changed to read V–327. However, this airway will not be considered herein as it was processed as a rule (31 F.R. 13421).

8. The description of V–165 is altered herein to reflect the new alignment via the San Diego, Calif., VORTAC in lieu of the Lindbergh Field, Calif., VOR (31 F.R. 16127).

Since these actions are in the interest of safety or are corrective in nature, the Administrator has determined that notice and public procedure thereon are impractical.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 EST, March 2, 1967, as hereinafter set forth.

Section 71.123 (31 F.R. 2009, 2423, 2473, 2475, 3231, 4839, 5056, 5057, 5121, 6484, 6487, 6582, 6685, 7171, 7172, 7279, 7352, 7507, 7556, 7610, 8046, 8621, 8747, 10026, 11141, 11286, 11716, 13039, 13421, 14631, 16127) is amended as follows:

1. In V–8 all before "Hanksville, Utah," is deleted and "From INT Long Beach, Calif., 266° and Los Angeles, Calif., 236° radials; 12 AGL Long Beach; 12 AGL Ontario, Calif.; 35 miles, 7 miles wide (3 miles SE and 4 miles NW of centerline) 12 AGL Hector, Calif.; 12 AGL Goffs, Calif.; 12 AGL INT Goffs 033° and Morman Mesa, Nev., 196° radials; 12 AGL Morman Mesa, including a 12 AGL N alternate from Long Beach to Morman Mesa via Pomona, Calif., Dagett, Calif., and Las Vegas, Nev.; 39 miles, 12 AGL, 16 miles, 105 MSL, 33 miles, 120 MSL, 12 AGL Bryce Canyon, Utah, including an N alternate from INT Morman Mesa 059° and Cedar City, Utah, 197° radials, 19 miles, 115 MSL, 12 AGL via Cedar City, 12 AGL INT Cedar City 004° and Bryce Canyon 292° radials, 12 AGL Bryce Canyon, excluding the airspace between the main and this N alternate;" is substituted therefor.

2. In V–12 all before "30 miles, 12 AGL, 85 MSL Zuni, N. Mex.;" is deleted and "From Santa Barbara, Calif., 12 AGL INT Santa Barbara 091° and Fillmore, Calif., 310° radials; 12 AGL Fillmore; 12 AGL Palmdale, Calif.; 38 miles, 6 miles wide, 12 AGL Hector, Calif.; 12 miles, 12 AGL, 38 miles, 85 MSL, 14 miles, 75 MSL, 12 AGL Needles, Calif.; 45 miles, 12 AGL, 34 miles, 95 MSL, 12 AGL Prescott, Ariz.; 12 AGL Winslow, Ariz.;" is substituted therefor.

3. In V–16 all before "12 AGL Columbus, N. Mex.;" is deleted and "From Los Angeles, Calif., 12 AGL Ontario, Calif.; 12 AGL Palm Springs, Calif.; 12 AGL Blythe, Calif.; 21 miles, 12 AGL, 60 miles, 55 MSL, 12 AGL Buckeye, Ariz.; 12 AGL Phoenix, Ariz.; 12 AGL INT Phoenix 161° and Casa Grande, Ariz., 105° radials; 12 AGL Tucson, Ariz.; 12 AGL Cochise, Ariz., including a 12 AGL S alternate via INT Tucson 122° and Cochise 257° radials;" is substituted therefor.

4. In V–21 all before "Delta, Utah;" is deleted and "From INT Long Beach, Calif., 250° and Los Angeles, Calif., 207° radials; 12 AGL Long Beach; 12 AGL Ontario, Calif.; 35 miles, 7 miles wide (3 miles SE and 4 miles NW of centerline), 12 AGL Hector, Calif.; 12 AGL Boulder, Nev., including a 12 AGL W alternate from INT Hector 226° and Daggett, Calif., 187° radials to INT Daggett 062° and Hector 047° radials via Daggett; 12 AGL Morman Mesa, Nev.; 30 miles, 12 AGL, 52 miles, 95 MSL, 12 AGL Milford, Utah, including an E alternate from Morman Mesa, 39 miles, 12 AGL, 105 MSL INT Morman Mesa 059° and Cedar City, Utah, 197° radials, 19 miles, 115 MSL, 12 AGL Cedar City, 12 AGL to Milford, excluding the airspace between the main and this E alternate airway;" is substituted therefor.

5. In V–23 all before "INT of Fresno 322°" is deleted and "From San Diego, Calif., 12 AGL Oceanside, Calif.; 24 miles, 12 AGL; 6 miles wide, 12 AGL Long Beach, Calif.; 6 miles wide, 12 AGL INT Long Beach 287° and Los Angeles, Calif., 138° radials; 12 AGL Los Angeles; 12 AGL Gorman, Calif.; 12 AGL Bakersfield, Calif.; 12 AGL Fresno, Calif.;" is substituted therefor.

6. In V–25 all before "INT of Salinas 310°" is deleted and "From San Diego, Calif., 12 AGL Los Angeles, Calif., including an E alternate from INT Los Angeles 138° and Long Beach, Calif., 186° radials, 12 AGL via Long Beach, 6 miles wide, 12 AGL to INT Long Beach 287° and Los Angeles 138° radials; 12 AGL INT Los Angeles 261° and Ventura, Calif., 144° radials; 6 miles wide, 12 AGL Ventura; 6 miles wide, 12 AGL INT Ventura 331° and Santa Barbara, Calif., 109° radials; 12 AGL Santa Barbara; 12 AGL Paso Robles, Calif., including a 12 AGL W alternate from Santa Barbara to Paso Robles via Gaviota, Calif., and San Luis Obispo, Calif.; 12 AGL Salinas, Calif., including a 12 AGL E alternate via INT Paso Robles 342° and Salinas 131° radials;" is substituted therefor.

7. In V–27 all before "INT of Big Sur 325°" is deleted and "From San Diego, Calif., 12 AGL INT San Diego 319° and Santa Catalina, Calif., 099° radials; 12 AGL Santa Catalina; 6 miles wide, 12 AGL Ventura, Calif.; 6 miles wide, 12 AGL INT Ventura 331° and Fillmore, Calif., 268° radials; 12 AGL INT Fillmore 268° and Gaviota, Calif., 143° radials; 12 AGL Gaviota; 12 AGL San Luis Obispo, Calif.; 12 AGL INT San Luis Obispo 308° and Big Sur, Calif., 157° radials; 12 AGL Big Sur;" is substituted therefor.

8. V–64 is amended to read as follows:

V–64 From Los Angeles, Calif., 7 miles wide (3 miles E and 4 miles W of centerline) 12 AGL INT Los Angeles 185° and Long Beach, Calif., 266° radials; 12 AGL Long Beach; 12 AGL Thermal, Calif.; 12 AGL Blythe, Calif. The portion outside the United States has no upper limit.

9. In V–66 all before "12 AGL El Paso, Tex.," is deleted and "From San Diego, Calif., 12 AGL Imperial, Calif.; 13 miles, 12 AGL, 24 miles, 25 MSL, 12 AGL Yuma, Ariz.; 12 miles, 12 AGL, 35 MSL INT Yuma 087° and Gila Bend, Ariz., 262° radials; 46 miles, 35 MSL, 12 AGL Gila Bend; 12 AGL Tucson, Ariz.; 12 AGL Douglas, Ariz.; 12 AGL INT Douglas 065° and Columbus, N. Mex., 277° radials; 12 AGL Columbus;" is substituted therefor.

10. In V–94 all before "12 AGL Deming, N. Mex.;" is deleted and "From Gila Bend, Ariz., 12 AGL Casa Grande, Ariz.; 55 miles, 12 AGL 74 miles, 95 MSL, 12 AGL San Simon, Ariz.;" is substituted therefor.

11. In V–95 all before "66 miles, 12 AGL, 39 miles, 125 MSL, 12 AGL Farmington," is deleted and "From Gila Bend, Ariz., 12 AGL INT Gila Bend 096° and Phoenix, Ariz., 204° radials; 12 AGL Phoenix; 49 miles, 12 AGL, 40 miles, 95 MSL, 12 AGL Winslow, Ariz., including a W alternate from Phoenix, 12 AGL INT Phoenix 004° and Winslow 224° radials; 52 miles, 95 MSL, 12 AGL Winslow;" is substituted therefor.

12. In V–105 all before "105 MSL Coaldale, Nev.;" is deleted and "From Tucson, Ariz., 12 AGL INT Tucson 273° and Casa Grande, Ariz., 158° radials; 12 AGL Casa Grande; 12 AGL Phoenix, Ariz.; 12 AGL Prescott, Ariz.; 25 miles, 12 AGL 22 miles, 85 MSL, 12 AGL Boulder, Nev.; 12 AGL Las Vegas, Nev., including an E alternate from Prescott, 25 miles, 12 AGL, 85 MSL INT Prescott 319° and Peach Springs, Ariz., 134° radials, 8 miles, 85 MSL, 12 AGL Peach Springs, 12 AGL INT Peach Springs 305° and Las Vegas 081° radials, 12 AGL to Las Vegas; 12 AGL INT Las Vegas 266° and Beatty, Nev., 142° radials; 17 miles, 12 AGL, 105 MSL Beatty;" is substituted therefor.

13. In V–107 all before "12 AGL Oakland, Calif.;" is deleted and "From Los Angeles, Calif., 12 AGL INT Los Angeles 061° and Santa Monica, Calif., 093° radials; 12 AGL Santa Monica; 12 AGL INT Santa Monica 276° and Fillmore, Calif., 163° radials; 12 AGL Fillmore, including a 12 AGL W alternate from Los Angeles to Fillmore via INT Los Angeles 291° and Fillmore 163° radials, and Ventura, Calif.; 12 AGL Avenal, Calif.; 12 AGL Los Banos, Calif.;" is substituted therefor.

14. In V–113 all before "12 AGL Stockton, Calif.;" is deleted and "From Paso Robles, Calif., 12 AGL Priest, Calif.; 12 AGL Los Banos, Calif.;" is substituted therefor.

15. V–117 is amended to read as follows:

V–117 From Imperial, Calif., 12 AGL INT Imperial 350° and Thermal, Calif., 122° radials; 12 AGL Thermal; 12 AGL Palm Springs, Calif. The airspace within R–2521 is excluded.

16. In V–135 all before "105 MSL INT Beatty 326°" is deleted and "From Yuma, Ariz., 12 AGL Blythe, Calif.; 12 AGL Parker, Calif.; 5 miles, 12 AGL, 24 miles, 55 MSL, 12 AGL Needles, Calif.; 12 AGL Goffs, Calif.; 12 AGL Las Vegas, Nev.; 12 AGL INT Las Vegas 266° and Beatty, Nev., 142° radials; 17 miles, 12 AGL, 105 MSL Beatty;" is substituted therefor.

17. V–137 is amended to read as follows:

V–137 From Palm Springs, Calif., 12 AGL Palmdale, Calif.; 12 AGL Gorman, Calif.; 12 AGL Fellows, Calif.; 12 AGL San Luis Obispo, Calif.

18. V–165 is amended to read as follows:

V–165 From San Diego, Calif., 12 AGL INT San Diego 270° and Oceanside, Calif., 177° radials; 12 AGL Oceanside; 24 miles, 12 AGL; 6 miles wide, 12 AGL Long Beach, Calif.; 6 miles wide, 12 AGL INT Long Beach 287° and Los Angeles, Calif., 138° radials; 12 AGL Los Angeles; 12 AGL INT Los Angeles 357° and Lake Hughes, Calif., 154° radials; 12 AGL Lake Hughes; 12 AGL INT Lake Hughes 344° and Bakersfield, Calif., 137° radials; 12 AGL Bakersfield; 12 AGL Porterville, Calif.; 12 AGL INT Porterville 339° and Fresno, Calif., 140° radials; 12 AGL Fresno.

19. V–183 is amended to read as follows:

V–183 From Santa Barbara, Calif., 12 AGL Bakersfield, Calif.

20. In V–190 all before "12 AGL Albuquerque, N. Mex.," is deleted and "From Phoenix, Ariz., 54 miles, 12 AGL, 19 miles, 95 MSL, 59 miles, 115 MSL, 12 AGL St. Johns, Ariz.;" is substituted therefor.

21. V–197 is amended to read as follows:

V–197 From Ontario, Calif., 12 AGL Pomona, Calif.; 12 AGL Palmdale, Calif.

22. V–201 is amended to read as follows:

V–201 From INT Los Angeles, Calif., 207° and Long Beach, Calif., 250° radials; 12 AGL Los Angeles; 12 AGL Palmdale, Calif. The portion outside the United States has no upper limit.

23. V–208 is amended to read as follows:

V–208 From Los Angeles, Calif., 7 miles wide (3 miles E and 4 miles W of centerline) 12 AGL INT Los Angeles 185° and Santa Catalina, Calif., 355° radials; 7 miles wide (3 miles E and 4 miles W of centerline) 12 AGL Santa Catalina; 12 AGL Oceanside, Calif.; 12 AGL Julian, Calif.; 12 AGL Thermal, Calif.; 12 AGL Twentynine Palms, Calif.; 20 miles 12 AGL, 24 miles 73 MSL, 12 AGL Needles, Calif.; 12 AGL Peach Springs, Ariz. The airspace within R–2503 and the airspace below 2,000 feet MSL outside the United States is excluded. The portion outside the United States has no upper limit.

24. In V–210 all before "Alamosa, Colo.," is deleted and "From Los Angeles, Calif., 12 AGL INT Los Angeles 083° and Pomona, Calif., 240° radials; 12 AGL Pomona; 12 AGL INT Daggett, Calif., 229° and Hector, Calif., 263° radials; 12 AGL Hector; 12 AGL Goffs, Calif.; 13 miles 12 AGL, 23 miles 71 MSL, 85 MSL, Peach Springs, Ariz.; 12 AGL Grand Canyon, Ariz.; 12 AGL Tuba City, Ariz.; 20 miles 90 MSL, 79 miles 115 MSL, 12 AGL Farmington, N. Mex.;" is substituted therefor.

