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Agencies in this issue—

Air Force Department
Army Department
Atomic Energy Commission
Business and Defense Services
Administration
Civil Aeronautics Board
Civil Service Commission
Coast Guard
Comptroller of the Currency
Consumer and Marketing Service
Customs Bureau
Delaware River Basin Commission
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Food and Drug Administration
Health, Education, and Welfare
Department
Housing and Urban Development
Department
Immigration and Naturalization
Service
International Commerce Bureau
Interstate Commerce Commission
Land Management Bureau
National Park Service
Securities and Exchange Commission

Detailed list of Contents appears inside.



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(As of January 1, 1967)

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Contents

AGRICULTURE DEPARTMENT

See Consumer and Marketing Service.

AIR FORCE DEPARTMENT

Rules and Regulations

USAF Officer Training School; miscellaneous amendments..... 4356

ARMY DEPARTMENT

Rules and Regulations

Records and reports; unofficial research in Department files..... 4355

ATOMIC ENERGY COMMISSION

Notices

Consumers Power Co.; issuance of provisional construction permit..... 4369

BUSINESS AND DEFENSE SERVICES ADMINISTRATION

Notices

University of Southern California and New York University; applications for duty free entry of scientific articles..... 4366

CIVIL AERONAUTICS BOARD

Rules and Regulations

Practice and procedure; petitions for rulemaking..... 4343

CIVIL SERVICE COMMISSION

Rules and Regulations

Excepted service:

Advisory Commission on Parcel Distribution Services..... 4341
Labor Department..... 4341
Post Office Department..... 4341

COAST GUARD

Notices

Certain Customs Bureau functions; continuation by Coast Guard..... 4365

COMMERCE DEPARTMENT

See Business and Defense Services Administration; International Commerce Bureau.

COMPTROLLER OF THE CURRENCY

Rules and Regulations

Investment securities; Indiana school building corporations... 4342

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Special milk program for children; definition of needy schools..... 4341

Proposed Rule Making

Milk in Eastern Colorado marketing area; recommended decision..... 4362

CUSTOMS BUREAU

Rules and Regulations

Certain functions; continuation by Coast Guard; cross reference..... 4349

DEFENSE DEPARTMENT

See Air Force Department; Army Department.

DELAWARE RIVER BASIN COMMISSION

Notices

Water quality standards; hearing..... 4369

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

Practice and procedure; CATV Task Force..... 4358

Radio broadcast services; remote control authorizations..... 4358

Proposed Rule Making

Table of assignments, UHF TV broadcast channels; Hawaii... 4363

Notices

Canadian broadcast stations; changes, proposed changes, and corrections in assignments..... 4372

Operating hours for standard broadcast stations..... 4371

Hearings, etc.:

American Broadcasting Companies, Inc..... 4372
Circle L, Inc., et al..... 4373
Gamma Television Corp. et al... 4375
San Fernando Broadcasting Co. (KSFV)..... 4375

FEDERAL MARITIME COMMISSION

Notices

Agreements filed for approval:
Port of Seattle and Olympic Steamship Co..... 4371
T. J. Hanson, Inc., et al..... 4371

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:

Alabama-Tennessee Natural Gas Co..... 4375
Consolidated Gas Supply Corp... 4376
Forest Service, Colorado; vacation of withdrawal..... 4376
Northern Natural Gas Co..... 4376
Tennessee Gas Pipeline Co..... 4376

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Cheeses; use of milk-clotting enzymes; effective date..... 4350

Food additives:

Coatings on fresh citrus fruit (2 documents)..... 4353

Oxidized polyethylene..... 4352

Thiabendazole..... 4352

Erythromycin estolate oral suspension..... 4355

Oral prenatal drugs containing fluorides for human use; policy statement..... 4350

Pesticide chemicals in or on raw agricultural commodities:

Aldrin and dieldrin..... 4351

Bromacil..... 4352

Terbacil..... 4352

Soda water, canned; use of stannous chloride; effective date... 4350

Tomatoes, canned; solid pack labeling provision; effective date... 4350

Proposed Rule Making

Labels of foods, drugs, devices and cosmetics; required statements; correction..... 4363

Notices

Food additive petitions:

American Cyanamid Co. (2 documents)..... 4366

National Starch and Chemical Corp..... 4367

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Food and Drug Administration.

Notices

Organization and authority delegations:

Education Office..... 4367

Social Security Administration... 4367

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Notices

Designations; Atlanta:

Acting Assistant Regional Administrator for Program Coordination and Services..... 4368

Acting Regional Counsel..... 4368

IMMIGRATION AND NATURALIZATION SERVICE

Rules and Regulations

Allen crewmen; parole..... 4341

Conditional entrant; adjustment of status..... 4341

(Continued on next page)

INTERIOR DEPARTMENT

See Land Management Bureau;
National Park Service.

INTERNATIONAL COMMERCE BUREAU**Rules and Regulations**

Export control; miscellaneous
amendments..... 4343

INTERSTATE COMMERCE COMMISSION**Rules and Regulations**

Locomotives other than steam;
inspection; correction..... 4360
Transportation of explosives and
other dangerous articles by private
motor carriers; denial of
petition for modification of effective
date..... 4360

Notices

Fourth section application for
relief..... 4379
Motor carriers:
Alternate route deviation notices..... 4379
Applications and certain other
proceedings (2 documents)..... 4380,
4388
Intrastate applications..... 4389
Transfer proceedings..... 4390

JUSTICE DEPARTMENT

See Immigration and Naturalization
Service.

LAND MANAGEMENT BUREAU**Notices**

Nevada; filing of plat of survey
and opening of lands..... 4365

NATIONAL PARK SERVICE**Notices**

Prince William Forest Park and
George Washington Memorial
Highway; Administrative Assistant
and Management Assistant..... 4366

SECURITIES AND EXCHANGE COMMISSION**Notices****Hearings, etc.:**

Anderson New England Capital
Corp..... 4377
Connecticut Light and Power
Co..... 4378
Michigan Wisconsin Pipe Line
Co..... 4378

TREASURY DEPARTMENT

See Coast Guard; Comptroller of
the Currency; Customs Bureau.

List of CFR Parts Affected

(Codification Guide)

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

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1967, and specifies how they are affected.

5 CFR		15 CFR		53..... 4350
213 (3 documents)..... 4341		370..... 4343		120 (3 documents)..... 4351, 4352
		371..... 4343		121 (4 documents)..... 4352, 4353
7 CFR		372..... 4343		148e..... 4355
215..... 4341		373..... 4343		PROPOSED RULES:
PROPOSED RULES:		374..... 4343		1..... 4363
1137..... 4362		376..... 4343		32 CFR
		377..... 4343		518..... 4355
8 CFR		380..... 4343		902..... 4356
245..... 4341		399..... 4343		47 CFR
253..... 4341		19 CFR		1..... 4358
		1..... 4349		73..... 4358
12 CFR		2..... 4349		PROPOSED RULES:
1..... 4342		3..... 4349		73..... 4363
		23..... 4349		49 CFR
14 CFR		21 CFR		77..... 4360
302..... 4343		3..... 4350		91..... 4360
		19..... 4350		
		31..... 4350		

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Advisory Commission on Parcel Distribution Services

Section 213.3194 is added to show that positions on the staff of the Advisory Commission on Parcel Distribution Services are in Schedule A until January 31, 1969. Effective on publication in the FEDERAL REGISTER, § 213.3194 is added as set out below.

§ 213.3194 Advisory Commission on Parcel Distribution Services.

(a) Until January 31, 1969, all positions on the Commission's staff.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[F.R. Doc. 67-3143; Filed, Mar. 21, 1967; 8:50 a.m.]

PART 213—EXCEPTED SERVICE

Post Office Department

Section 213.3311 is amended to show that one additional position of Assistant to the Executive Assistant to the Postmaster General is in Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (4) of paragraph (a) of § 213.3311 is amended as set out below.

§ 213.3311 Post Office Department.

(a) Office of the Postmaster General.

(4) Four Assistants to the Executive Assistant to the Postmaster General.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[F.R. Doc. 67-3145; Filed, Mar. 21, 1967; 8:50 a.m.]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that the position of Deputy Manpower Administrator is in Schedule C and that the position of Director, Office of Man-

power, Automation, and Training is now titled Associate Manpower Administrator for Policy, Evaluation, and Research. Effective on publication in the FEDERAL REGISTER, subparagraph (22) is amended and subparagraph (26) is added to paragraph (a) of § 213.3315 as set out below.

§ 213.3315 Department of Labor.

(a) Office of the Secretary. * * *
(22) Associate Manpower Administrator for Policy, Evaluation, and Research.

(26) One Deputy Manpower Administrator.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[F.R. Doc. 67-3144; Filed, Mar. 21, 1967; 8:50 a.m.]

Title 7—AGRICULTURE

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

[Amdt. 3]

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Needy Schools

Paragraph (m) of § 215.2 of the regulations for the operation of the Special Milk Program for Children (30 F.R. 14910) as amended (31 F.R. 11743, 31 F.R. 14925) is hereby amended as follows:

§ 215.2 Definitions.

(m) "Needy schools" means schools which, because of poor local economic conditions, are determined by State Agencies, or Consumer Food Programs District Offices, C&MS, where applicable, to be in need of special assistance in order to serve milk without charge to needy children, and which either (1) are participating in the National School Lunch Program at assigned reimbursement rates averaging more than 9 cents per Type A lunch, from Federal funds, or (2) have no noon food service.

This amendment shall be effective upon publication.

Approved: March 16, 1967.

[SEAL] GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-3098; Filed, Mar. 21, 1967; 8:46 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

Adjustment of Status of Conditional Entrant

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

Paragraph (a) General of § 245.1 Eligibility is amended by adding the following sentence at the end thereof: "An alien who has been allocated an immigrant visa number and who entered the United States conditionally pursuant to section 203(a)(7) of the Act is not eligible for the benefits of section 245 of the Act unless he qualifies as an immediate relative pursuant to section 201(b) of the Act on the basis of a visa petition approved in his behalf or as a special immigrant within the meaning of section 101(a)(27) of the Act."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of Title 5 of the United States Code (P.L. 89-554, 80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rule prescribed by the order is interpretative in nature.

Dated: March 14, 1967.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 67-3091; Filed, Mar. 21, 1967; 8:46 a.m.]

PART 253—PAROLE OF ALIEN CREWMEN

Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. Section 253.1 is amended in the following respects: a new paragraph (a) is added; existing paragraphs (a), (b), (c), (d), (e), and (f) are redesignated as paragraphs (b), (c), (d), (e), (f), and (g), respectively; and redesignated paragraphs (f) and (g) are amended. The new paragraph (a) and amended paragraphs (f) and (g) read as follows:

§ 253.1 Parole.

(a) General. When a crewman is paroled into the United States pursuant

to the provisions of this part under the provisions of section 212(d)(5) of the Act, he shall be given Form I-94, reflecting the terms of parole. A notice on Form I-259 shall be served upon the agent, and, if available, upon the owner and master or commanding officer of the vessel or aircraft, which shall specify the purpose of the parole and the conditions under which the alien crewman is paroled into the United States. The Form I-259 shall also specify the Service office to which the alien crewman is to be presented for inspection upon termination of the parole.

(f) *Crewmen alleging persecution.* Any alien crewman refused a conditional landing permit or whose conditional landing permit has been revoked who alleges that he cannot return to a Communist, Communist-dominated or Communist-occupied country because of fear of persecution in that country on account of race, religion, or political opinion shall be removed from the vessel or aircraft for interrogation. Following the interrogation, the district director having jurisdiction over the area where the alien crewman is located may in his discretion authorize parole of the alien crewman into the United States under the provisions of section 212(d)(5) of the Act. If parole is not authorized, the crewman shall be returned to the vessel or aircraft on which he arrived in the United States.

(g) *Other crewmen.* In the discretion of the district director, any alien crewman not within the purview of paragraphs (b) through (f) of this section may for other emergent reasons or for reasons deemed strictly in the public interest be paroled into the United States under the provisions of section 212(d)(5) of the Act for the period of time and under the conditions set by the district director having jurisdiction over the area where the alien crewman is located.

2. Section 253.2 is amended to read as follows:

§ 253.2 Termination of parole.

(a) *General.* At the expiration of the period of parole authorized by the district director, or when the purpose of the parole has been served, whichever is earlier, the agent upon whom the relating Form I-259 was served, as provided in § 253.1, shall present the alien crewman for inspection to an immigration officer at the Service office specified in the Form I-259. If the agent cannot present the alien crewman, the agent shall immediately submit a report of the reasons therefor to the district director. The district director shall take such further action as the circumstances may require. If the vessel or aircraft on which the alien crewman arrived in the United States is still in the United States when he is presented for inspection, he shall be treated as an applicant for a conditional landing permit and his case shall be dealt with in the same manner as any

other applicant for a conditional landing permit. If the vessel or aircraft on which the alien crewman arrived in the United States departed before he was presented for inspection, the agent shall be directed by means of written notice on Form I-259 to arrange for the removal of the alien crewman from the United States, and if such alien crewman thereafter departs voluntarily from the United States within the time specified by the district director, such departure shall not be considered a deportation within the meaning of this section.

(b) *Revocation of parole.* When an immigration officer has reason to believe that an alien crewman paroled into the United States pursuant to the provisions of § 253.1 has violated the conditions of parole, the immigration officer may take such alien crewman into custody without a warrant of arrest. Following such action, the alien crewman shall be accorded, without undue delay, an examination by another immigration officer. If it is determined on the basis of such examination that the individual detained is an alien crewman who was paroled into the United States pursuant to the provisions of § 253.1 and that he has violated the conditions of the parole or has remained in the United States beyond the period authorized by the district director, the district director shall cause to be served upon the alien crewman a written notice that his parole has been revoked, setting forth the reasons for such action. If the vessel or aircraft upon which the alien crewman arrived in the United States is still in the United States, the alien crewman shall be delivered to that vessel or aircraft and Form I-259 shall be served upon the master or commanding officer of the vessel or aircraft directing that the alien crewman be detained on board the vessel or aircraft and deported from the United States. A copy of Form I-259 shall also be served on the agent for the vessel or aircraft. If the vessel or aircraft upon which the alien crewman arrived in the United States has departed from the United States, the agent or owner of the vessel or aircraft shall be directed by means of a notice on Form I-259 to effect the deportation of the alien crewman from the United States. Pending deportation, the alien crewman shall be continued in custody, unless the district director authorizes his release on parole under such conditions, including the posting of a suitable bond, as the district director may prescribe.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of Title 5 of the United States Code (P.L. 89-554, 80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order confer benefits upon persons affected thereby.

Dated: March 13, 1967.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 67-3092; Filed, Mar. 21, 1967;
8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Indiana School Building Corporations

§ 1.183 Indiana School Building Corporations.

(a) *Request.* The Comptroller of the Currency has been requested to consider whether the ruling of October 14, 1964 (§ 1.157), relating to the eligibility for purchase, dealing in, underwriting, and unlimited holding of the First Mortgage Bonds of the Elkhart High School Building Corp. is now applicable to such bonds and similar Indiana school building corporation bonds.