25. V–237 is amended to read as follows:

V–237 From Needles, Calif., 25 miles 12 AGL, 24 miles 71 MSL, 12 AGL Boulder, Nev.; 12 AGL INT Boulder 347° and Las Vegas, Nev., 081° radials; 12 AGL Las Vegas.

26. V–248 is amended to read as follows:

V–248 From Paso Robles, Calif., 12 AGL Avenal, Calif.; 12 AGL Bakersfield, Calif.

27. In V–257 all before "INT Bryce Canyon 338°" is deleted and "From Phoenix, Ariz., 12 AGL Prescott, Ariz.; 12 AGL INT Prescott 003° and Grand Canyon, Ariz., 211° radials; 12 AGL Grand Canyon; 7 miles 12 AGL, 71 miles 125 MSL, 12 AGL Bryce Canyon, Utah;" is substituted therefor.

28. In V–264 all before "12 AGL Socorro, N. Mex.;" is deleted and "From Los Angeles, Calif., 12 AGL INT Los Angeles 061° and Pomona, Calif., 269° radials; 6 miles wide, 12 AGL Pomona; 12 AGL Twentynine Palms, Calif., including a 12 AGL S alternate from Los Angeles to Twentynine Palms via Ontario, Calif., and Palm Springs, Calif.; 17 miles 12 AGL, 28 miles 55 MSL, 12 AGL Parker, Calif.; 35 miles 12 AGL, 60 miles 95 MSL, 12 AGL Prescott, Ariz.; 50 miles 12 AGL, 98 miles 115 MSL, 12 AGL St. Johns, Ariz.; 29 miles 12 AGL, 51 miles 115 MSL," is substituted therefor.

29. V–299 is amended to read as follows:

V–299 From Los Angeles, Calif., 12 AGL INT Los Angeles 291° and Fillmore, Calif., 163° radials; 12 AGL Fillmore; 12 AGL Gorman, Calif. The portion outside the United States has upper limit.

30. V–432 is amended to read as follows:

V–432 From Thermal, Calif., 12 AGL Parker, Calif.

31. V–442 is amended to read as follows:

V–442 From Hector, Calif., 12 miles 12 AGL, 38 miles 85 MSL, 14 miles 75 MSL, 12 AGL INT Needles, Calif., 272° and Goffs, Calif., 163° radials; 12 AGL INT Goffs 163° and Parker, Calif., 333° radials; 12 AGL Parker.

32. V–458 is amended to read as follows:

V–458 From Julian, Calif., 12 AGL INT Julian 130° and Imperial, Calif., 272° radials; 12 AGL Imperial.

33. In V–459 all before "INT Friant 319°" is deleted and "From Long Beach, Calif., 12 AGL Lake Hughes, Calif.; 12 AGL Porterville, Calif., 12 AGL Friant, Calif.;" is substituted therefor.

34. V–460 is amended to read as follows:

V–460 From Julian, Calif., 12 AGL INT Julian 055° and Blythe, Calif., 272° radials; 12 AGL Blythe.

35. V–461 is amended to read as follows:

V–461 From Gila Bend, Ariz., 12 AGL Buckeye, Ariz.

36. In V–485 all before "12 AGL INT Priest 325°" is deleted and "From Ventura, Calif., 6 miles wide, 12 AGL INT Ventura 331° and Fellows, Calif., 142° radials; 12 AGL Fellows; 12 AGL Priest, Calif.;" is substituted therefor.

37. V–503 is amended to read as follows:

V–503 From Goffs, Calif., 84 miles 12 AGL, 105 MSL Beatty, Nev.

38. V–538 is amended to read as follows:

V–538 From Twentynine Palms, Calif., 12 AGL INT Twentynine Palms 043° and Goffs, Calif., 200° radials; 23 miles 95 MSL, 21 miles 75 MSL, 12 AGL Goffs; 12 AGL Las Vegas, Nev. The airspace within R–2501 is excluded.

(Secs. 307(a) and 1110 of the Federal Aviation Act of 1958, 49 U.S.C. 1348 and 1510)

Issued in Washington, D.C. on December 30, 1966.

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

[F.R. Doc. 67–96; Filed, Jan. 4, 1967; 8:50 a.m.]

[Airspace Docket No. 66–WA–43]

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

Alteration of Federal Airway

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the segment of V–479 between Northbrook, Ill., and Milwaukee, Wis. On January 28, 1967, the Northbrook VORTAC will be relocated to a site at latitude 42°11'30" N., longitude 87°56'03" W. This new site will affect the alignment of the segment of V–479, predicated on this facility by 1°. Corrective action is taken herein. The jet routes and the balance of airways predicated on this facility will automatically move with the facility and no action will be required.

Since this amendment is minor in nature, and will impose no undue burden on any person, notice and public procedure hereon is unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t. February 2, 1967, as hereinafter set forth.

Section 71.123 (31 F.R. 2009, 7556) is amended as follows: In V–479 "Northbrook 348°" is deleted and "Northbrook 347°" is substituted therefor.

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

Issued in Washington, D.C., on December 28, 1966.

JOHN D. MATTSON,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67–112; Filed, Jan. 4, 1967; 8:50 a.m.]

[Airspace Docket No. 66–WE–35]

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

Designation and Alteration of Federal Airways; Correction

On December 9, 1966, F.R. Doc. 66–13225 was published in the FEDERAL REGISTER (31 F.R. 15531), and in part designated a north alternate to V–4 from Boise, Idaho, to Burley, Idaho. This action is to be effective February 2, 1967. In Item 1, the description of V–4 is in error. Corrective action is taken herein.

Since this action is minor and corrective in nature, notice and public procedure hereon is impractical and it may be made effective immediately.

In consideration of the foregoing, F.R. Doc. 66–13225 (31 F.R. 15531) Item 1 is amended effective immediately as hereinafter set forth.

Item 1 is amended to read as follows:

1. In V–4 "12 AGL Burley;" is deleted and "12 AGL Burley, including an N alternate from Boise, 21 miles, 12 AGL, 28 miles, 90 MSL, 95 MSL INT Boise 104° and Burley 344° radials, 12 AGL Burley, excluding the airspace between the main and this alternate airway;" is substituted therefor.

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

Issued in Washington, D.C., on December 29, 1966.

W. R. ANDREWS,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67–113; Filed, Jan. 4, 1967; 8:50 a.m.]

[Airspace Docket No. 66–WE–40]

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

Alteration of Federal Airway and Transition Area

On November 9, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 14408) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would realign V–122 between Medford, Oreg., and Klamath Falls, Oreg., and that would alter a segment of the floor of the Klamath Falls transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The Air Transport Association of America concurred in the proposals. No other comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., March 2, 1967, as hereinafter set forth.

Section 71.123 (29 F.R. 2009) is amended as follows:

V–122 is amended to read as follows:

V–122 From Crescent City, Calif., via Medford, Oreg.; INT Medford 117° and Klamath Falls, Oreg., 282° radials; Klamath Falls; to Lakeview, Oreg.

Section 71.181 (29 F.R. 2149) is amended as follows: In the description of Klamath Falls, Oreg., transition area "290°" is deleted wherever it appears and "295°" is substituted therefor.

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

Issued in Washington, D.C., on December 29, 1966.

W. R. ANDREWS,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67–114; Filed, Jan. 4, 1967; 8:50 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Postponement of Closing Dates of Provisional Listings; Deletions from Provisional Lists

The color additive amendments of 1960 (Public Law 86–618; 74 Stat. 404; 21 U.S.C. 376, note) authorize the Secretary of Health, Education, and Welfare to postpone the closing date of a provisional listing of a color additive on his own initiative or upon application of an interested person. Requests have been received to postpone the closing dates of provisional listings of a number of color additives because scientific investigations necessary for listing these color additives under section 706 of the Federal Food, Drug, and Cosmetic Act have not been completed. It is found that postponement of the closing dates of the provisionally listed color additives included in this order will not be contrary to the interests of the public health. Any extensions so granted are conditioned upon a requirement that where applicable progress reports be supplied on or before July 1, 1967.

The provisional listing of calcium carbonate and of riboflavin for use in food is terminated because the Food and Drug Administration has no knowledge of either substance being presently used as a color additive in food and, therefore, provisional listing is unnecessary.

Effective June 24, 1966, the provisional listing of iron oxide as a color additive for use in pet foods was terminated by an order published in the FEDERAL REGISTER of July 2, 1966 (31 F.R. 9105), because the Food and Drug Administration had been informed that scientific investigations to establish the safety of the color additive had been discontinued. The Pet Food Institute, 333 North Michigan Avenue, Chicago, Ill. 60601, has ad-

vised this Administration that the Institute would continue with the scientific investigations preliminary to the submission of a color additive petition. Accordingly, iron oxide is restored to the provisional list of color additives subject to the restriction that it may be used only in dog and cat foods.

Therefore, pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 203(a)(2), Public Law 86-618; 74 Stat. 404; 21 U.S.C. 376, note), delegated by the Secretary to the Commissioner of Food and Drugs (21 CFR 2.120; 31 F.R. 3008), § 8.501 *Provisional lists of color additives* is amended in the following respects:

1. Paragraph (e) is amended by deleting "Calcium carbonate" and "Riboflavin," by adding "Iron oxide," and by changing the closing dates for the remaining items as indicated. As amended, paragraph (e) reads as follows:

(e) *Color additives provisionally listed for food use on the basis of prior commercial sale but which have not been nor are now subject to certification.*

	Closing date	Restrictions
Beet powder	June 30, 1967	
Carbon black (prepared by the "impingement" or "channel" process)	Dec. 31, 1967	
Carmine	May 1, 1967	
Carminic acid	do	
Carrot oil	June 30, 1967	
Cochineal	May 1, 1967	
Ferrous gluconate	June 30, 1967	In processing of black olives.
Iron oxide	do	For dog and cat foods only.
Xanthophyll	May 1, 1967	

2. Paragraph (f) is amended by changing the closing dates of the items as indicated. As amended, paragraph (f) reads as follows:

(f) *Color additives provisionally listed for drug use on the basis of prior commercial sale but which have not been nor are now subject to certification.* The color additives listed in this paragraph are listed only for the uses and purposes commercially employed prior to July 12, 1960. Thus, a color additive used only in drugs for external application is not provisionally listed for internal drug use.

	Closing date	Restrictions
Alumina	June 30, 1967	
Calcium carbonate	do	
Carbon black ("channel" or "impingement" process).	Dec. 31, 1967	
Carminic acid	May 1, 1967	
Chromium-cobalt-aluminum oxide.	Dec. 31, 1967	Polyethylene surgical suture use only.
Cochineal	May 1, 1967	
Ferric ammonium citrate.	Sept. 1, 1967	As a component of iron pyrogallol color additive for surgical suture use only.
Fustic	Dec. 31, 1967	Surgical suture use only.
Logwood	do	Do.
Pyrogallol	Sept. 1, 1967	Do.
Talc	June 30, 1967	

3. Paragraph (g) is amended by changing the closing dates of all items therein to December 31, 1967.

Notice and public procedure and delayed effective date are unnecessary prerequisites to the promulgation of this order, and I so find, since section 203(a)(2) of Public Law 86-618 provides for this issuance.

Effective date. This order shall become effective on the date of signature.

(Sec. 203(a)(2), Public Law 86-618; 74 Stat. 404; 21 U.S.C. 376, note)

Dated: December 28, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-74; Filed, Jan. 4, 1967; 8:47 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Cream Cheese and Neufchatel Cheese; Confirmation of Effective Date of Order Amending Standards of Identity

In the matter of amending the standard of identity for cream cheese (21 CFR 19.515) to permit optional use of carrageenan and the standard of identity for neufchatel cheese (21 CFR 19.520) to permit optional use of guar gum and carrageenan:

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 of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of November 8, 1966 (31 F.R. 14349). Accordingly, the amendments promulgated by that order will become effective January 7, 1967.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: December 29, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-76; Filed, Jan. 4, 1967; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLYURETHANE RESINS

In the FEDERAL REGISTER of January 28, 1966 (31 F.R. 1155), the Commissioner of Food and Drugs proposed that § 121.2522 of the food additive regulations be amended to:

A. Clearly indicate that the term "dry bulk foods" refers to bulk foods that are dry solids with the surface containing no free fat or oil;

B. Revise the description of polyurethane resins to clearly distinguish the polyurethane resin-forming materials from the optional substances employed in the production of the polyurethane resins or added to the polyurethane resins to impart desired physical or technical properties;

C. Delete references to substances generally recognized as safe or used in accordance with a prior sanction or approval and substances permitted for use by existing regulations in Subpart F, since these substances are provided for in § 121.2500(d); and

D. Provide for the safe use of 4,4'-diisocyanato-3,3'-dimethyl-biphenyl in the preparation of polyurethane resins, as proposed in a petition (FAP 5B1783) filed by American Cyanamid Co., Wayne, N.J. 07470.

A comment was received in response to the proposal suggesting that the references to substances described in C above be reinstated. It is concluded that there is no need to retain in § 121.2522 references to substances whose use is provided for in § 121.2500(d).

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c)(1), (d), 72 Stat. 1786, 1787; 21 U.S.C. 348 (c)(1), (d)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), the proposed amendment is adopted by revising § 121.2522 to read as set forth below.

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), (d), 72 Stat. 1786, 1787; 21 U.S.C. 348 (c)(1), (d))

Dated: December 27, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

Section 121.2522 is revised to read as follows:

§ 121.2522 Polyurethane resins.

The polyurethane resins identified in paragraph (a) of this section may be safely used as the food-contact surface of articles intended for use in contact with bulk quantities of dry food of the type identified in § 121.2526(c), table 1, under type VIII, in accordance with the following prescribed conditions:

(a) For the purpose of this section, polyurethane resins are those produced when one or more of the isocyanates listed in subparagraph (1) of this paragraph is made to react with one or more of the substances listed in subparagraph (2) of this paragraph:

(1) Isocyanates:

4,4'-Diisocyanato-3,3'-dimethylbiphenyl (bitolylene diisocyanate).
Diphenylmethane diisocyanate.
Toluene diisocyanate.