(b) *Opinion.* (1) The State of Indiana has by statute authorized school corporations, which are governmental entities possessing general powers of taxation including property taxation, to enter into long-term lease rental agreements with nonprofit school building corporations for the purpose of financing the construction of school buildings. The school building corporations are formed, in accordance with the requirements of the statute, solely for the purpose of providing school facilities and are thus instrumentalities chosen by the State for this purpose.

(2) Bonds issued by the building corporations are paid from lease rental payments made by the school corporations. Indiana law requires the school corporations to levy a tax sufficient to produce in each year the funds necessary to pay the agreed lease rental. These payments, which are required by law to be used only to pay the principal and interest on the bonds as they become due and for related expenses, are in an amount sufficient for such purposes. The bonds are thus appropriately supported by the promise of a governmental entity possessing general powers of taxation.

(c) *Ruling.* It is our conclusion, therefore, that bonds issued by Indiana school building corporations in accordance with the provisions of the Indiana school law are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24, and accordingly, eligible for purchase, dealing in, underwriting, and unlimited holding by national banks.

Dated: March 17, 1967.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[F.R. Doc. 67-3102; Filed, Mar. 21, 1967;
8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR-101]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Subpart A—Rules of General Applicability

PETITIONS FOR RULE MAKING

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of March 1967.

The following amendments to Rule 38 of the Board's rules of practice (14 CFR 302.38) are adopted herein:

1. Rule 38, which sets forth the procedures for rule making proceedings, authorizes interested parties to file petitions for rule making, but does not specifically authorize the filing of answers to petitions. Indeed, such answers have generally been accepted as a matter of practice. The amendment adopted herein will permit, but not require, the filing of such answers.

The Board believes that interested persons should be permitted to file answers to rule making petitions, in order to assist the Board in determining whether a rule making proceeding should be initiated. Since petitions are not required to be served on other persons, no fixed time limit will be placed on the filing of such answers.

2. Rule 38, at present, applies to petitions for rule making only in connection with economic regulations. In practice, the procedures in Rule 38 are generally followed as to all types of Board regulations. The rule is hereby amended to extend its coverage generally.

Since this amendment is a rule of practice and procedure, notice and public procedure thereon are not required, and the rule may become effective upon less than 30 days' notice.

In consideration of the foregoing, the Board hereby amends § 302.38 of Part 302 of the Procedural Regulations (14 CFR 302.38) effective, March 22, 1967, by amending paragraphs (a), (b), and (c) to read as follows:

§ 302.38 Petitions for rule making.

(a) *Scope.* Any interested person may petition the Board for the issuance, amendment, modification, or repeal of any regulation. For purposes of this section, such proposed action will be termed rule making. Any interested person may file an answer to the petition at any time prior to the institution of a proceeding thereon or prior to denial thereof, as the case may be. Such answer shall be served upon the petitioner. The right to file an answer is purely permissive, and failure to file an answer shall not prejudice any interested person in any rule making proceeding which may be instituted on the petition. The procedures set forth in this section shall

not apply to recommendations for rule making submitted by other agencies of the Government.

(b) *Form and contents.* Petitions for rule making, and answers thereto, shall conform to the requirements of §§ 302.3 and 302.4; and a petition or answer which does not conform to such requirement will not be considered by the Board.

(c) *Procedure.* Petitions for rule making will be given a docket number and will, together with any answers thereto, become matters of public record upon filing. No public hearing, oral argument, or other form of proceedings will be held directly on any such petition, but if the Board determines that the petition discloses sufficient reasons in support of the relief requested to justify the institution of public rule making procedures, an appropriate notice of proposed rule making will be issued. Thereafter, the procedures to be followed will be as required in the Administrative Procedure Act. Where the Board determines that the petition does not disclose sufficient reasons to justify the institution of public rule making procedures, petitioner, as well as persons filing answers, will be so notified together with the grounds for such denial. The provisions of this section shall not operate to prevent the Board, on its own motion, from acting on any matter disclosed in any petition.

(Secs. 3, 4, Administrative Procedure Act, 60 Stat. 383, 384; 5 U.S.C. 552, 553; sec. 204 (a), Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board,

[SEAL] HAROLD R. SANDERSON,
Secretary.

[P.R. Doc. 67-3130; Filed, Mar. 21, 1967; 8:49 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[10 Gen. Rev. of Export Regs., Amdt. 26]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Parts 370, 371, 372, 373, 374, 376, 377, 380, and 399 of Title 15 of the Code of Federal Regulations are amended as set forth below:

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959-63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959-63 Comp.)

Effective date: November 14, 1966.

RAUER H. MEYER,
Director,
Office of Export Control.

I. *New format of the Commodity Control List (§ 399.1).* Purpose and effect: The new Commodity Control List has

been revised in format to incorporate additional information regarding the Export Regulations applicable to each commodity entry. This will make it possible for users of the list to determine more easily which regulations apply to a particular proposed export. The new informational features added to the Commodity Control List are described below:

1. *Country Group "S."* A new Country Group designated by the symbol "S" has been established to aid in pointing out when a validated export license is required for a destination in that Country Group. At present, only Southern Rhodesia is included in Country Group "S." Therefore, if the symbol "S" does not appear for any commodity entry in the column headed "Validated License Required for Country Group Shown Below," the commodity may be exported to Southern Rhodesia under the provisions of General License G-DEST. This procedure replaces the restriction on exports to Southern Rhodesia previously set forth in the provisions of General License G-DEST.

A new column for Country Group "S" is also added to the Commodity Control List under the heading "GLV \$ Value Limits for Shipment to Country Groups." If a dollar value limitation is shown for Country Group "S" under this column, the commodity may be exported to Southern Rhodesia under the provisions of General License GLV, provided that the value of the shipment does not exceed the limitation shown.

2. *Project License.* A new symbol "F" has been established to indicate that certain commodities may not be exported under the provisions of a Project License. If the symbol "F" appears in the last column of the Commodity Control List, the commodities covered by that entry may not be exported under a Project License and an individual validated export license is required. (Other restrictions on the use of the Project License are set forth in the Export Regulations. See § 374.2.)

3. *Time Limit License.* A new symbol "G" has been established to indicate that certain commodities may not be exported under the provisions of a Time Limit (TL) License. If the symbol "G" appears in the last column of the Commodity Control List, the commodity covered by that entry may not be exported under a Time Limit (TL) License, and an individual validated license is required. (Other restrictions on the use of the Time Limit (TL) License are set forth in the Export Regulations. See § 377.2.)

Effective date of action: November 14, 1966.

Accordingly, §§ 370.1(g), 371.10(a), 371.25(b), 372.12(c) (2) and (3), 373.3 (a) and (b), 373.4 (a), (b), (c), and (f), 380.2(f) (3) and (4), 374.2 and 377.2, are revised to read as set forth below.

II. *Replacement of Processing Code Symbols by Processing Numbers.* Purpose and effect: A four letter symbol followed by a number formerly was shown in the column headed "Processing

Code and Related Commodity Group Number" for each entry on the Commodity Control List. This symbol was used to expedite the processing of various export control actions.

Effective November 14, 1966, a single three digit Processing Number will replace both the processing code and the related commodity group number. For example, entries bearing the old processing codes and related commodity group numbers TRAN 2, ELME 1, and RARA 8 now bear the Processing Numbers 432, 601, and 618, respectively. Processing Numbers are listed for each commodity in the Commodity Control List (§ 399.1).

The Processing Number shall be entered on Form FC-419, "Application for Export License" in Item 7(c) which bears the heading "Export Control Commodity No. Processing Code, Related Commodity Group No." All entries having the same Processing Numbers may be entered on a single application. Unless otherwise specifically provided in the Export Regulations (e.g.; applications submitted under the Form FC-243 Procedure, applications covering shipments of Commodities for relief or charity, and applications for licenses to export aircraft and accompanying spare parts), entries having different Processing Numbers must be shown on separate applications.

The Processing Number shall also be entered on all other forms, in addition to the license application, whenever a space is provided for a "Processing Code." This Processing Number is also required on Form FC-420, "Application Processing Card"; Form IA-763, "Request for and Notice of Amendment Action"; Form IT 743-A, "Status Request on Export License Application"; and Form IT-917, "Request for and Notice of Approval for Reexportation."

Accordingly, §§ 372.5(e) (1), 373.48(a), 374.3(a) (2), 376.4(a) (1), 399.1(d), 373.-35, 373.42, 373.46, 373.47(a), 373.56, and 373.63 are revised to read as set forth below.

III. *Revision of Commodity Interpretation 8: Alloy Steel, Special Types Class 1A and Class 1B.* Purpose and effect; Interpretation 8 sets forth the definition of the term "special types Class 1" as applied to certain forms of alloy steel on the Commodity Control List which are subject to the Import Certificate/Delivery Verification procedure (see § 373.2).

This interpretation is revised by substituting the terms "Special Types Class 1A" and "Special Types Class 1B" for "Special Types Class 1."

The term "special types Class 1A" sets forth the types of alloy steel which are subject to the Import Certificate/Delivery Verification requirement and the term "special types Class 1B" sets forth the types of alloy steel which are not subject to the Import Certificate/Delivery Verification requirement but require a validated license to all country group destinations.

The following Export Control Commodity Numbers are affected by this revision:

67243	67353	67920
67273	67443	67930
67290	67480	69110
67313	67503	69887
67323	67703	
67343	67860	

Effective date of action: November 14, 1966.

Accordingly, Interpretation 8, § 399.2, is revised to read as set forth below.

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

§ 370.1 Definitions.

(g) *Commodity Control List; country groups.* (1) "Commodity Control List" means the list of commodities incorporated in § 399.1. See § 399.1 for explanation of material included on, and makeup of Commodity Control List.

(2) "Country Groups". For export control purposes foreign countries are separated into seven country groups designated by the symbols "S", "T", "V", "W", "X", "Y", or "Z". Listed below are the countries included in each country group. Canada is not included in any country group and will be referred to by name.

- (i) Country Group S:
Southern Rhodesia.
(ii) Country Group T:

NORTH AMERICA

- Northern Area:
Greenland.
Miquelon and St. Pierre Islands.
Southern Area:
Mexico (including Cozumel and Revilla Gigeo Islands).
Central America:
Guatemala.
British Honduras.
El Salvador.
Honduras (including the Bay Islands).
Nicaragua.
Costa Rica.
Panama, Republic of.
Bermuda and Caribbean:
Bermuda.
Bahamas.
Jamaica.
Haiti (including Gonave and Tortuga Islands).
Dominican Republic.
Leeward and Windward Islands.
Barbados.
Trinidad and Tobago.
Netherlands Antilles (formerly Curacao, N.W.I.).
French West Indies.

SOUTH AMERICA

- Northern Area:
Colombia.
Venezuela.
Guyana (formerly British Guiana).
Surinam (Netherlands Guiana).
French Guiana (including Inini).
Western Area:
Ecuador (including the Galapagos Islands).
Peru.
Bolivia.
Chile (including the islands Sala-y-Gomez, Juan Fernandez, San Felix, San Abrosio, and Easter Island).

Eastern Area:

- Brazil (including the islands St. Paul, Fernando Noronha, and Trinidad (in South Atlantic)).
Uruguay.
Paraguay.
Argentina.
Falkland Islands.
(iii) Country Group V:
All countries not included in any other country group (except Canada).
(iv) Country Group W:
Poland (including Danzig).
Rumania.
(v) Country Group X:
Hong Kong.
Macao.
(vi) Country Group Y:
Albania.
Bulgaria.
Czechoslovakia.
East Germany (Soviet Zone of Germany and the Soviet Sector of Berlin).
Estonia.
Hungary.
Latvia.
Lithuania.
Outer Mongolia.
Union of Soviet Socialist Republics.
(vii) Country Group Z:
China, including Inner Mongolia; the provinces of Tsinghai and Sikang; Sinkiang; Tibet; and Manchuria (includes the former Kwantung Leased Territory, the present Port Arthur Naval Base Area, and Lialong Province); but excluding Taiwan (Formosa) and Outer Mongolia.
North Korea.
Communist-controlled area of Vietnam.
Cuba.

PART 371—GENERAL LICENSES

§ 371.10 General License GLV; shipments of limited value.

(a) *Scope.* A general license designated GLV is hereby established, subject to the other provisions of this § 371.10, authorizing the export in a single shipment of any commodity on the Commodity Control List to Country Group S, T, V, or X: *Provided, That:*

(1) The net value of the commodity included in a single entry does not exceed the GLV dollar-value limit specified for the appropriate Country Group S, T, V, or X in the column headed "GLV \$ Value Limits for Shipment to Country Groups S, T, V, or X"; and

(2) The commodity is not related to nuclear weapons, nuclear explosive devices, or nuclear testing, as described in § 373.7(b) of this chapter.

§ 371.25 General License GATS; aircraft on temporary sojourn.

(b) *U.S. registered aircraft.* An operating civil aircraft of U.S. registry may depart from the United States under its own power for a temporary sojourn abroad under the conditions set forth in paragraphs (1) and (2) of this paragraph:

(1) A U.S. operating civil aircraft may depart from the United States under its own power for any destination except

¹ For shipments to Southern Rhodesia see § 373.69 of this chapter.

Country Group S, W, Y, or Z: *Provided, That:*

(i) The aircraft does not carry from the United States any commodity for which export authorization has not been granted by the appropriate U.S. Government agency;

(ii) The aircraft is not to be used in any military activity while abroad;

(iii) The aircraft is to be operated only by a U.S. licensed pilot (except on demonstration flights) while abroad;

(iv) The aircraft, or its equipment, parts, accessories, or components will not be disposed of in any foreign country without prior authorization from the Office of Export Control; and

(v) The aircraft's U.S. registration will not be changed while abroad.

(2) (i) Where it is decided that the aircraft or any of its equipment, parts, accessories, or components will be sold or leased abroad, or is not to be returned to the United States for any other reason, request shall be made to the U.S. Department of Commerce, Office of Export Control, Washington, D.C. 20230, for authorization of such disposition.

(ii) The request shall be by letter, in original and one copy, setting forth, where applicable, the date on which the aircraft last departed from the United States, the reason for nonreturn to the United States, the country in which the aircraft will be registered, the commodity description, Export Control Commodity Number of the commodity, value and quantity, as well as the name and address and identity of each party to the proposed transaction. In addition the request shall be accompanied by all documents which would be required in support of an application for export license for shipment of the same commodity directly from the United States to the proposed destination.

(iii) If the request for authorization of nonreturn of the aircraft is approved, the Office of Export Control will stamp the letter of request with the validation stamp of the U.S. Department of Commerce and return one validated copy to the applicant. Where the request is not approved by the Office of Export Control, the applicant will be advised by letter.

Note: 1. Declaration not required on departure. A Shipper's Export Declaration form need not be submitted to the Customs Officer when an operating civil aircraft departs from the United States under the provisions of General License GATS.