(2) List of substances:

Adipic acid.
1,4-Butanediol.
Ethylene glycol.
Polypropylene glycol.
Propylene glycol.
Trimethylol propane.

(b) Optional adjuvant substances employed in the production of the polyurethane resins or added thereto to impart desired technical or physical properties may include the following substances:

List of substances	*Limitations*
Copper phthalocyanine	As a pigment.
N,N-Dimethyldodecylamine	As a catalyst.
N-Dodecylmorpholine	Do.
4,4'-Methylenebis(2-chloroaniline)	As a curing agent.
Polyvinyl isobutyl ether	
Polyvinyl methyl ether	
Soya alkyd resin	Conforming in composition with § 121.2514 and containing litharge not to exceed that residual from its use as the reaction catalyst and creosol not to exceed that required as an antioxidant.
N,N,N',N' - Tetrakis(2 - hydroxypropyl)ethylenediamine.	As a curing agent.
Triethanolamine	Do.
Ultramarine blue	As a pigment.

(c) An appropriate sample of the finished resin in the form in which it contacts food, when subjected to Method 6191 in Federal Test Method Standard No. 141, using No. 50 Emery abrasive in lieu of Ottawa sand, shall exhibit an abrasion coefficient of not less than 20 liters per mil of film thickness.

[F.R. Doc. 67-75; Filed, Jan. 4, 1967; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 81—PATERNITY CLAIMS AGAINST MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES

The Deputy Secretary of Defense has approved the following policy on November 19, 1966.

Sec.
81.1 Reissuance and purpose.
81.2 Applicability.
81.3 Policy.

AUTHORITY: The provisions of this Part 81 issued under sec. 301, 80 Stat. 379; 5 U.S.C. 301.

§ 81.1 Reissuance and purpose.

This part reissues DoD Directive 1344.3, "Paternity Claims Against Members and Former Members of the Armed Forces," dated January 7, 1958, to incorporate current amendment to § 81.3. Its purpose is to standardize procedures for the handling of paternity claims against members or former members of the armed forces. DoD Directive 1344.3, dated January 7, 1958, is hereby superseded and canceled.

§ 81.2 Applicability.

The provisions of this part apply to the Military Departments.

§ 81.3 Policy.

(a) *Members on active duty.* (1) Allegations of paternity against members of the armed forces who are on active duty will be transmitted to the individual concerned by the appropriate military authorities.

(2) If there exists a judicial order or decree of paternity or support duly rendered by a United States or foreign court of competent jurisdiction against such a member, the commanding officer or the appropriate Military Department will advise the member of his moral and legal obligations as well as his legal rights in the matter. The member will be encouraged to render the necessary financial support to the child and any other action considered proper in the circumstances will be taken.

(b) *Members not on active duty.* (1) Allegations of paternity against members of the armed forces who are not on active duty will be forwarded to the individual concerned in such manner as to insure that the charges are delivered to the addressee only. Military channels will be used when practicable.

(2) When requested by the complainant, the last known address of inactive members may be furnished under the same conditions as set forth for former members under paragraph (c)(2) (i) and (ii) of this section.

(c) *Former members.* (1) In all cases of allegations of paternity against former members of the armed forces who have been completely separated from the services, i.e., those members now holding no military status whatsoever, the claimant will be informed of the date of discharge and advised that the individual concerned is no longer a member of the armed forces in any capacity and that the Military Departments assume no responsibility for the whereabouts of individuals no longer under their jurisdiction. The correspondence and all accompanying documentation will be returned to the claimant.

(2) In addition, the last known address of the former member will be furnished to the claimant:

(i) If the complaint against the former member is supported by a certified copy of either:

(*a*) A judicial order or decree of paternity or support duly rendered against a former member by a United States or foreign court of competent jurisdiction; or

(*b*) A document which establishes that the former member has made an official admission or statement acknowledging paternity or responsibility for support of a child before a court of competent jurisdiction, administrative or executive agency, or official authorized to receive it; and/or

(ii) In cases where the complainant, with the corroboration of a physician's affidavit, alleges and explains an unusual medical situation which makes it essential to obtain information from the alleged father to protect the physical health of either the prospective mother or the unborn child.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 67-45; Filed, Jan. 4, 1967; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4121]

[New Mexico 0184243]

NEW MEXICO

Revocation of Public Land Order No. 1259

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

1. Public Land Order No. 1259 of November 30, 1955, withdrawing the following described land for Walker Air Force Base, is hereby revoked:

NEW MEXICO PRINCIPAL MERIDIAN

T. 9 S., R. 25 E.,
Sec. 20, S½NW¼SW¼NE¼.

The area described contains approximately 5 acres and is leased to the New Mexico Military Institute under provisions of the act of June 14, 1926 (44 Stat. 741; 43 U.S.C. 869, et seq.), as amended.

2. At 10 a.m. on February 3, 1967, the land shall be open to operation of the public land laws generally, including the mining and mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, and subject to the lease to the New Mexico Institute referred to in paragraph 1, above. All valid applications received at or prior to 10 a.m. on February 3, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The State of New Mexico has waived the preference right of application granted to certain States by R.S. 2276, as amended (43 U.S.C. 852).

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, N. Mex.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

DECEMBER 29, 1966.

[F.R. Doc. 67-50; Filed, Jan. 4, 1967; 8:45 a.m.]

[Public Land Order 4122]

[Oregon 184]

OREGON

Partial Revocation of Reclamation Project Withdrawal

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

1. The departmental order of April 26, 1909, withdrawing lands for the John Day Project, is hereby revoked so far as it affects the following described land:

WILLAMETTE MERIDIAN

T. 7 S., R. 19 E.,
Sec. 34, E½NE¼.

The area described contains approximately 80 acres in Wheeler County.

The land is located near the right bank of Pine Creek, about 1 mile above its confluence with the John Day River. Vegetative cover is sagebrush, native grasses, and forbs.

2. At 10 a.m. on February 3, 1967, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on February 3, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The land will be open to location under the U.S. mining laws at 10 a.m. on February 3, 1967. It has been open to applications and offers under the mineral leasing laws.

The State of Oregon has waived the preference right of application granted to certain States by R.S. 2276, as amended (43 U.S.C. 852).

Inquiries concerning the land should be addressed to the Manager, Land Office, Portland, Oreg.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

DECEMBER 29, 1966.

[F.R. Doc. 67-51; Filed, Jan. 4, 1967; 8:45 a.m.]

[Public Land Order 4123]

[Sacramento 079682]

CALIFORNIA

Partial Revocation of Reclamation Withdrawals; Truckee-Carson Project

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

1. The departmental orders of July 2, 1902, and July 9, 1904, which withdrew lands for reclamation purposes in connection with the Truckee-Carson Project, are hereby revoked so far as they affect the following described national forest lands:

MOUNT DIABLO MERIDIAN

TAHOE NATIONAL FOREST

T. 18 N., R. 17 E.,
Sec. 32, NE¼SW¼, NW¼SE¼, W½W½W½NE¼SE¼, and W½W½NW¼SE¼SE¼.

The areas described aggregate approximately 88 acres.

2. Subject to the provisions of Public Land Order No. 3518 of December 22, 1964, at 10 a.m. on February 3, 1967, the lands shall become subject to such forms of disposition as may by law be made of national forest lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

DECEMBER 29, 1966.

[F.R. Doc. 67-52; Filed, Jan. 4, 1967; 8:45 a.m.]

[Public Land Order 4124]

[New Mexico 437]

NEW MEXICO

Withdrawal for School Purposes

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

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for school purposes:

NEW MEXICO PRINCIPAL MERIDIAN

T. 25 N., R. 9 W.,
Sec. 19, lots 1, 2 and N½ of lot 3.

The areas described aggregate 102.17 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws. However, leases, licenses, or permits will be issued only if the proposed use of the lands will not interfere with the proper operation of school facilities on the lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

DECEMBER 29, 1966.

[F.R. Doc. 67-53; Filed, Jan 4, 1967; 8:45 a.m.]

[Public Land Order 4125]

[New Mexico 0556995]

NEW MEXICO

Addition to National Forest

By virtue of the authority contained in the act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315g–1), it is ordered as follows:

Subject to valid existing rights, the following described lands, acquired in an exchange, made pursuant to section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended, are hereby added to and made a part of the Cibola National Forest and hereafter shall be subject to all laws and regulations applicable to said national forest:

NEW MEXICO PRINCIPAL MERIDIAN

T. 1 N., R. 11 E.,
Sec. 32, N½SW¼ and W½SE¼.
T. 9 N., R. 11 W.,
Sec. 19, lots 1, 2, 4, E½ and E½W½;
Secs. 20 to 26, inclusive;
Sec. 27, N½, N½S½ and SE¼SE¼;
Secs. 28 and 29;
Sec. 30, lots 1 to 4, inclusive, E½ and E½W½;
Sec. 31, lots 1 to 4, inclusive, E½ and E½W½;
Secs. 32 and 33;
Sec. 34, E½NE¼, W½NW¼, SE¼NW¼ and S½;
Secs. 35 and 36.
T. 10 N., R. 11 W.,
Sec. 34, SE¼;
Sec. 35.
T. 1 S., R. 11 E.,
Sec. 5, S½SE¼;
Sec. 8, N½NE¼.

The areas described aggregate 12,367.74 acres in Valencia, Torrance and Lincoln Counties.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

DECEMBER 29, 1966.

[F.R. Doc. 67-61; Filed, Jan. 4, 1967; 8:46 a.m.]

[Public Land Order 4126]

[Anchorage AA-351]

ALASKA

Exclusion of Land from Chugach National Forest

By virtue of the authority vested in the President by section 1 of the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

The following described tract of land, occupied as a homesite, is hereby excluded from the Chugach National Forest and restored, subject to valid existing rights, for purchase as a homesite under section 10 of the act of May 14, 1898 (30 Stat. 413; 48 U.S.C. 461), as amended:

Homesite No. 97, Heney Creek Group, Lot 2, U.S. Survey 2610.

Containing 4.06 acres.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

DECEMBER 29, 1966.

[F.R. Doc. 67-54; Filed, Jan. 4, 1967; 8:45 a.m.]

[Public Land Order 4127]

[New Mexico 0560452, 0560447]

NEW MEXICO

Partial Revocation of Public Water Reserve and Stock Driveway Withdrawals

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority contained in section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The Executive Order of June 24, 1914, creating Public Water Reserve No. 21, New Mexico No. 1, and the departmental order of February 28, 1918, establishing Stock Driveway Withdrawal No. 9, New Mexico No. 3, as heretofore modified, are hereby revoked so far as they affect the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

PUBLIC WATER RESERVE

T. 3 N., R. 7 W.,
Sec. 25, N½NW¼.
T. 4 N., R. 7 W.,
Sec. 1, SE¼SW¼;
Sec. 3, lots 1 and 2;
Sec. 21, NW¼NW¼.
T. 3 N., R. 9 W.,
Sec. 1, W½SW¼.
T. 4 N., R. 9 W.,
Sec. 19, SE¼SW¼, and SW¼SE¼;
Sec. 31, NE¼NW¼;
Sec. 33, W½NE¼.

STOCK DRIVEWAY

T. 2 S., R. 5 E.,
Sec. 25, S½;
Sec. 26, S½;
Sec. 27, S½.

The areas described aggregate 1,500.40 acres of patented land in Socorro and Catron Countries.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

DECEMBER 29, 1966.

[F.R. Doc. 67-55; Filed, Jan. 4, 1967; 8:45 a.m.]

[Public Land Order 4128]

[I-45]

IDAHO

Exclusion of Land From National Forest

By virtue of the authority vested in the President by section 1 of the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

The Proclamation of November 6, 1906, establishing the Coeur D'Alene Forest Reserve, now known as the Coeur D'Alene National Forest; Executive Order No. 842 of June 26, 1908, establishing the Clearwater National Forest; and the Proclamation of June 29, 1911, establishing the St. Joe National Forest, are hereby revoked so far as they affect the following described land:

BOISE MERIDIAN

T. 42 N., R. 4 E.,
Sec. 36, all.

The area described contains approximately 640 acres in Shoshone County and is State school land.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

DECEMBER 29, 1966.

[F.R. Doc. 67-56; Filed, Jan. 4, 1967; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 4]

TRANSPORTATION OF PASSENGERS BETWEEN U.S. PORTS ON FOREIGN-FLAG VESSELS

Shore Leave of Passengers on Foreign Cruise Vessels at Domestic Ports

The transportation of passengers between ports or places in the United States either directly or by way of a foreign port by a foreign vessel is prohibited by section 8 of the Act of June 19, 1886, as amended (46 U.S.C. 289), under penalty of a $200 fine for each passenger so transported and landed.

Treasury Decision 55147(19), under date of June 3, 1960, abstracts Bureau of Customs decisions to the effect that a passenger embarked on a foreign vessel at one domestic port who goes ashore for any purpose at a second domestic port where the vessel remains for more than 24 hours is deemed to have been landed in violation of section 289, without regard to whether lodgings are taken up ashore or whether the ship is used as the passenger's hotel during that period.

Certain instances have recently been brought to the Bureau's attention which seem to make it desirable further to clarify the Bureau's previous rulings. One such case involved a foreign cargo vessel with a few passengers taken aboard at a port in New Zealand on passage booked to Los Angeles. En route the freighter called at Honolulu to lade and discharge cargo which required a stay of more than 24 hours. Without further clarification, the decisions abstracted in T.D. 55147(19) could appear to be precedent to support the view that if the passengers had gone ashore at Honolulu for sightseeing or other purposes their subsequent debarkation at Los Angeles would have been in violation of section 289. This would be a result which appears to be inconsistent with the purposes of section 289 and with the opinion of the Attorney General (28 Op. Atty. Gen. 204, 1910) in the "Cleveland" case in which the Attorney General ruled that passengers transported on a foreign vessel from New York around the world to San Francisco and there landed had not been transported and landed in violation of section 289, since the primary object of the voyage was not to transport the passengers between the domestic ports involved.