2. Declaration required on nonreturn to the United States. Where the Office of Export Control approves the nonreturn to the United States of a U.S. registered aircraft and the aircraft is disposed of abroad, the required Shipper's Export Declaration shall be submitted to a Customs Officer located at any port in the Customs District from which the aircraft departed.

3. Aircraft licensed by the U.S. Department of State. The provisions of General License GATS do not apply to aircraft under export licensing authority of the U.S. Department of State. These aircraft are described on the U.S. Munitions List. The departure of such aircraft must in all cases comply with the export regulations of the Department of State.

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

§ 372.5 How to file an application for a validated license.

(c) *Inclusion of related commodities on a single application.*—(1) *Description of related commodities.* For each entry on the Commodity Control List (§ 399.1) there appears in the column headed "Processing Number" a three digit number which is the processing number for that entry. Any entries on the Commodity Control List which have the same Processing Number may be included on a single license application. (See §§ 373.4(f)(2) and 373.48(a)(1) of this chapter for exceptions.) Shipments of commodities for relief or charity may be included on a single license application regardless of the Processing Number.

§ 372.12 Reexportation.

(c) *Reexportation request subsequent to submission of license application.* * * *

(2) *Additional special requirements.* In addition to the provisions of subparagraph (1) of this paragraph, the request for authority to reexport shall include the following:

(i) If the export was made, or will be made, from the United States to Switzerland or Liechtenstein under a validated export license, and the commodity(ies) or technical data covered is to be reexported from Switzerland or Liechtenstein, the request shall include the name and address of each person or firm to whom reexport will be made, the quantity and value of the commodities to be reexported to each such person or firm, and the number and date of the Swiss Blue Import Certificate(s) which was submitted in support of the application for license to export the commodities from the United States.

(ii) If the reexport is to be made to a destination specified in (a) of this subdivision (ii), regardless of the country to which the commodities or technical data were originally shipped from the United States, additional information shall be furnished as set forth in (b) and (c) of this subdivision (ii).

(a) Cambodia, Indonesia, Laos, Lebanon, Liechtenstein, Malaysia, South Africa (Republic of), Switzerland, Thailand, Vietnam (Republic of), Yugoslavia; or any destination in Country Group S, W, X, Y, or Z (see § 370.1(g) of this chapter).

(b) The name and address of each person or firm to whom reexport will be made, and the commodity description, quantity, and value of the commodities which will be reexported to each such person or firm, and

(c) Consignee/purchaser statement or other documentation from the new ultimate consignee which would be required by Part 373 of this chapter if the reexport were a direct export from the United States to the new country. Where this document is a Yugoslav End Use Certificate or a Swiss Blue Import Certificate,

and the same document must be furnished to the export control authorities of the country from which reexport will be made, the Office of Export Control will accept a reproduced copy of the document being furnished to the country of reexport.

(3) *Notice to consignee.* Where the Office of Export Control has authorized a type of reexport described in subparagraph (2) (i) or (ii) of this paragraph, the United States exporter shall advise his foreign consignee of the amount of reexport and name of person or firm to whom the reexport has been approved.

(i) Any authorization to reexport or redistribute commodities or technical data to Country Group W, Y, or Z whether authorized on the validated export license or separately pursuant to this paragraph (c), expires on the last day of the sixth month following the month in which the reexport is authorized unless otherwise specified. The U.S. exporter shall, in connection with each such authorization, furnish written notification to the ultimate consignee of this limitation on the validity period of the reexport authorization.

(ii) A request for an extension of the validity period of a reexport or redistribution authorization shall be submitted in the same manner as a request for the reexport authorization (see subparagraphs (1) and (2) of this paragraph), except that the documentation required by subparagraph (2)(ii)(b) of this paragraph need not be resubmitted if the original documents remain valid. The request for extension shall, in addition to the other information required, include information identifying the original authorization, the date of the authorization, the name of the countries covered, the commodities and quantities originally authorized for reexport, and the commodities and quantities remaining to be reexported.

(iii) The document authorizing reexport shall be kept and made available for inspection in accordance with the provisions of § 381.11 of this chapter.

(The Export Regulations contain further recordkeeping requirements. See § 381.11 of this chapter.)

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

§ 373.3 Statement by foreign importer of aircraft or vessel repair parts.

(a) *Definitions.*—(1) *Foreign importer of aircraft or vessel repair parts.* As used in this § 373.3, the term "Foreign Importer of Aircraft or Vessel Repair Parts" means a person or firm which is located in any foreign country except Country Group S, W, Y, or Z (see § 370.1(g) of this chapter for country groups), and which is either:

(i) Engaged in the repair, maintenance, or servicing of aircraft or vessels, either exclusively or as part of a related business; or

(ii) Engaged in supplying U.S.-origin parts, accessories, equipment, or components directly to aircraft or vessels for use or such aircraft or vessels, either

exclusively or as part of a related business. Such foreign person or firm need not maintain an aircraft repair hangar or ship repair yard provided that he is engaged in one of the activities set forth in this procedure.

(2) *Station Number.* As used in this § 373.3, a Station Number is that number assigned by the Office of Export Control on Form FC-43, Statement by Foreign Importer of Aircraft or Vessel Repair Parts, to an approved foreign importer of aircraft or vessel repair parts.

NOTE: 1. Examples of Qualifying Foreign Businesses. The following examples illustrate the types of foreign businesses which may qualify under the procedure set forth in this § 373.3: (a) the foreign importer may be in the business of repairing vessels or aircraft and, as part of this business, he uses U.S.-origin parts to accomplish the repair, or (b) the foreign importer may be in the business of repairing vessels or aircraft, and, in addition to using U.S.-origin parts in such repair, he also sells U.S.-origin parts directly to vessels or aircraft for use as spares or standby equipment on such vessels or aircraft, or (c) the foreign importer may not be in the vessel or aircraft repair business but does sell U.S.-origin parts directly to vessels or aircraft for use as spares or standby equipment on such vessels or aircraft.

2. *Examples of Nonqualifying Foreign Businesses.* The procedure set forth in this § 373.3 does not apply to a foreign importer who imports U.S.-origin commodities for general resale (including resale to repairmen) or for reexportation of the commodities in the form received; nor does it apply to a foreign importer whose normal business is the repair of components for aircraft or vessels, e.g., engines, radar, etc., unless the foreign importer installs the components on or returns them to the vessel or aircraft for use on such vessel or aircraft.

3. *Foreign Importers Engaged in Both Qualifying and Nonqualifying Types of Businesses.* In some instances a foreign importer may be engaged in several types of businesses but not all of them may qualify under the procedure set forth in this § 373.3. For example, the importer may be engaged in repairing aircraft or vessels, as well as in selling commodities to other repairmen, or in reexporting the commodities to other countries. The fact that the importer is engaged in these several types of businesses does not preclude him from qualifying under this procedure with respect to U.S.-origin commodities which are used by him in the repair, maintenance or servicing of vessels or aircraft. However, with respect to commodities which the importer purchases in the United States for end uses not authorized under this procedure, both the importer and the exporter must meet the standard documentation and reexport provisions of the Export Regulations.

(b) *General.* (1) Sections 373.2, 373.65, 373.67, and 373.70 require, under specified circumstances, the foreign consignee to send his U.S. exporter an Import Certificate, a Hong Kong Import License, a consignee/purchaser statement, a Swiss Blue Import Certificate, or a Yugoslav End Use Certificate for use in connection with the submission of an application for an export license to the Office of Export Control. In addition, before U.S.-origin parts, accessories, equipment, or components may be used abroad in the repair, maintenance or servicing of a vessel or aircraft, authorization must be obtained from the Office of Export Control, either on the validated

license or by other type of Office of Export Control authorization. As an alternative to these requirements, a foreign importer may submit Form FC-43, Statement by Foreign Importer of Aircraft or Vessel Repair Parts (see Supplement S-23 for facsimile of Form FC-43), for approval to the Office of Export Control in accordance with the procedure described in this § 373.3.

(2) A foreign importer qualifying under this procedure will not be required to submit to his U.S. exporter any of the documents set forth in subparagraph (1) of this paragraph; nor will his U.S. exporter be required to submit these documents to the Office of Export Control.

(3) A foreign importer qualifying under this procedure is authorized to use the U.S.-origin parts in the repair, maintenance or servicing of any vessel or aircraft, provided the vessel or aircraft is not registered in, or not owned or controlled by, or not chartered or leased to a Country Group S, W, Y, or Z country or a national of any of these countries. (See § 370.1(g) of this chapter for Country Groups.)

NOTE: Any undertaking made prior to January 29, 1962, that commodities imported will not be used in the repair, maintenance, or servicing of vessels or aircraft owned or operated by, or chartered or leased to, the Armed Forces of the Dominican Republic is no longer binding and the person entering this undertaking is released therefrom.

(4) Unless otherwise authorized by the Export Regulations, a foreign importer may not reexport the U.S. origin commodities in the form received, or otherwise dispose of the commodities in any manner without the prior approval of the Office of Export Control. The permissive reexport provisions of §§ 371.4(b) and 372.12(d)(5) of the Export Regulations relating to the reexport of certain commodities within the GLV dollar value limitation shown on the Commodity Control List (§ 399.1) do not apply to commodities exported from the United States under the provisions of this § 373.3.

§ 373.4 Distribution of U.S. commodities by foreign-based subsidiary, affiliate, or branch.

(a) *Definitions.* As used in this § 373.4 (and in the related forms), the following terms are defined in subparagraphs (1) through (4) of this paragraph:

(1) *Form FC-243 Procedure.*¹ The provisions for the distribution of U.S. commodities by the U.S. exporter or his subsidiary, affiliate, or branch set forth in this § 373.4 are referred to as the "Form FC-243 procedure."

(2) *Foreign-based stock.* The term "foreign-based stock" is a stock of U.S.-origin commodities, not identified by the symbol "B" in the last column of the Commodity Control List (see § 399.1), which has been duly licensed by the Office of Export Control for stocking outside the

United States by a U.S. exporter, his subsidiary, affiliate, or branch for the purpose of distribution in one or more countries to customers approved by the Office of Export Control.

(3) *Distributor.* The term "distributor," as used in this section, refers to, and is limited to, a subsidiary, affiliate, or branch of the U.S. exporter wherein:

(i) The subsidiary, affiliate, or branch is under the full and active control of the U.S. exporter;

(ii) The U.S. exporter owns a majority of any existing voting stock in the subsidiary, affiliate, or branch;

(iii) The subsidiary, affiliate, or branch distributes or sells U.S. commodities covered by a validated Form FC-243 exclusively to customers approved by the Office of Export Control under this Form FC-243 procedure² for: (a) Delivery from foreign-based stocks, or (b) shipment directly from the United States, pursuant to instructions³ of the subsidiary, affiliate, or branch to fill an urgent need or a specialized requirement for a commodity covered by this Form FC-243 procedure but not available for shipment through the foreign-based stock, or (c) shipment directly from the United States to an approved customer of commodities to be used in equipment originally manufactured by the U.S. exporter;

(iv) The subsidiary, affiliate, or branch is located in a country other than Country Group S, W, Y, or Z.

(4) *Customer.* The term "customer" as used in this section, means a person or firm in a country other than Country Group S, W, Y, or Z, who is supplied U.S.-origin commodities through a distributor as defined in subparagraph (3) of this paragraph.

(b) *Establishment of alternative procedure for the distribution of U.S. commodities by a subsidiary, affiliate, or branch of U.S. exporter.* (1) A U.S. exporter is required, under specified circumstances, to obtain and submit to the Office of Export Control certain documentation in support of his application for an export license. (See §§ 373.2, 373.65, 373.67, and 373.70.) In addition, a reexport to a third country must be authorized by means of a specific individual authorization. (See §§ 371.4 and 372.12 of this chapter.)

(2) An alternative to these provisions is hereby established as described below, permitting a U.S. exporter either to stock U.S. commodities abroad at a central location for distribution to customers in the country where the stock is located or in other countries; or, when necessary to fill an urgent need or a specialized requirement which cannot be filled from the foreign-based stock, to ship the commodities directly to these customers from his U.S. stocks.

² See § 373.4(c)(4) regarding use of other procedures.

³ The instruction from the distributor to ship directly from the United States to his approved customer, together with the related export order shall be retained by the U.S. exporter, as provided by § 372.4 (f)(4) and (h) of this chapter.

¹ Copies of Form FC-243 may be obtained at all U.S. Department of Commerce field offices listed on page 1 and from the U.S. Department of Commerce, Office of Export Control, Washington, D.C. 20230.

(c) *Exports, reexports, and distributions under the Form FC-243 procedure.*

(1) A U.S. exporter who qualifies under the provisions of paragraph (d) of this section may apply for and obtain licenses for exports to an approved destination for the purpose of maintaining a foreign-based stock covering any commodity not identified by the symbol "B" in the last column of the Commodity Control List, except the following commodities:

Export Control Commodity No.	Commodity Description
71420	Electronic computers.
72620	X-ray machines, and specially designed parts therefor, and flash discharge type X-ray tubes.
72952	Vibration testing equipment.
72952 and 86198	Mass spectrometers.
72970	Neutron generators and specially designed parts therefor, and neutron generator tubes.

In addition, the U.S. exporter may apply for an export license to ship directly to his distributor's customer either:

(i) Upon instructions from his distributor, when shipment directly from the United States is necessary to supply promptly an urgent need or specialized requirement for commodities which are covered by this Form FC-243 procedure but are not available from the foreign-based stock, or

(ii) For shipment to an approved customer of parts and components to be used in repairing equipment originally manufactured by the U.S. exporter.

These exports may be made without obtaining or submitting documents otherwise required by the Export Regulations and referred to in paragraph (b) of this section.

(2) The Form FC-243 procedure also permits the distributor, until the expiration of revocation of his validated Form FC-143, Request for Authorization to Distribute U.S.-Origin Commodities Stocked Abroad to Approved Customers,¹ to distribute or reexport the commodities stocked abroad, without obtaining prior Office of Export Control approval for each separate individual transaction, to any customer who has been approved by the Office of Export Control in accordance with the provisions of paragraph (e) of this section, whether such customer is in the country where the foreign-based stock is located or in any other country.

(3) Only a distributor, as defined in paragraph (a)(3) of this section, will be qualified under the Form FC-243 procedure.

(4) Where a commodity, customer, distributor, or destination is not approved under the Form FC-243 procedure, the exporter is not precluded from using any other applicable export procedure, authorization, or provision. Persons or firms located in Country Group S, W, Y, or Z will not be approved as distributors under the Form FC-243 procedure. Customers in Country Group S, W, Y, or Z may be approved only on an individual transaction basis with the prior written approval of the Office of Export Control for each shipment from the foreign-based stock.

(5) Except as provided in paragraph (e) (4) of this section, in no case may an export, reexport, distribution, or resale be made under the Form FC-243 procedure to any person or firm until the exporter has received a validated Form FC-243 showing the Office of Export Control approval of that person or firm as a customer.