In order, therefore, further to clarify those rulings and to describe the circumstances in which passengers may be granted shore leave at domestic ports by foreign vessels without incurring a penalty for violation of section 289, the Bureau proposes to amend Part 4 of the Customs Regulations by adding a new section designated § 4.80a in tentative form as follows:

§ 4.80a Passengers on foreign cruise vessels; shore leave at domestic ports.

(a) *Within the Western Hemisphere north of the Equator.* A foreign vessel taking passengers at domestic ports for a cruise within the Western Hemisphere north of the Equator may not land any such passenger at a domestic port other than the one at which he embarked on the voyage. A passenger on such a voyage will be deemed to have been transported to a port, within the meaning of section 289, title 46, United States Code, if he is permitted to go ashore at any such port in the United States at which the vessel will remain more than 24 hours.

(b) *Within the Western Hemisphere south of the Equator and outside the Western Hemisphere.* A foreign vessel departing or arriving on a cruise outside the Western Hemisphere, or on a cruise in the Western Hemisphere to a point or points south of the Equator, is not deemed to be engaged in coastwise trade even though it may stop at domestic ports, so long as it appears that the main purpose of the voyage is not the transportation of passengers between domestic ports but the transportation of passengers on a foreign voyage or cruise. A passenger on such a voyage who leaves a vessel at a domestic port for sightseeing purposes without taking overnight lodgings ashore and who rejoins the vessel upon its departure from the port shall not be deemed to have been transported to or landed at the port in violation of section 289, title 46, United States Code, regardless of the length of time the vessel remains in the port, the port at which the passenger may have joined the vessel, or the fact that the passenger may have left the vessel at a previous domestic port or ports for sightseeing purposes.

Before action is taken on the proposed amendment, consideration will be given to all relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C. 20226, no later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: December 21, 1966.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-70; Filed, Jan. 4, 1967; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 7841]

VICKERS VISCOUNT MODELS 744 AND 745D SERIES AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Vickers Viscount Models 744 and 745D Series airplanes. There have been cracks found in the horizontal stabilizer top spar root joint fittings on Vickers Viscount 700 Series airplanes. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require the inspection of the horizontal stabilizer top spar root joint fitting for cracks on Vickers Viscount Models 744 and 745D Series airplanes that have completed 11,500 landings.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before February 6, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

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

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

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

Compliance required as indicated, unless already accomplished.

To prevent fatigue damage to the horizontal stabilizer top spar root joint fittings, accomplish the following:

(a) Within the next 500 landings after the effective date of this AD, on airplanes which have completed 11,500 landings, inspect the horizontal stabilizer top spar root joint fittings for cracks in accordance with British Aircraft Corp. (BAC) Preliminary Technical Leaflet No. 264 Issue 1 (700 Series), Addendum No. 1 to Issue 1, and Corrigendum No. 1 to Issue 1, or later ARB-approved issue, or an FAA-approved equivalent.

(b) Before further flight, replace all cracked fittings with new parts.

(c) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours' time in service by the operator's fleet average time from takeoff to landing for the airplane type.

Issued in Washington, D.C., on December 28, 1966.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-67; Filed, Jan. 4, 1967; 8:47 a.m.]

[14 CFR Part 39]

[Docket No. 7842]

ROLLS ROYCE SPEY MODELS 506-14, 506-14B, AND 510-14 AIRPLANE ENGINES

Proposed Airworthiness Directive

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to the Rolls Royce Spey Models 506-14, 506-14B, and 510-14 airplane engines. There has been a failure of a high pressure air duct on a Rolls Royce Spey engine during takeoff due to the propagation of a crack in the air duct. Evidence of gas staining on the cowling and engine indicated that the crack had been present for some time. Since this condition is likely to develop in other engines of the same type design, the proposed airworthiness directive would require the inspection of the high pressure air pipes on the Rolls Royce Spey Models 506-14, 506-14B, and 510-14 engines for cracks and inspection of the cowling and engine adjacent to these pipes for signs of heat discoloration.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before February 6, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

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

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

ROLLS ROYCE. Applies to Spey Models 506-14, 506-14B, and 510-14 engines.

Compliance required within the next 175 hours' time in service after the effective date of this AD and thereafter at intervals not to exceed 175 hours' time in service from the last inspection.

To prevent a possible H.P. air duct failure, accomplish the following:

(a) Inspect visually (with the aid of a mirror as necessary) for signs of cracking the H.P. air pipes defined in Rolls Royce Spey Aero Engine Alert Service Bulletin No. Sp. 75-A62 dated April 19, 1966, or later ARB-approved issue. In addition, inspect visually the cowling and engine adjacent to these pipes for signs of heat discoloration.

(b) If a crack is detected by the inspection conducted in accordance with paragraph (a), replace before further flight the cracked part with a part of the same part number.

(c) Upon the request of an operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Certification Staff, Europe, Africa, and Middle East, may adjust the repetitive inspection interval specified in this AD to permit compliance at an established inspection period of the operator, if the request contains substantiating data to justify the increase for such operators.

NOTE: During the inspection of the H.P. air pipes required by paragraph (a), particular attention should be directed to the area adjacent to the welds.

Issued in Washington, D.C., on December 28, 1966.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-68; Filed, Jan. 4, 1967; 8:47 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 66-EA-91]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 73 of the Federal Aviation Regulations that would alter Restricted Area R-5802 at Indiantown Gap, Pa.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The U.S. Army has requested the Federal Aviation Agency to alter the time of designation and the using agency of R-5802. The change in time reduces the specific time of designation during June, July, and August, designates additional times in February and December and allows the area to be called up at any time by a NOTAM issued 48 hours in advance of desired use. The change in using agency is editorial and is published herein only as a matter of information. The time changes are to allow greater flexibility in operations at Indiantown Gap and to accommodate additional requirements of a classified nature.

If these proposals are adopted the text relating to the time of designation would read:

Time of Designation. 0630 to 2400 local time, June 1 through August 31; 0800-1800 local time, Saturday and Sunday February 15 through May 31; 0800-1800 local time, Saturday and Sunday September 1 through December 15. Other dates and times by NOTAM, 48 hours in advance.

Also, the text relating to using agency would read:

Commanding General, Indiantown Gap Military Reservation, Annville, Pa.

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

Issued in Washington, D.C., on December 28, 1966.

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

[F.R. Doc. 67-69; Filed, Jan. 4, 1967; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1137]

[Docket No. AO 326-A11]

MILK IN EASTERN COLORADO MARKETING AREA

Notice of Hearing on Proposed Amendments 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), notice is hereby given of a public hearing to be held at the Heart of Denver Motel, 1100 East Colfax Avenue, Denver, Colo., beginning at 10 a.m., local time, on January 13, 1967, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Eastern Colorado marketing area.

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

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Cambridge Dairy:

Proposal No. 1. Revise § 1137.15 to read as follows:

§ 1137.15 Route.

"Route" means any delivery to retail or wholesale outlets (including a delivery by a vendor or a sale from a plant or plant store) of any fluid milk product, other than a delivery in bulk to a pool plant or a nonpool plant.

Proposed by Dairy Division, Consumer and Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, H. Alan Luke, 4411 East Kentucky Avenue, Denver, Colo. 80222, or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on December 30, 1966.

ROY W. LENNARTSON,
Acting Administrator.

[F.R. Doc. 67-94; Filed, Jan. 4, 1967; 8:49 a.m.]

Notices

DEPARTMENT OF STATE

Office of the Secretary

[Delegation of Authority No. 113; Public Notice 252]

ASSISTANT SECRETARY OF STATE FOR EDUCATIONAL AND CULTURAL AFFAIRS

Delegation of Authority

Pursuant to the authority vested in me by section 4 of the Act of May 26, 1949, as amended (63 Stat. 111; 5 U.S.C. 151c), and section 3 of Executive Order No. 11312, of October 14, 1966, I hereby delegate to the Assistant Secretary of State for Educational and Cultural Affairs, or in his absence to the officer designated to act for him, the authority to perform the functions conferred upon the Secretary of State by Executive Order No. 11312 of October 14, 1966 entitled "Designating the Secretary of State to Perform Functions Relating to Certain Objects of Cultural Significance Imported into the United States for Temporary Display or Exhibition".

[SEAL] DEAN RUSK,
Secretary of State.

DECEMBER 23, 1966.

[F.R. Doc. 67-57; Filed, Jan. 4, 1967; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MINNESOTA, MISSISSIPPI, NEVADA, NEW MEXICO

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Minnesota, Mississippi, Nevada, and New Mexico natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MINNESOTA

Marshall.	Pope.
Pennington.	Red Lake.
Polk.	Roseau.

MISSISSIPPI

Benton.	Pontotoc.
Chickasaw.	Tippah.
Lee.	Jefferson Davis.

NEVADA

Lincoln.

NEW MEXICO

Lea.	Roosevelt.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 30th day of December 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-95; Filed, Jan. 4, 1967; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

VOCATIONAL EDUCATION

Allotment Ratios, 1966–67

Pursuant to section 3 of the Vocational Education Act of 1963 (77 Stat. 403, 20 U.S.C. 35b), the following allotment ratios for the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa, as computed pursuant to said Act on the basis of the average of the per capita incomes of the States of the Union for the years 1962, 1963, and 1964, being the three most recent consecutive fiscal years for which satisfactory data are available from the Department of Commerce, are hereby promulgated for the fiscal year ending June 30, 1967.

Alabama	.6000
Alaska	.4108
Arizona	.5524
Arkansas	.6000
California	.4000
Colorado	.4894
Connecticut	.4000
Delaware	.4000
Florida	.5604
Georgia	.6000
Hawaii	.4888
Idaho	.5967
Illinois	.4073
Indiana	.5043
Iowa	.5309
Kansas	.5372
Kentucky	.6000
Louisiana	.6000
Maine	.5888
Maryland	.4419
Massachusetts	.4240
Michigan	.4746
Minnesota	.5313
Mississippi	.6000
Missouri	.4939
Montana	.5457
Nebraska	.5309
Nevada	.4000
New Hampshire	.5364
New Jersey	.4096
New Mexico	.5967
New York	.4000
North Carolina	.6000
North Dakota	.5697
Ohio	.4854
Oklahoma	.5939
Oregon	.4951
Pennsylvania	.4965
Rhode Island	.5063
South Carolina	.6000
South Dakota	.5990
Tennessee	.6000
Texas	.5736
Utah	.5673
Vermont	.5813
Virginia	.5715
Washington	.4772
West Virginia	.6000
Wisconsin	.5146
Wyoming	.5026
District of Columbia	.4000
American Samoa	.6000
Guam	.6000
Puerto Rico	.6000
Virgin Islands	.6000

Dated: December 22, 1966.

[SEAL] HAROLD HOWE II,
U.S. Commissioner of Education.

Approved: December 28, 1966.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 67-72; Filed, Jan. 4, 1967; 8:47 a.m.]

VOCATIONAL EDUCATION

Allotment Ratios, 1967–68

Pursuant to section 3 of the Vocational Education Act of 1963 (77 Stat. 403, 20 U.S.C. 35b), the following allotment ratios for the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa, as computed pursuant to said Act on the basis of the average of the per capita incomes of the States of the Union for the years 1963, 1964, and 1965, being the three most recent consecutive fiscal years for which satisfactory data are available from the Department of Commerce, are hereby promulgated for the fiscal year ending June 30, 1968.

Alabama	.6000
Alaska	.4130
Arizona	.5590
Arkansas	.6000
California	.4000
Colorado	.5017
Connecticut	.4000
Delaware	.4000
Florida	.5596
Georgia	.6000
Hawaii	.4664
Idaho	.5775
Illinois	.4057
Indiana	.4911
Iowa	.5262
Kansas	.5164
Kentucky	.6000
Louisiana	.6000
Maine	.5912
Maryland	.4533
Massachusetts	.4404

Michigan	.4620
Minnesota	.5193
Mississippi	.6000
Missouri	.5193
Montana	.5528
Nebraska	.5314
Nevada	.4000
New Hampshire	.5293
New Jersey	.4000
New Mexico	.5927
New York	.4000
North Carolina	.6000
North Dakota	.5968
Ohio	.4871
Oklahoma	.5891
Oregon	.4965
Pennsylvania	.5002
Rhode Island	.4869
South Carolina	.6000
South Dakota	.6000
Tennessee	.6000
Texas	.5725
Utah	.5605
Vermont	.5850
Virginia	.5644
Washington	.4703
West Virginia	.6000
Wisconsin	.5094
Wyoming	.5239
District of Columbia	.4000
American Samoa	.6000
Guam	.6000
Puerto Rico	.6000
Virgin Islands	.6000

Dated: December 22, 1966.

[SEAL] HAROLD HOWE II,
U.S. Commissioner of Education.

Approved: December 28, 1966.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 67-73; Filed, Jan. 4, 1967; 8:47 a.m.]

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B2127) has been filed by American Cyanamid Co., Wayne, N.J. 07470, proposing the issuance of a regulation to provide for the safe use of 2,2'-methylenebis (4-methyl-6-*tert*-butylphenol) as a stabilizer in polymers used in articles intended for food-contact use.

Dated: December 29, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-77; Filed, Jan. 4, 1967; 8:48 a.m.]

GENERAL FOODS CORP.

Notice of Filing of Petition for Food Additive Dimethylpolysiloxane

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7A2133) has been filed by General Foods Corp., White Plains, N.Y. 10602, proposing an amendment to § 121.1099 *Defoaming agents* to provide for the safe use of dimethylpolysiloxane as a defoaming agent in gelatin dessert mixes, whereby the amount of the additive does not exceed 0.011 percent on a dry weight basis.

Dated: December 29, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-78; Filed, Jan. 4, 1967; 8:48 a.m.]