(6) The permissive reexport provisions of the Export Regulations relating to the reexport of commodities within the established GLV dollar value limits (see §§ 371.4(b) and 372.12(d) of this chapter) shall not apply to exports, re-exports, or distributions under this procedure.

(1) *Application for export license—*
(1) *Types of applications.* A U.S. exporter who has received a validated Form FC-143 may apply for three different types of export licenses under this procedure:

(i) A license to export commodities to his distributor for subsequent distribution, as set forth in paragraph (c) (2) of this section.

(ii) A license to export directly to his distributor's approved customer commodities which are not available from the foreign based stock but for which shipment directly from the United States is necessary to meet an urgent need or a specialized requirement of the distributor's customer.

(iii) A license to export directly to his distributor's approved customer parts and components which are not stocked by the distributor and which are to be used in the repair of equipment originally manufactured by the U.S. exporter, in an amount based on the U.S. exporter's estimate of the quantity which he expects to ship during the next 6 calendar months.

(2) *General provisions.* An application for export license described in subparagraph (1) of this paragraph shall be completed in accordance with the provisions of § 372.5 except as modified by this subparagraph (2) or by subparagraphs (3), (4), or (5) of this paragraph. Any commodities may be included on a single application if the first two digits of the Processing Number for each commodity are the same. (For example; commodities bearing the Processing Numbers 611, 612, and 618 may be included on a single application since the first two digits are the same in each case.) Commodity Control List descriptions and Export Control Commodity numbers, however, must be shown for each commodity in accordance with the

provisions of § 372.5. In submitting an application, the applicant is not required to provide the Office of Export Control with an Import Certificate, Statement by Consignee and Purchaser or any other supporting document other than Form FC-143 or Form FC-243.

(3) *Shipment to distributor.* An application covering shipments to the distributor of commodities set forth on the validated Form FC-143 (see subparagraph (1)(i) of this paragraph) must be received in the Office of Export Control prior to the expiration date shown on the validated Form FC-143 or on an extension thereof. In completing the application, the applicant shall enter the following statement in the space entitled "Additional Information" or on an attachment thereto:

The ultimate consignee named in this application is an approved distributor of U.S. commodities stocked abroad and has been assigned validation number (insert Form FC-143 validation number).

(4) *Urgent direct shipment to distributor's customer.* This type of license application (see subparagraph (1)(ii) of this paragraph) may be submitted where the United States exporter is advised by his distributor that an order has been received from an approved customer for a commodity which has been approved on the customer's validated Form FC-243 but which is not in the distributor's foreign-based stock and for which the customer has an urgent need or a specialized requirement. The license application must be received in the Office of Export Control prior to the expiration date shown on the validated Form FC-243 or an extension thereof. In addition, the application shall include the following statement in the space entitled, "Additional Information" or on an attachment thereto:

The ultimate consignee named in this application is an approved customer of our foreign distributor. Our distributor (insert Form FC-143 validation number) requests that shipment be made directly from the United States to fill an urgent need or specialized requirement.

(5) *Shipments of parts and components direct to distributor's customer.* This type of license application (see subparagraph (1)(iii) of this paragraph) may be submitted where all of the following conditions are met:

(i) The license application is received in the Office of Export Control prior to the expiration date shown on the customer's validated Form FC-243 or an extension thereof.

(ii) The commodities described on the license application represent parts and components which will be used by the distributor's customer in repairing equipment originally manufactured by the U.S. exporter or which will be supplied by the distributor's customer to another party exclusively for this purpose. If the parts and components are reexported for this purpose, the reexportation will be made only to the countries specified

¹ Copies of Forms FC-143 and FC-243 may be obtained at all U.S. Department of Commerce Field offices listed on page 1 and from the U.S. Department of Commerce, Office of Export Control, Washington, D.C. 20230.

Late revisions of Form FC-143 refer in item 7.b to Country Groups W, Y, and Z. If an earlier issuance of Form FC-143 is used, the list of destinations in item 7.b shall be revised accordingly.

¹ For license applications covering aircraft and equipment, parts, accessories, and components therefor, see § 373.48.

on the customer's validated Form FC-243. In addition, the parts and components will not be used in repairing equipment owned or controlled by, or leased or chartered to a country in Country Group S, W, Y, or Z, or a national of any of these countries.

(iii) Each order received from the distributor's customer should, whenever possible, include a certification from the customer that he will comply with all the provisions of subdivision (ii) of this subparagraph. Regardless of whether the certification appears on the order, the U.S. exporter will, at the time of filling the order, transmit a written notification to the customer setting forth these restrictions.

(iv) The commodities set forth on the license application are included on the customer's validated Form FC-243 and are in a quantity which the exporter expects to ship to the customer during the next 6 calendar months for use in repairing equipment originally manufactured by the exporter's firm.

(v) The license application includes the following statement in the space entitled "Additional Information" or on an attachment thereto:

The ultimate consignee named in this application is an approved customer of our foreign distributor (insert Form FC-143 validation number). Before making any shipment under this license, if granted, I (we) shall: (1) obtain an export order from the ultimate consignee, (2) wherever possible, obtain a written certification from the ultimate consignee on the export order with regard to the restrictions set forth in § 373.4(f)(5)(ii) of the Comprehensive Export Schedule, and (3) for each shipment notify the ultimate consignee, in writing, of these restrictions.

If the quantity licensed under this procedure proves insufficient to meet the requirements of a particular customer, a request for an amendment to increase the quantity authorized for export may be submitted in accordance with the provisions of Part 380. However, no amendment will be granted to extend the validity period of such a license. Instead, the exporter should submit a new application for license 30 days prior to the expiration date of an outstanding license. The new application shall be accompanied, in addition to the requirement set forth in subdivision (v) of this subparagraph, by a statement from the applicant setting forth the total quantity and value of each commodity shipped under the previous license, as of the date of the new application.

§ 373.35 Machinery equipment and parts.

Applications for licenses to export machinery, equipment, and parts for machinery and equipment must include the following identifying information in addition to the requirements of § 372.4(e) of this chapter.

(a) A copy of manufacturer's current catalog or bulletin or pertinent pages therefrom describing the commodity, unless previously furnished.

(b) For commodities having a rated capacity, show maximum rating.

(c) For machinery, equipment, or parts, if production and export cannot be completed within 6 months, the Office of Export Control will consider the issuance of a license with a validity period of 1 year. In these instances, the exporter shall enter this request on the application in the space entitled "Additional Information," or on an attachment thereto explaining the circumstances upon which the request is based, and giving the approximate date of availability for export.

§ 373.42 Iron and steel.

Any iron and steel products not identified by the symbol "B" in the last column of the Commodity Control List (§ 399.1) are subject to the special provisions set forth in § 373.19.

§ 373.46 Iron and steel.

Any iron and steel products not identified by the symbol "B" in the last column of the Commodity Control List (§ 399.1) are subject to the special provisions set forth in § 373.19.

§ 373.47 Machinery, equipment, and parts.²

Applications for licenses to export machinery, equipment, and parts for machinery and equipment identified by the symbol "B" in the last column of the Commodity Control List (§ 399.1), must include the following identifying information in addition to the requirements of § 372.4(e) of this chapter:

(a) A copy of manufacturer's current catalog or bulletin, or pertinent pages therefrom describing the commodity, unless previously furnished.

§ 373.48 Aircraft and equipment, parts, accessories, and components therefor.