SALSBURY LABORATORIES

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Salsbury Laboratories, Charles City, Iowa 50616, proposing the amendment of the food additive regulations to provide for safe use of a combination drug containing aklomide (2-chloro-4-nitrobenzamide) and sulfanitran (acetyl-[*p*-nitrophenyl] sulfanilamide), as an aid in the prevention of coccidiosis caused by *E. tenella*, *E. necatrix*, and *E. acervulina*, and low levels of bacitracin, manganese bacitracin, or bacitracin methylene disalicylate, added for growth promotion and feed efficiency.

Dated: December 29, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-79; Filed, Jan. 4, 1967; 8:48 a.m.]

SCHERING CORP.

Notice of Filing of Petition for Food Additives Dienestrol Diacetate, Zoalene

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by Schering Corp., Bloomfield, N.J. 07003, proposing that § 121.207 *Zoalene* and § 121.266 *Dienestrol diacetate* be amended to provide for the safe use of a combination drug containing dienestrol diacetate and zoalene for use in chicken feed to prevent and control coccidiosis and to improve carcass quality of market chickens by promoting fat distribution for tenderness and bloom.

Dated: December 29, 1966.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-80; Filed, Jan. 4, 1967; 8:48 a.m.]

Office of the Secretary

PUBLIC HEALTH SERVICE

Air Pollution Control

The Statement of Organization and Delegations of Authority of the Department of Health, Education, and Welfare (22 F.R. 1045, as amended) is hereby amended as follows:

Part 4, entitled "Public Health Service", section 4.20, paragraph b, is hereby amended by adding a new subparagraph 21 as follows:

21. The functions vested in the Secretary of Health, Education, and Welfare by section 48(h)(12)(C) of Title 26 U.S.C. as added by P.L. 89-800, in connection with the certification of air pollution control facilities.

Dated: December 29, 1966.

[SEAL] JOHN W. GARDNER,
Secretary.

[F.R. Doc. 67-81; Filed, Jan. 4, 1967; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18079; Order E-24588]

PACIFIC AIR FREIGHT, INC.

Order of Investigation and Suspension Regarding Proposed Increased Charge for Signature Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of December 1966.

By tariff revisions filed December 2, 1966, marked to become effective January 2, 1967, Pacific Air Freight, Inc. (Pacific), an air freight forwarder, proposes to increase its charge for signature service from $1 to $7.50 per shipment. This service involves the execution of a signed receipt by each employee of Pacific upon accepting custody of the shipment, with each employee obtaining such a receipt upon relinquishing custody of the shipment to another of Pacific's employees. Pacific justifies its increased charge on the ground that it more accurately reflects its cost.

Upon consideration of all relevant matters, the Board finds that Pacific's proposal may be unjust, unreasonable, or unjustly discriminatory, or unduly preferential, or otherwise unlawful, and should be investigated. Pacific presents no factual support for its justification that the charge would properly reflect its cost. The proposed charge of $7.50 per shipment may be compared with the charge for signature service by direct carriers of $1 per shipment, and with $1.33 to $2.67 charged for air express shipments. The charges by other air freight forwarders vary from $1 to $5 per shipment.

In view of the foregoing, the Board has decided to suspend the proposal pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the charge and provisions in Rule No. 6.8(d) on 5th Revised Page 22 of Pacific Air Freight, Inc.'s tariff CAB No. 1, and rules, regulations, and practices affecting such charge and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charge and provisions, and rules, regulations, or practices affecting such charge and provisions;

2. Pending hearing and decision by the Board, the charge and provisions in Rule No. 6.8(d) on 5th Revised Page 22 of Pacific Air Freight, Inc.'s tariff CAB No. 1 are suspended and their use deferred to and including April 1, 1967, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariff and served upon Pacific Air Freight, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-71; Filed, Jan. 4, 1967; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI67-226]

ASHLAND OIL & REFINING CO.

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

DECEMBER 23, 1966.

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

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

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

The Commission orders:

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

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

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

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 15, 1967.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI67-226	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	[1] 79	1	Northern Natural Gas Co., McKinney Field, Clark and Mead Counties, Kans.).	$3,500	12-5-66	[2] 1-1-67	[4] 1-2-67	[3] 15.0	[5][7] 16.0	

[1] Basic contract executed after Sept. 28, 1960, the date of issuance of General Policy Statement No. 61-1.
[2] The stated effective date is the effective date proposed by Respondent.
[3] The suspension period is limited to 1 day.
[4] Periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[7] Subject to a downward B.t.u. adjustment.

The contract related to the rate filing proposed by Ashland Oil & Refining Co. (Ashland) was executed subsequent to September 28, 1960, the date of issuance of the Commission's statement of general policy No. 61-1, as amended, and the proposed increased rate is above the applicable area ceiling for increased rates but below the initial service ceiling for the area involved. We believe, in this situation, Ashland's rate filing should be suspended for 1 day from January 1, 1967, the proposed effective date.

[F.R. Doc. 67-46; Filed, Jan. 4, 1967; 8:45 a.m.]

[Docket No. E-7327]

MICHIGAN GAS AND ELECTRIC CO.

Notice of Application

DECEMBER 27, 1966.

Take notice that on December 8, 1966, Michigan Gas and Electric Co. (Applicant) filed an application seeking authority pursuant to section 203 of the Federal Power Act to acquire the electric generating plant and electric distribution system of the village of Constantine, Saint Joseph County, Mich. (Village).

Applicant is incorporated under the laws of Michigan with its principal place of business office at Three Rivers, Mich., and is engaged in the electric and gas utility business in southwestern Michigan. Applicant operates a local electric distribution system in segments of seven counties in Michigan. Over 95 percent of Applicant's electric requirements are purchased from nonaffiliated utilities and the balance is generated in three hydroelectric plants owned and operated by the Applicant.

The facilities to be disposed of by the Village to Applicant are all of the Village's electric generating units, consisting of three oil-fired diesel engines and two natural gas-fired diesel engines. Three of these units are under conditional sales contract. The agreement for purchase and sale between Applicant and the Village therefore, provides that the purchase of these units will be effected when the Village is able to "convey good and sufficient, free and clear, marketable title to said generating units to Buyer". Additionally, the Village will dispose of all of its electric distribution system to Applicant.

The Village's diesel engines have been used by the Village to generate electric energy and the distribution system to deliver and sell electric energy at retail to consumers. Applicant's plan is to utilize the diesel engines for peak shaving and/or standby purposes. The Village's distribution system will be used until rebuilt or replaced.

Applicant states there will be no increase in rates to any consumer of electric energy in the village of Constantine and many residential, commercial, and industrial consumers will realize an immediate reduction in rates.

Applicant proposes to pay the sum of $391,000 for the facilities to be acquired. Applicant estimates that the original cost of these facilities are $397,142.

Any person desiring to be heard or to make any protest with reference to the application should on or before January 20, 1967, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 67-47; Filed, Jan. 4, 1967; 8:45 a.m.]

[Docket Nos. G-3886 etc.]

NORINE RANDLE MURCHISON, ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

DECEMBER 23, 1966.

Norine Randle Murchison, Individually and as Independent Executrix of the Estate of T. F. Murchison, Deceased (successor to Sunray DX Oil Co.) and other Applicants listed herein.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 13, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-3886 E 12-12-66	Norine Randle Murchison, Individually and as Independent Executrix of the Estate of T. F. Murchison, Deceased (successor to Sunray DX Oil Co.), 105 Petroleum Center, San Antonio, Tex. 78209.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., Premont Field, Jim Wells County, Tex.	15.0	14.65
G-15810 D 11-22-66	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.	Transwestern Pipeline Co., Crawford Field, Eddy County, N. Mex.	(2)	-------
G-19191 E 12-8-66	American Petrofina Co. of Texas (successor to Humble Oil & Refining Co. (Operator), et al.), Post Office Box 2159, Dallas, Tex. 75221.	United Fuel Gas Co., Killens Ferry Field, Franklin and Tensas Parishes, La.	[3] 18.5	15.025
CI62-129 D 12-9-66	Humble Oil & Refining Co. (Operator), et al., Post Office Box 2180, Houston, Tex. 77001.	Southern Natural Gas Co., Knoxo Field, Walthall County, Miss.	Assigned	-------
CI62-1359 12-5-66 [4]	Ashland Oil & Refining Co. (formerly Clegg & Hunt, et al.), Post Office Box 18695, Oklahoma City, Okla. 73118.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., East Lake Pelto Field, Terrebonne Parish, La.	21.25	15.025
CI63-234 C 12-12-66	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Red Oak Field Area, Pittsburg County, Okla.	13.0	14.65
CI63-489 C 12-9-66	Ashland Oil & Refining Co.	Michigan Wisconsin Pipe Line Co., acreage in Woodward County, Okla.	[5] 17.0	14.65
CI63-607 A 11-6-62 C 2-15-63 [6] C 9-30-63 C 10-14-63 C 4-1-64 C 11-29-66	Pioneer Production Corp. (Operator), et al., Post Office Box 2542, Amarillo, Tex. 79105.	Transwestern Pipeline Co., acreage in Lipscomb County, Tex.	17.0	14.65
CI64-207 C 12-12-66	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	Southern Union Gathering Co., Basin Dakota Field, San Juan County, N. Mex.	13.0	15.025
CI64-869 E 12-5-66	Houston Royalty Co., (Operator), et al. (successor to Southwest Petroleum Management Corp. (Operator) et al.) 3057 Humble Bldg., Houston, Tex. 77002.	Texas Eastern Transmission Corp., West Weesatche Field, Goliad County, Tex.	10.0	14.65
CI64-1244 C 12-3-64	Humble Oil & Refining Co. (Operator) et al.	Natural Gas Pipeline Co. of America, Sarita et al. Fields, Kenedy County, Tex.	16.0	14.65
CI65-28 E 12-8-66	American Petrofina Co. of Texas (successor to Humble Oil & Refining Co.).	United Fuel Gas Co., Killens Ferry Field, Franklin and Tensas Parishes, La.	[3] [8] 21.5	15.025
CI65-472 C 12-9-66	Southern Union Production Co., Fidelity Union Tower, Dallas, Tex. 75201.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	[5] 17.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI65-574 (G-3894) C 12-9-66 [7]	Frank J. Hall (Operator) et al., c/o John M. Shuey, attorney, 604 Johnson Bldg., Shreveport, La. 71101.	United Gas Pipe Line Co., Sibley Field, Webster Parish, La.	[8] 12.5252	15.025
CI67-761 A 12-7-66	Great Yellowstone Corp. et al., Suite 700, Petroleum Club Bldg., Tulsa, Okla. 74119.	Panhandle Eastern Pipe Line Co., Mocane Council Grove Field, Beaver County, Okla.	17.0	14.65
CI67-763 A 12-5-66	C. F. Raymond, 1700 Broadway, Denver, Colo. 80202.	Kansas-Nebraska Natural Gas Co., Inc., Bonanza Field, Logan County, Colo.	[9] 10.0	16.4
CI67-764 A 12-8-66	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	Trunkline Gas Co., Kelsey Field, Starr County, Tex.	16.0	14.65
CI67-765 A 12-9-66	Carl E. Gungoll and Henry H. Gungoll, Post Office Box 581, Enid, Okla. 73701.	National Fuels Corp. and Oklahoma Natural Gas Gathering Corp., West Cleo Springs, Major County, Okla.	12.0	14.65
CI67-766 (G-6740) (CI60-72) F 12-7-66	Houston Royalty Co. (successor to George R. Brown, et al. and Southeastern Drilling, Inc.[10], et al.).	United Gas Pipe Line Co., Cabeza Creek Area, Goliad County, Tex.	13.1664	14.65
CI67-767 (G-6740) (CI60-72) F 12-7-66	do	United Gas Pipe Line Co., South Weesatche Field, Goliad County, Tex.	13.1664	14.65
CI67-768 A 12-9-66	Miller & Fox Minerals Corp., Operator, Vaughn Plaza Bldg., Corpus Christi, Tex. 78403.	Landa Oil Co., Quinto Creek Field, Jim Wells County, Tex.	10.5	14.65
CI67-769 B 11-17-66	J. E. Hillier, Post Office Box 67, Pleasanton, Tex. 78064.	Syljo Gas Co., Maetze Field, Goliad County, Tex.	[11]	.....
CI67-770 B 12-12-66	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	Arkansas Louisiana Gas Co., Haynesville Field, Claiborne Parish, La.	Depleted	.....
CI67-771 A 12-12-66	Petroleum, Inc., 300 West Douglas, Wichita, Kans. 67202.	Panhandle Eastern Pipe Line Co., Mocane-Laverne Pool, Beaver County, Okla.	[4] 17.0	14.65
CI67-772 A 12-12-66	Mesa Petroleum Co., Operator, 1501 Taylor, Amarillo, Tex. 79105.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	[4] 17.0	14.65
CI67-773 A 12-12-66	Spicknall Enterprises, 8 Lancer Court, Florissant, Mo. 63033.	El Paso Natural Gas Co., East Panhandle Field, Wheeler County, Tex.	12.0	14.65
CI67-774 A 12-6-66	James A. Hughes et al., 4221 Audubon, Detroit, Mich. 48224.	Cumberland and Allegheny Gas Co., Washington District, Upshur County, W. Va.	20.0	15.325
CI67-775 B 12-5-66	Wm. E. McCommons, d.b.a. McCommons, Exploration Co., et al., 1001 Mercantile Securities Bldg., Dallas, Tex. 75221.	United Gas Pipe Line Co., Baxterville Field, Lamar County, Miss.	[12]	.....
CI67-776 A 12-13-66	Jake L. Hamon, Post Office Box 663, Dallas, Tex. 75221.	Arkansas Louisiana Gas Co., Arkoma Area, Le Flore County, Okla.	[3] 15.0	14.65
CI67-778 A 12-14-66	Joseph S. Gruss, 30 Broad St., New York, N.Y. 10001.	United Fuel Gas Co., Walton Fields, Roane County, W. Va.	23.0	15.325
CI67-779 A 12-14-66	Falcon Seaboard Drilling Co., Post Office Drawer 3348, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Northeast Waynoka Field, Woods County, Okla.	[4] 17.0	14.65
CI67-780 A 12-14-66	Occidental Petroleum Corp., 5000 Stockdale Highway, Bakersfield, Calif. 93309.	United Fuel Gas Co., Ellis Field, Acadia Parish, La.	18.5	15.025
CI67-781 B 12-9-66	R. E. Beamon, 467 Capital National Bank Bldg., Houston, Tex. 88002.	Natural Gas Pipeline Co. of America, Fairbanks Area, Harris County, Tex.	[13]	.....

[1] Deletes undeveloped leases.
[2] Subject to deduction up to 2.0 cents per Mcf should Buyer compress gas.
[3] Amendment to certificate filed to reflect change in Operator.
[4] Subject to upward and downward B.t.u. adjustment.
[5] Adds acreage acquired from Humble Oil & Refining Co., Docket No. G-15714.
[6] Rate in effect subject to refund in Docket No. RI65-273.
[7] Adds acreage acquired from Atlantic Richfield Co., Docket No. G-3894.
[8] Includes 1.5 cents per Mcf tax reimbursement.
[9] Subject to deduction of 7.0 cents per Mcf until Buyer has recovered investment of gathering system for area.
[10] Formerly The Southeastern Drilling Corp.
[11] Well turned to water.
[12] Well ceased to produce.
[13] Subject to reduction for compression and/or treating costs if required.

[F.R. Doc. 67-48; Filed, Jan. 4, 1967; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

ITALY, SOUTH FRANCE/UNITED STATES GULF CONFERENCE

Notice of Agreement Filed for Approval

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

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

Notice of agreement filed for approval by:

Mr. G. Ravere, Secretary, Italy, South France/Gulf Conference, Vico San Luca 4, Genoa, Italy.

Agreement 9522-3, between the members of the Italy, South France/United States Gulf Conference, modifies the basic agreement to provide for the acceptance of inactive members in the Conference whenever it is deemed that their membership is beneficial to the trade and contributes to its stability and has the unanimous approval of all active members.

Dated: December 30, 1966.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 67-82; Filed, Jan. 4, 1967; 8:48 a.m.]

[Independent Ocean Freight Forwarder License No. 427]

MADISON SHIPPING CO., INC.

Revocation of License

Whereas, by letter dated December 23, 1966, Emil M. Sanchez attorney for Madison Shipping Co., Inc., 401 Broadway, New York, N.Y. 10013, has on behalf of the licensee requested the cancellation of Independent Ocean Freight Forwarder License No. 427;

Now therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1, section 6.03.

It is ordered, That the Independent Ocean Freight Forwarder License No. 427 of Madison Shipping Co., Inc., be and is hereby revoked at licensee's request, effective this date.

It is further ordered, That Independent Ocean Freight Forwarder License No. 427 be returned to the Commission for cancellation.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the licensee.

JAMES E. MAZURE,
Director,
Bureau of Domestic Regulation.

[F.R. Doc. 67-83; Filed, Jan. 4, 1967; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

BANK OF VIRGINIA

Order Approving Merger of Banks

In the matter of the application of The Bank of Virginia for approval of merger with The Bank of La Crosse.

There has come before the Board of Governors, pursuant to the Bank Merger Act, as amended (12 U.S.C. 1828(c), Public Law 89-356), an application by The Bank of Virginia, Richmond, Va., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and The Bank of La Crosse, La Crosse, Va., under the charter and title of The Bank of Virginia. As an incident to the merger, the two offices of The Bank of La

Crosse would become branches of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved: *Provided*, That said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order.

Dated at Washington, D.C., this 29th day of December 1966.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 67-49; Filed, Jan. 4, 1967; 8:45 a.m.]

MARSHALL & ILSLEY BANK STOCK CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956, by Marshall & Ilsley Bank Stock Corp., which is a bank holding company located in Milwaukee, Wis., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of West Suburban Bank, Brookfield, Wis.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Dated at Washington, D.C., this 28th day of December 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 67-64; Filed, Jan. 4, 1967; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Richmond. Dissenting Statement of Governors Maisel and Brimmer also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin, and Governors Shepardson, Mitchell, and Daane. Voting against this action: Governors Maisel and Brimmer. Absent and not voting: Governor Robertson.

INTERSTATE COMMERCE COMMISSION

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

DECEMBER 30, 1966.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. C-239, Case No. 5, filed November 28, 1966. Applicant: INTER-CITY TRUCKING SERVICE, INC., 14333 Goddard Street, Detroit, Mich. 48226. Applicant's representative: Robert D. Schuler, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, serving the plantsite of Ford Motor Co. on Sheldon Road, Plymouth Township, Wayne County, Mich., as an off-route point in connection with authorized service at Detroit, Mich. Both intrastate and interstate authority sought.

HEARING: Friday, February 3, 1967, Michigan Public Service Commission, Lewis Cass Building, South Walnut Street, Lansing, Mich., at 9:30 a.m. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Michigan Public Service Commission, Lewis Cass Building, South Walnut Street, Lansing, Mich., and should not be directed to the Interstate Commerce Commission.

State Docket No. MT-4302, filed December 21, 1966. Applicant: GOREA'S MOTOR EXPRESS, INC., Bleeker Street and Culver Avenue, Utica, N.Y. 13503. Applicant's representative: Herbert M. Canter, Mezzanine, Warren Parking Center, 345 South Warren Street, Syracuse, N.Y. 13202. Certificate of public convenience and necessity sought to operate a freight service as follows: Applicant seeks authority to serve all points in Ulster County, N.Y., as an authorized off-route area in conjunction with its present regular-route authority between Schenectady and Yonkers, N.Y., and to "tack" such authority with all of its other authority as presently held and any other authority heretofore sought but not yet granted in a pending application. Both intrastate and interstate authority sought.

HEARING: Unknown—Interested parties should contact the Public Service Commission of the State of New York, 55 Elk Street, Albany, N.Y. 12225. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Public Service Commission of the State of New York, 55 Elk Street, Albany, N.Y. 12225, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-86; Filed, Jan. 4, 1967; 8:48 a.m.]

[Notice 1459]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 30, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), 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-69094. By order of December 12, 1966, the Transfer Board approved the transfer to LPD, Inc., Belle-

vue, Wash., of the portion of the operating rights in certificate No. MC–107839 (Sub-No. 36), issued November 19, 1964, to Denver-Albuquerque Motor Transport, Inc., Denver, Colo., authorizing the transportation, over irregular routes, of frozen fruits, frozen vegetables, and frozen berries from points in Idaho, Washington (except Kennewick and Grandview, Wash.), and Oregon, to Albuquerque, N. Mex., and points in Colorado; fresh and frozen fish and seafood, when transported in mixed loads with commodities subject to economic regulation under the Interstate Commerce Act, from points in Washington to points in Idaho and Colorado; and frozen potatoes and potato products from Ontario, Oreg., and points in Idaho to points in Colorado. Evan E. Inslee, 400 Central Building, Seattle, Wash. 98104, attorney for applicants.

No. MC–FC–69264. By order of December 21, 1966, the Transfer Board approved the transfer to Moore's Transfer, Inc., Osmond, Nebr., of that portion of the operating rights of Sky Line Carriers, Inc., Schuyler, Nebr., in certificate No. MC–90144, issued by the Commission, January 6, 1965, authorizing the transportation, over irregular routes, of salt, from Hutchinson and Lyons, Kans., to points in Iowa, and pepper, in packages, in mixed shipments with salt and salt compounds, from Hutchinson and Lyons, Kans., to points in Iowa, and the entire operating rights in certificate No. MC–90144 (Sub-No. 9), issued by the Commission August 30, 1963, authorizing the transportation, over irregular routes, of mineral mixtures, in packages, from Hutchinson, Kans., to points in Iowa and Nebraska. Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102, attorney for applicants.

No. MC–FC–69271. By order of December 21, 1966, the Transfer Board approved the transfer to William S. Scullion, doing business as Scullion Trucking Co., Beaver Falls, Pa., of permit No. MC–115200, issued December 6, 1961, to William S. Scullion and Henry L. Borselli, a partnership, doing business as Scullion and Borselli, Beaver Falls, Pa., and authorizing the transportation of silica, from points in Big Beaver Township, Beaver County, Pa., and Big Beaver Township, Lawrence County, Pa., to points in Ohio, West Virginia, and New York within 125 miles of Koppel, Big Beaver Township, Beaver County, Pa., and sandstone and kiln-lining sand and clay, from points in Wilmington, Hickory, Pulaski, and Neshannock Townships, Lawrence County, Pa., to Sparrows Point, Md., and points in Ohio, Michigan's Lower Peninsula, and New York. Lee F. Whitmire, Jr., Federal Title & Trust Building, Beaver Falls, Pa. 15010, attorney for applicants.

No. MC–FC–69285. By order of December 21, 1966, the Transfer Board approved the transfer to M. R. Randall, 36 South Street, Middlebury, Vt., of the operating rights in certificate No. MC–117521, issued November 12, 1963 to Allen James Tucker, R.F.D. No. 3, Vergennes, Vt., authorizing the transportation of: Passengers and their baggage, between points in Vermont, New Hampshire, and New York.

No. MC–FC–69286. By order of December 21, 1966, the Transfer Board approved the transfer to Stephens Truck Line, Inc., Dickson, Tenn. 37055, of the operating rights in certificates of registration Nos. MC–120631 (Sub-No. 1) and MC–120631 (Sub-No. 2) issued August 4, 1964, and April 2, 1964, respectively, to R. W. Stephens, doing business as Stephens Truck Line, Dickson, Tenn., evidencing a right to engage in operations in interstate or foreign commerce, in Tennessee. Roger G. White, 111½ North Main Street, Post Office Box 190, Dickson, Tenn. 37055, attorney for applicants.

No. MC–FC–69349. By order of December 29, 1966, the Transfer Board approved the transfer to Harry A. Decato, doing business as Decato Bros. Trucking Co., Lebanon, N.H., of the certificates in Nos. MC–55898, MC–55898 (Sub-No. 15), MC–55898 (Sub-No. 17), MC–55898 (Sub-No. 18), MC–55898 (Sub-No. 30), MC–55898 (Sub-No. 32), MC–55898 (Sub-No. 34), MC–55898 (Sub-No. 37), and MC–55898 (Sub-No. 38), and permit No. MC–111735, issued December 23, 1960, April 4, 1950, April 4, 1950, April 4, 1950, August 22, 1958, July 22, 1959, August 2, 1960, April 8, 1963, April 8, 1963, and June 9, 1950, respectively, to Harry A. Decato and Eugene J. Decato, a partnership, doing business as Decato Bros. Trucking Co., Lebanon, N.H., the certificates authorizing the transportation of lumber, from points in New Hampshire on and west of U.S. Highway 302 to Westhampton, Mass., and points in Massachusetts on and east of U.S. Highway 5; from points and places in Merrimack, Cheshire, Hillsboro, and Sullivan Counties, N.H., to points and places in Rhode Island and Connecticut; from points and places in Cumberland and York Counties, Maine, to points and places in New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut; from points and places in Carroll County, N.H., to points and places in Massachusetts on and east of U.S. Highway 5; from points and places in Maine, New Hampshire, and Vermont to Walton, N.Y., from Woodsville, Lakeport, and Salmon Falls, N.H., and White River Junction, Vt., to points in New York, Cleveland, Ohio, Wilmington, Del., Baltimore and Sparrows Point, Md., and specified places in Pennsylvania; from points in Maine, to Claremont, Laconia, Lebanon, Newport, and Rollinsford, N.H., and Newbury, Vt., wooden fences, wooden posts, rails, and pickets, from Lyndonville, Vt., to Baltimore, Md., and points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island, and lumber, from points in New Hampshire and Vermont to points in Maine, and the permit authorizing the transportation of liquid sugar, sugar syrup, and invert sugar, in bulk, in tank vehicles, from Boston, Mass., to points and places in Maine, New Hampshire, and Vermont. Dual operations were authorized. Harry A. Decato, Heater Road, Lebanon, N.H. 03766, representative for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–87; Filed, Jan. 4, 1967; 8:48 a.m.]

[Notice 313]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 30, 1966.

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 in Ex Parte No. MC 67 (49 CFR Part 240) 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 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 protest 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 531 (Sub-No. 223 TA), filed December 27, 1966. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14287, Houston, Tex. 77021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: To transport *weed killing chemicals*, liquid, in bulk, in tank vehicles, from Le Moyne, Ala., to Omaha, Nebr., for 150 days. Supporting shipper: Stauffer Chemical Co. (Mr. Philip Cupertino, Product Transportation Manager), 380 Madison Avenue, New York, N.Y. 10017. Send protests to: District Supervisor John C. Redus, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 943 (Sub-No. 5 TA), filed December 27, 1966. Applicant: GOREA'S MOTOR EXPRESS, INC., Bleecker Street and Culver Avenue, Post Office Box 425, Utica, N.Y. 13503. Applicant's representative: Herbert M. Canter, Mezzanine, Warren Parking Center, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, as follows: *General commodities* with the usual exceptions and as defined by the New York Public Service Commission in its Case MT 4467 (16 NYCRR sec. 800.1), serving the points of Ellenville (Ulster County), N.Y., as

an authorized off-route point in conjunction with its present regular route authority between Schenectady and Yonkers, N.Y., and to "tack" such authority with all of its other authority as presently held and any other authority heretofore sought but not yet granted in a pending application before the New York P.S.C., for 150 days (30-day ETA filed simultaneously). Supporting shipper: Channel Master Corp., Ellenville, N.Y. 12428, John M. Coffey, ATM. Send protests to: Morris H. Gross, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission (new address), Room 104, O'Donnell Building, 301 Erie Boulevard West, Syracuse, N.Y. 13202.

No. MC 6078 (Sub-No. 60 TA), filed December 27, 1966. Applicant: D. F. BAST, INC., 1425 North Maxwell Street, Post Office Box 2288, Allentown, Pa. 18001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Fabricated steel trusses*, 90' long, 9'6'' wide, each weighing approximately 6,000 pounds, from Eddystone, Pa. to jobsite, Bristol, Pa., for 120 days. Supporting shipper: The Belmont Iron Works, Industrial Highway, Eddystone, Pa. Send protests to: Safety Inspector James G. Swope, Interstate Commerce Commission, Bureau of Operations and Compliance, 900 U.S. Customhouse, Philadelphia, Pa. 19106.

No. MC 23441 (Sub-No. 4 TA), filed December 27, 1966. Applicant: LAY TRUCKING COMPANY, INC., 1312 Lake Street, La Porte, Ind. 46350. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Planters and agricultural drills*, from the plantsite of the Allis-Chalmers Manufacturing Co., at La Porte, Ind., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Mississippi, Missouri, Ohio, Pennsylvania, Tennessee, and Wisconsin, for 180 days. Supporting shipper: Allis-Chalmers Manufacturing Co., La Porte, Ind. 46350. Send protests to: Safety Inspector Fred Gruin, Jr., Bureau of Operations and Compliance, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 52917 (Sub-No. 57 TA), filed December 27, 1966. Applicant: CHESAPEAKE MOTOR LINES, INC., 340 West North Avenue, Baltimore, Md. 21217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Foodstuffs and related advertising matter, display racks, or premiums*, dealt in by wholesale, retail, and chain grocery and food business houses, in vehicles equipped with mechanical refrigeration, from Philadelphia, Pa., to Washington, D.C., Baltimore and Beltsville, Md., for 150 days. Supporting shippers: Jack Greenberg, Inc., 1717 North Delaware Avenue, Philadelphia, Pa. 19125; Kraft Foods, Division of National Dairy Products Corp., 99 Park Avenue, New York, N.Y. 10016; Ready Food Products, Inc., 1821–29 East Sedgley Avenue, Philadelphia, Pa. 19124. Send protests to: William L. Hughs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 312 Appraisers' Stores Building, Baltimore, Md. 21202.

No. MC 61396 (Sub-No. 172 TA), filed December 27, 1966. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Post Office Box 189 (Downtown Station), Omaha, Nebr. 68110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Anhydrous ammonia and liquid fertilizer* from La Platte, Nebr., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Allied Chemical Corp., 40 Rector Street, New York, N.Y. 10006. Send protests to: Dale L. Meiner, Safety Inspector, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 98749 (Sub-No. 24 TA), filed December 27, 1966. Applicant: DURWOOD L. BELL, doing business as BELL TRANSPORT COMPANY, Post Office Box 2362, Eastman Road and Ryder Drive, Longview, Tex. 75601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Iso butanol* from Galena Park, Tex., to the plantsite of the Texas Eastman Co., near Longview, Tex., restricted to traffic having a subsequent out of State movement by rail, for 180 days. Supporting shipper: Texas Eastman Co., Longview, Tex. 75601. Send protests to: District Supervisor E. K. Willis, Jr., Bureau of Operations and Compliance, Interstate Commerce Commission, Room 513, Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 105413 (Sub-No. 25 TA), filed December 27, 1966. Applicant: PETROLEUM TRANSPORT SERVICE, INC., Highway 275, Council Bluffs, Iowa 51501. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Anhydrous ammonia and liquid fertilizer solutions* in bulk from La Platte, Nebr., to points in Illinois, Iowa, Kansas, Minnesota, Missouri, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Allied Chemical Corp., 40 Rector Street, New York, N.Y. 10006. Send protests to: Dale L. Meiner, Safety Inspector, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 114725 (Sub-No. 31 TA), filed December 27, 1966. Applicant: WYNNE TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, Nebr. 68111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Ammonia and liquid fertilizer solutions* in bulk, in tank vehicles from La Platte, Nebr., to points in Illinois, Kansas, Minnesota, Missouri, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Allied Chemical Corp., 40 Rector Street, New York, N.Y. 10006. Send protests to: Dale L. Meiner, Safety Inspector, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 115322 (Sub-No. 51 TA), filed December 28, 1966. Applicant: BLYTHE MOTOR LINES, INC., Post Office Box 1698, 2939 Orlando Drive, Sanford, Fla. 32771. Applicant's representative: David E. Wells (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Frozen foods* from the plantsite of Campbell Soup Co., Salisbury, Md., to Sumter, S.C., for 120 days. Supporting shipper: Campbell Soup Co., 375 Memorial Avenue, Camden, N.J. Send protests to: District Supervisor George H. Fauss, Jr., Bureau of Operations and Compliance, Interstate Commerce Commission, 428 Post Office Building, Post Office Box 4969, Jacksonville, Fla. 32201.

No. MC 114965 (Sub-No. 27 TA), filed December 27, 1966. Applicant: CYRUS TRUCK LINE, INC., Post Office Box 327, R.F.D. No. 1, Iola, Kans. 66749. Applicant's representative: Charles H. Apt, Apt & Apt, 104 South Washington, Iola, Kans. 66749. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Aviation fuels*, in bulk, in tank vehicles, from Kansas City, Kans., to Centralia, Ill.; and Carbondale, Ill.; and Festus and Malden, Mo., for 180 days. Supporting shipper: Mobil Oil Corp., Post Office Box 2539, Kansas City, Mo. 64142. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 119577 (Sub-No. 12 TA), filed December 27, 1966. Applicant: OTTAWA CARTAGE, INC., Post Office Box 458, Ottawa, Ill. 61350. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Tile and clay products*, from Carol Stream, Ill., to points in Dubuque, Jackson, Scott, Muskatine, Lee, Des Moines, and Clinton Counties, Iowa, for 180 days. Supporting shipper: James Clow & Sons, Inc., Streator Division, Post Office Box 516, Streator, Ill. 61364. Send protests to: William E. Gallagher, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1086 U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 125037 (Sub-No. 7 TA), filed December 27, 1966. Applicant: DIXIE MIDWEST EXPRESS INC., Highway 69, Post Office Box 372, Greensboro, Ala. Applicant's representative: John W. Cooper, 1301 City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Malt beverages, can openers, and advertising material* from Milwaukee, Wis., and Peoria, Ill., to points in Calhoun County, Ala., and *empty bottles and cases* on return, for 180 days. Supporting shipper: Quality Beverage Co., 17th and Walnut Streets, Anniston, Ala. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 212, 908 South 20th Street, Birmingham, Ala. 35205.

MOTOR CARRIER OF PASSENGERS

No. MC 128766 TA, filed December 27, 1966. Applicant: GEORGE V. HESSELGRAVE, doing business as BELLINGHAM-FERNDALE STAGES, Box 55, Rock Road, Sumas, Wash. 98295. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, as follows: To transport *passengers, and their baggage, express, and newspapers*, (1) Between Bellingham and Ferndale, Wash., both via New Pacific Highway and what is known as "Northwest Diagonal"; (2) between Bellingham and Legoe Bay, Wash., via Marine Drive, Marietta, and Gooseberry Point, via ferry to Lummi Island and overland to Legoe Bay; (3) between Bellingham and Birch Bay, via Marine Drive to Marietta; Ferndale River Road to Ferndale; Old Blaine-Ferndale Highway to Pleasant Valley and Birch Bay Road; Birch Bay Road to Shintaffer Road; (4) between Birch Bay and Blaine, Wash., via Old Blaine-Ferndale Highway and via Drayton Harbor Road to U.S. Highway 99, thence via U.S. Highway 99 to Blaine; (5) between Bellingham and Neptune Beach, via Marine Drive, Slater Road, and Kickerville Road; Ferndale and Neptune Beach, via Mountain View Road and Kickerville Road, and return over the same routes in (1) through (5) above serving all intermediate points; (6) also charter coach service from points in the territory named above to ports of entry on the international boundary between the United States and Canada at or near Blaine or Sumas, Wash.; and points in Oregon, Idaho, Washington, California, Nevada, Arizona, Montana, and Utah, for 180 days. Supporting shippers: Chas. D. Manner, Manner Chevrolet, Inc., Ferndale, Wash.; Cecil Barr, Fassett and Barr Motors, Ferndale, Wash.; P. A. Jeffcott, Jeffcott Motor Co., Ferndale, Wash.; Jewell Boraker, Jewell Motor Co., Ferndale, Wash.; Chamber of Commerce, Ferndale, Wash.; Carl W. Fiskin, Mayor, town of Ferndale, Wash.; Ellen B. Nelson, Ferndale, Wash.; Ed Hinz, Pastor, Whitehorn Mennonite Brethren Church, Route 1, Box 341, Blaine, Wash. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 128767 TA, filed December 27, 1966. Applicant: JAMES L. GROVER, 8446 Lockleven, Post Office Box 1041, Kings Beach, Calif. 95719. Applicant's representative: William J. Crowell, Old Bank Building, 402 North Carson Street, Carson City, Nev. 89701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, as follows: Transporting *computer cards, meter readings, processing data, and newspapers*, between Reno, Nev., and Bijou and Tahoe Vista, Calif., over U.S. Highway 395, U.S. Highway 50, Nevada Highway 28 and California Highway 28, for 180 days. Supporting shipper: Sierra Pacific Power Co., 100 East Moana Lane, Post Office Box 2111, Reno, Nev. 89505. Send protests to: Daniel Augustine, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 11 West Telegraph Street, Carson City, Nev. 89701.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-88; Filed, Jan. 4, 1967; 8:49 a.m.]

[Notice 1009]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 30, 1966.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 52657 (Sub-No. 647) (Republication), filed July 18, 1966, published FEDERAL REGISTER issue of August 4, 1966, and republished this issue. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: A. J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. By application filed July 18, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) trailers, trailer chassis, semitrailers, semitrailer chassis (except those designed to be drawn by passenger automobiles), in initial truckaway and driveaway service, from points in Lee County, Iowa, and Lower Swatara Township, Dauphin County, Pa., to points in the United States, including Alaska, but excluding Hawaii, and return of rejected, refused, or damaged trailers and trailer chassis, from points in the United States, including Alaska but excluding Hawaii, to points in Lee County, Iowa, and Lower Swatara Township, Dauphin County, Pa., (2) tractors, in secondary movements, in driveaway service, only when drawing trailers in initial movements, from points in Lee County, Iowa, and Lower Swatara Township, Dauphin County, Pa., to points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia.

(3) Bodies and containers (except containers having a capacity of 5 gallons or less or of 9 cubic feet or less), from points in Lee County, Iowa, and Lower Swatara Township, Dauphin County, Pa., to points in the United States, including Alaska, but excluding Hawaii, and (4) materials, supplies, and parts used in the manufacture, assembly, or servicing of the commodities described in (1) and (3) above, when moving in mixed loads with such commodities, from points in Lee County, Iowa, and Lower Swatara Township, Dauphin County, Pa., to points in the United States, including Alaska, but excluding Hawaii. NOTE: Applicant states all of the authority requested in (3) and (4) above to be restricted against the transportation of commodities which require special equipment. An order of the Commission, Operating Rights Board No. 1, dated November 30, 1966, and served December 28, 1966, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) *trailers, trailer chassis, semitrailers, semitrailer chassis* (except those designed to be drawn by passenger automobiles), in initial movements, in truckaway and driveaway service, from points in Lee County, Iowa, and those in Lower Swatara Township (Dauphin County), Pa., to points in the United States, including Alaska, but excluding Hawaii, and of *returned trailers and trailer chassis*, from the destination points above to the origin points above; (2) *tractors*, in secondary movements, in driveaway service, only when drawing trailers in initial movements, from points in Lee County, Iowa, and those in Lower Swatara Township (Dauphin County), Pa., to points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia.

(3) *Trailer bodies and containers* (except such of these commodities which because of size or weight require the use of special equipment), from points in Lee County, Iowa, to points in the United States, including Alaska, but excluding Hawaii; (4) *trailer bodies and containers* (except empty freight containers and except such of these commodities which because of size or weight require the use of special equipment), from points in Lower Swatara Township (Dauphin County), Pa., to points in the United States, including Alaska, but excluding Florida, Georgia, Hawaii, and South Carolina; (5) *trailer bodies and empty freight containers* (except those which because of size or weight require the use of special equipment), from points in Lower Swatara Township (Dauphin County), Pa., to points in Florida, Georgia, and South Carolina; (6)

materials, supplies, and parts used in the manufacture, assembly, or servicing of trailers, trailer chassis, semitrailers, semitrailer chassis, trailer bodies, and containers (except such of these commodities which because of size or weight require the use of special equipment), when moving at the same time and in the same vehicle with trailers, trailer chassis, semitrailers, semitrailer chassis, trailer bodies, or containers, from points in Lee County, Iowa, to points in the United States, including Alaska, but excluding Hawaii; (7) *materials, supplies, and parts* used in the manufacture, assembly, or servicing of trailers, trailer chassis, semitrailers, semitrailer chassis, trailer bodies, and containers (except empty freight containers and except such of these commodities which because of size or weight require the use of special equipment), when moving at the same time and in the same vehicle with trailers, trailer chassis, semitrailers, semitrailer chassis, trailer bodies, or containers (except empty freight containers), from points in Lower Swatara Township (Dauphin County), Pa., to points in the United States, including Alaska, but excluding Florida, Georgia, Hawaii, and South Carolina.

(8) *Materials, supplies, and parts* used in the manufacture, assembly, or servicing of trailers, trailer chassis, semitrailers, semitrailer chassis, and empty freight containers (except such of these commodities which because of size or weight require the use of special equipment), when moving at the same time and in the same vehicle with trailers, trailer chassis, semitrailers, semitrailer chassis, or empty freight containers, from points in Lower Swatara Township (Dauphin County), Pa., to points in Florida, Georgia, and South Carolina; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleadings.

No. MC 59384 (Sub-No. 2) (Republication), filed May 18, 1966, published FEDERAL REGISTER issue of June 9, 1966, and republished this issue. Applicant: EMPIRE CARRIERS CORPORATION, 555 West 34th Street, New York, N.Y. Applicant's representative: Herbert Burstein, 160 Broadway, New York, N.Y. 10038. By application filed May 18, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of wearing apparel as described in appendix X in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and accessories, including, but not limited to, handbags, purses, mufflers, scarfs, shawls, costume jewelry, wallets, and umbrellas, and dry goods including, but not limited to, linens, tablecloths, blankets, sheets, pillow cases, napkins, shades, curtains, spreads, towels, bath mats, and piece goods, between New York, N.Y., and points in New Jersey within 25 miles of New York, N.Y., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y. An order of the Commission, Operating Rights Board No. 1, dated November 30, 1966, and served December 28, 1966, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *wearing apparel* as described in appendix X in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and *accessories, and dry goods*, between New York, N.Y., and Passaic, Bergen, Essex, Hudson, Morris, Union, Middlesex, Somerset, and Monmouth Counties, N.J., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.J.; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 116336 (Sub-No. 5) (Republication), filed March 14, 1966, published FEDERAL REGISTER issue of March 31, 1966, and republished this issue. Applicant: BEULAVILLE MILLING CO., INC., Beulaville, N.C. Applicant's representative: Vaughan S. Winborne, Capital Club Building, Raleigh, N.C. By application filed March 14, 1966, applicant seeks a certificate of public convenience and necessity authorizing operations, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes of animal and poultry health products, including, but not limited to drugs, medicines, insecticides, conditioning powders or regulators, and cleaning compounds, from Portsmouth, Va., to points in Person, Orange, Chatham, Moore, and Scotland Counties, N.C., and points in North Carolina east of said counties. A report of the Commission, Operating Rights Review Board No. 2, decided December 14, 1966, and served December 21, 1966, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes of (1) *animal and poultry drugs, tonics, medicines, and insecticides, and* (2) *disinfectants and cleaning compounds*, from the plantsite of Allied Mills, Inc., at Portsmouth, Va., to points in Person, Orange, Chatham, Moore, and Scotland Counties, N.C., and points in North Carolina east of said counties, restricted against the transportation of the commodities named in (1) and (2), above, in bulk; that applicant is fit, willing, and able properly to perform such operations and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in our findings, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in the proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 118831 (Sub-No. 47) (Republication), filed April 18, 1966, published FEDERAL REGISTER issue of May 12, 1966, and republished this issue. Applicant: CENTRAL TRANSPORT, INCORPORATED, Uwharrie Road, Post Office Box 5044, High Point, N.C. Applicant's representative: E. Stephen Heisley, Transportation Building, Washington, D.C. 20006. By application filed April 18, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of feldspar in bulk, in tank vehicle, from points in Cleveland, Mitchell, and Yancey Counties, N.C., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Louisiana, Mississippi, Missouri, New York, New Jersey, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia. The application was referred to Examiner William N. Culbertson for hearing and the recommendation of an appropriate order thereon. Hearing was held on October 6, 1966, at Raleigh, N.C. A report and order of the Commission, served November 22, 1966, which became effective December 21, 1966, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, over irregular routes, of *feldspar*, in bulk, in tank or hopper vehicles, (1) from points in Cleveland, Mitchell, and Yancey Counties, N.C., to points in Florida, Illinois, Michigan, Missouri, New Jersey, and Texas, and (2) from points in Cleveland County, N.C., to points in Alabama, Arkansas, Indiana, Louisiana, Mississippi, and Tennessee; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of

the Interstate Commerce Act and the Commission's rules and regulations thereunder. Prior to the issuance of a certificate a notice will be published in the FEDERAL REGISTER of the complete scope of the authority to be granted in order to allow a 30-day period during which any person other than protestants at the hearing already held, who may be affected by the broadened scope of such a grant may petition the Commission for further hearing for the limited purpose of cross-examination of the witnesses who presented evidence in support of the application.

No. MC 123067 (Sub-No. 41) (Republication), filed March 3, 1966, published FEDERAL REGISTER issue of March 24, 1966, and republished, this issue. Applicant: M & M TANK LINES, INC., Post Office Box 4174, North Station, Winston-Salem, N.C. 27102. Applicant's representative: Frank C. Philips (same address as applicant). By application filed March 3, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of *feldspar*, in bulk, in tank vehicle, from points in Cleveland, Mitchell, and Yancey Counties, N.C., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Louisiana, Mississippi, Missouri, Texas, and Virginia. The application was referred to Examiner William N. Culbertson for hearing and the recommendation of an appropriate order thereon. Hearing was held on October 6, 1966, at Raleigh, N.C. A report and order of the Commission, served November 22, 1966, which became effective December 21, 1966, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, over irregular routes, of *feldspar*, in bulk, in tank or hopper vehicles, (1) from points in Cleveland, Mitchell, and Yancey Counties, N.C., to points in Florida, Illinois, Michigan, Missouri, New Jersey, and Texas, and (2) from points in Cleveland County, N.C., to points in Alabama, Arkansas, Indiana, Louisiana, Mississippi, and Tennessee; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Prior to the issuance of a certificate a notice will be published in the FEDERAL REGISTER of the complete scope of the authority to be granted in order to allow a 30-day period during which any person other than protestants at the hearing already held, who may be affected by the broadened scope of such a grant may petition the Commission for further hearing for the limited purpose of cross-examination of the witnesses who presented evidence in support of the application.

No. MC 126745 (Sub-No. 7) (Republication), filed July 15, 1965, published FEDERAL REGISTER issue of August 4, 1965, and republished this issue. Applicant: SOUTHERN COURIERS, INC., 222–17 Northern Boulevard, Bayside, N.Y. 11361 (retitled), AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Ewell H. Muse, Jr., Suite 415, Perry Brooks Building, Austin, Tex. By application filed July 15, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of (1) business papers, records and audit and accounting media of all kinds (excluding plant removals), (a) between New Orleans, La., on the one hand, and, on the other, points in Mississippi on and south of U.S. Highway 80, and Mobile, Ala.; (b) between Kenner, La., on the one hand, and, on the other, Lake Charles, Lafayette, Houma, Alexandria, Baton Rouge, New Orleans, Hammond, and Bogalusa, La.; and (c) between Shreveport, La., on the one hand, and, on the other, Monroe, Ruston, and Bastrop, La.; (b) and (c) above restricted to traffic having a prior or subsequent out of State movement; (2) lithographed and/or printed unused personalized checks and related unused miscellaneous bank documents, between New Orleans, La., on the one hand, and, one the other, points in Mississippi on and south of U.S. Highway 80, and Mobile, Ala. NOTE: Applicant states the proposed operation will be restricted to the following: No service shall be performed under the authority granted herein for any bank or banking institution, namely, any national bank, State bank, Federal Reserve Bank, savings and loan association, or savings bank.

An order of the Commission, Operating Rights Board No. 1, dated November 30, 1966, and served December 21, 1966, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) (a) *business papers, business records, and audit and accounting media* (except cash letters) and (b) *unused personalized checks and related unused miscellaneous bank documents*, between New Orleans, La., on the one hand, and, on the other, Mobile, Ala., and those points in Mississippi on and south of U.S. Highway 80, restricted against the transportation of shipments having a prior or subsequent movement by air; and (2) *business papers, business records, and audit and accounting media* (except cash letters), (a) between Kenner, La., on the one hand, and, on the other, Lake Charles, Lafayette, Houma, Alexandria, Baton Rouge, New Orleans, Hammond, and Bogalusa, La., and (b) between Shreveport, La., on the one hand, and, on the other, Monroe, Ruston, and Bastrop, La., restricted in (2) above against the transportation of packages or articles weighing in the aggregate of more than 20 pounds from one consignor to one consignee on any 1 day; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. That the holding by applicant of a certificate representing the authority for which a need has been found and of the permits heretofore issued to it has not been shown to be consistent with the public interest and the national transportation policy; but that this proceeding should be held open for further consideration of this dual operations problem following the final determination of applicant's conversion proceedings (Nos. MC–111729 (Sub-Nos. 169, 170, and 171), MC–126745 (Sub-No. 19), and MC–127431 (Sub-No. 8)), filed in accordance with the requirements set forth in the Commission's report in *Armored Carrier Corp. Extension—Vermont*, 102 M.C.C. 411. Because it is possible that parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by lack of proper notice of the authority described in the findings in this order, a notice of the common carrier authority for which a need is found in this order will be published in the FEDERAL REGISTER, and/or a period of 30 days from the date of such publication, any proper party in interest may file an appropriate protest or other pleading.

NOTICE OF FILING OF PETITION

No. MC 10345 (Sub-No. 82) (Notice of Filing of Petition for Modification, in Part, of Existing Certificate in Accordance With the Decision of the Commission in MC–C–3024, *National Automobile Transporters Association Petition for Declaratory Order*, 91 M.C.C. 395), filed November 23, 1966. Petitioner: C & J COMMERCIAL DRIVEAWAY, INC., 1905 West Mount Hope Avenue, Lansing, Mich. Petitioner's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Petitioner holds authority in MC 10345 (Sub-No. 82) dated December 13, 1965. Included in this certificate is the authority to transport new automobiles, new trucks, new bodies, new cabs, and new chassis, in initial movements, both in driveaway and in truckaway service, from places of manufacture and assembly in Lansing, Mich., to points in Ohio, West Virginia, Pennsylvania, and to Frostburg and Cumberland, Md. By the instant petition, petitioner requests modification of the above-referred-to certificate, so as to authorize it to transport "new automobiles", in secondary movements, in both truckaway and driveaway service, from Pittsburgh, Pa., and its commercial zone, including Pitcairn, Allegheny County, Pa., to points in Pennsylvania, Ohio, West Virginia, and to Frostburg and Cumberland, Md., restricted to new automobiles manufactured and/or assembled at the plant, or plants, of General Motors Corp. and further restricted to said automobiles that have had an immediately prior movement by rail. Any interested person desiring to participate, may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Com-

mission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC–F–9621. Authority sought for purchase by EVERETT LOWRANCE, 4916 Jefferson Highway (Post Office Box 10216), New Orleans, La. 70121, of a portion of the operating rights of DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 5135 York Street, Denver, Colo. Applicants' attorney: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Operating rights sought to be transferred: *Prepared foodstuffs*, in vehicles equipped with mechanical refrigeration, as a *common carrier*, over irregular routes, from the plantsite of the Pillsbury Co., at or near Denison, Tex., to Mobile, Ala., Pensacola, Fla., and to points in Arkansas, Louisiana, and Mississippi. Restriction: The authority granted herein is restricted to the transportation of shipments originating at said plantsite. Vendee is authorized to operate as a *common carrier* in Louisiana, Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, South Carolina, Indiana, Iowa, Idaho, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Oregon, Texas, Virginia, West Virginia, Wisconsin, Wyoming, Utah, and Washington. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9622. Authority sought for purchase by LANG TRANSIT COMPANY, 38th Street, and Quirt Avenue, Lubbock, Tex., of a portion of the operating rights of RANDALL R. SAIN, doing business as C. B. TRUCK LINE, 1034 Humble Place, El Paso, Tex., and for acquisition by C. M. LANG, also of Lubbock, Tex., of control of such rights through the purchase. Applicants' attorney: W. D. Benson, Jr., Ninth Floor, Citizens Tower, Lubbock, Tex. 79401. Operating rights sought to be transferred: *General commodities*, except those of unusual value, classes A and B explosives, and commodities in bulk, as a *common carrier*, over irregular routes, between points in Lea and Eddy Counties, N. Mex. (except service is not authorized to or from potash mine located approximately 16 miles east of Carlsbad, N. Mex., nor is service authorized between Carlsbad and Hobbs, N. Mex.). Vendee is authorized to operate as a *common carrier* in Texas and New Mexico. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9623. Authority sought for control and merger by RIGGERS AND TRUCKERS, INC., 30 Moffitt Street, Stratford, Conn. 06497, of the operating rights and property of EDGERTON & SONS, INC., 585 Housatonic Avenue, Bridgeport, Conn. 06604, and for acquisition by WILLIAM B. MEYER, INCORPORATED, and, in turn by LLOYD H. MEYER, both of 30 Moffitt Street, Stratford, Conn. 06497, of control of such rights and property through the transaction. Applicants attorneys: Paul J. Goldstein, 109 Church Street, New Haven, Conn., and Robert N. Hunziker, 943 Main Street, Bridgeport, Conn. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between New York, N.Y., and Holyoke, Mass., and New London, Conn., serving all intermediate and certain off-route points; *general commodities*, with exceptions as indicated above, over irregular routes, between points on the above-described routes, including intermediate and off-route points as indicated, on the one hand, and, on the other, points within 60 miles of Bridgeport, Conn., in that part of Connecticut on and west of a line drawn from New Haven, Conn., along Connecticut Highway 15 to Middletown, Conn., thence along Connecticut Highway 9 to Hartford, Conn., and thence along U.S. Highway 5 to the Connecticut-Massachusetts State line; *Heavy machinery, structural steel, and equipment and supplies*, used in the installation of telephone and cable lines, between points in Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, and Connecticut within 200 miles of Bridgeport, Conn.; and *new and used semi-trailers*, in secondary movements in truckaway service, between Bridgeport, Conn., and Jersey City, N.J. RIGGERS AND TRUCKERS, INC., holds no authority from this Commission. However, its controlling stockholder, WILLIAM B. MEYER, INCORPORATED, is authorized to operate as a *common carrier* in Connecticut, Virginia, New Hampshire, Vermont, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Ohio, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEAL GARSON,
Secretary.

[F.R. Doc. 67–89; Filed, Jan. 4, 1967; 8:49 a.m.]

[3d Rev. S.O. 562; ICC Order 214, Amdt. 1]

ST. JOHNSBURY & LAMOILLE COUNTY RAILROAD

Rerouting of Traffic

Upon further consideration of ICC Order No. 214 (St. Johnsbury & Lamoille County Railroad) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 214 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1967, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., December 31, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., December 30, 1966.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 67–85; Filed, Jan. 4, 1967; 8:48 a.m.]

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