(a) *Spare parts accompanying aircraft.* (1) Notwithstanding the provisions of § 372.5 (a), (d), and (e) of this chapter, where the applicant intends to export aircraft and accompanying spare parts for such aircraft to any destination except Country Group W, Y, or Z (See § 370.1(g) of this chapter), the applicant may: (1) Include both the aircraft and the accompanying spare parts on a single application, even though these commodities may not have the same Processing Numbers; and (ii) show on the application the total value of all the accompanying spare parts without the necessity for indicating the value of each Commodity Control List entry shown on the application, if at the time of submitting the application the applicant is unable to determine the value of the parts for each Export Control Commodity number.

(2) The provisions of this § 373.48 do not relieve the applicant from classifying

²Parts, accessories, and equipment which are to be scrapped are classified as scrap e.g., Export Control Commodity Nos. 28200, 28402, 28403, 28404, etc. See § 399.2, Interpretation 10.

ing the commodities shown on the application in accordance with Commodity Control List entries, or from describing the commodities in accordance with the commodity description terminology shown on the Commodity Control List.

§ 373.56 Machinery, equipment, and parts.¹

Applications for licenses to export machinery, equipment, and parts for machinery and equipment must include the following identifying information in addition to the requirements of § 372.4(e) of this chapter:

(a) A copy of manufacturer's current catalog or bulletin, or pertinent pages therefrom describing the commodity, unless previously furnished;

(b) For commodities having a rated capacity, show maximum rating; and

(c) For machinery, equipment, or parts, if production and export can not be completed within 6 months, the Office of Export Control will consider the issuance of a license with a validity period of 1 year. In these instances, the exporter shall enter this request on the application in the space entitled "Additional Information," or on an attachment thereto explaining the circumstances upon which the request is based, and giving the approximate date of availability for export.

§ 373.63 Iron and steel.

Any iron and steel products not identified by the symbol "B" in the last column of the Commodity Control List are subject to the special provisions set forth in § 373.19.

PART 374—PROJECT LICENSE

§ 374.2 Commodities and technical data subject to project license.

The project licensing procedure is applicable to all commodities and technical data which require a validated license for export as well as commodities which may be exported under General License GLV except:

(a) Commodities identified by the symbol "F" in the last column of the Commodity Control List;

(b) Commodities related to nuclear weapons, nuclear explosive devices, or nuclear testing, as described in § 373.7(b) of this chapter; and

(c) Unpublished technical data related to nuclear weapons, nuclear explosive devices, or nuclear testing, as described in § 385.2(c)(3)(vi) of this chapter.

(d) Commodities destined directly or indirectly to Country Group S which are listed in § 373.69(a)(1) of this chapter.

§ 374.3 Basis for consideration of license applications.

(a) *Volume of validated license shipments.* * * *

¹Parts, accessories, and equipment which are to be scrapped are classified as scrap e.g., Export Control Commodity Nos. 28200, 28402, 28403, 28404, etc. See § 399.2, Interpretation 10.

(2) The commodities to be exported are covered by entries in the Commodity Control List (§ 399.1) showing at least four commodity Processing Numbers in which the first two digits of each such Processing Number are different. For example, Processing Numbers 411, 421, 612, and 621 would meet this requirement for approval, since the first two digits in each case are different, i.e.; 41, 42, 61, and 62, respectively. On the other hand, Processing Numbers 411, 412, 413, and 418 would not meet this requirement for approval, because the first two digits in each Processing Number are the same.

PART 376—PERIODIC REQUIREMENTS (PRL) LICENSE

§ 376.4 Application requirements.

(a) *How to prepare a PRL License application.* An application for a PRL License shall be prepared and submitted on Form FC-419, Application for Export License (rev. Jan. 1966), with Form FC-420, Application Processing Card, attached, in accordance with instructions contained in § 372.5 of this chapter, and with the following specific modifications:

(1) *General.* An application for a PRL License shall include only one country of ultimate destination. More than one commodity may be included on a single application, provided the commodities are listed on the Commodity Control List (§ 399.1) with the same Processing Number (see § 372.5(e) of this chapter). Exports to more than one consignee within the same country of destination may also be included on a single application. If more than one consignee is included on the application, the applicant shall attach a list, in duplicate, of the names and addresses of the proposed consignees, and insert "See attached list of consignees," on the application in the space entitled "Ultimate Consignee In Foreign Country."

PART 377—TIME LIMIT (TL) LICENSE

§ 377.2 Commodities subject to TL License.

The commodities which may be exported under the time limit licensing procedure are all commodities listed on the Commodity Control List (§ 399.1) for which a validated license is required for exports to Country Group T by the information set forth in the column headed "Validated License Required for Country Groups Shown Below," except:

- (a) Commodities identified by the symbol "G" in the last column of the Commodity Control List; and
- (b) Commodities related to nuclear weapons, nuclear explosive devices, or nuclear testing as described in § 373.7(b) of this chapter.

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

§ 380.2 Amendments or alterations of licenses.

(1) *Where to file.* * * *
 (3) *Amendment requests on which field offices may not take action.* The Department of Commerce field offices are not authorized to take action on requests for amendments to licenses under the conditions described below. All such requests shall be filed with the U.S. Department of Commerce, Office of Export Control, Operations Division (Attention: 852) Washington, D.C. 20230.

(i) Request for amendment or extension of a license covering an export to Country Group S, Y, or Z, unless the amendment involves no more than a correction of obvious error(s) in the license, such as a mistake in typing.

(ii) Request for amendment of a license where the intended port of exit is not known to the licensee.

(iii) Request for amendment or extension of a license for a shipment which has already been laden aboard the exporting carrier or exported (see paragraph (1) (2) of this section).

(iv) Request for amendment or extension of a Project License.

(v) Request for amendment or extension of a license for export of any commodity listed in § 374.2(c) of this chapter other than the commodities listed under Export Control Commodity Nos. 71420, 72620, 72952, 72970, and 86198.

(vi) Request for amendment or extension of a Technical Data License.

(vii) Request for amendment or extension of a license for export of commodities related to nuclear weapons, nuclear explosive devices, or nuclear testing, as described in § 373.7(b) of this chapter.

(viii) Request for amendment or extension of a license covering the export of any commodity listed in § 373.18(a) of this chapter.

(4) *Duplicate request covering same license.* A request for amendment shall not be submitted to or acted upon by any field office of the U.S. Department of Commerce if an amendment request covering the same license is currently pending action or has been previously denied by the Office of Export Control, or by any other field office.

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

§ 399.1 Commodity Control List.

GENERAL NOTES TO COMMODITY CONTROL LIST

(d) *Processing Numbers.* For each entry on the Commodity Control List a three digit number (e.g., 411, 418, or 601) appears in the "Processing Number" column. These Processing Numbers must be shown on the application for export license since they are used to facilitate the routing and processing of export license applications within the Office of Export Control. Only those entries on the Commodity Control List that have the same Processing Number may be entered on a single application for export license. (For complete information on the inclusion of related commodities on a single application, see 372.5(e) of this chapter.)

Commodity Processing Numbers, grouped according to the three licensing divisions in the Office of Export Control that license the

commodities included in each group, are shown in § 399.4.

§ 399.2 Commodity interpretations.

INTERPRETATION 8: ALLOY STEEL, SPECIAL TYPES CLASS 1A AND CLASS 1B

SPECIAL TYPES CLASS 1A

The term "special types Class 1A" is used in the Commodity Control List to designate certain alloy steels which are subject to the Import Certificate/Delivery Verification procedure (§ 373.2 of this chapter). For export control purposes "special types Class 1A" of stainless and other alloy steel includes steels produced by a vacuum melting process which have a total content of alloying elements of more than 10 percent and a carbon content not exceeding 0.2 percent and which have been or are capable of being heat treated to give a yield strength of 180,000 p.s.i. or higher. Yield strength is the standard 0.2 percent offset yield strength.

SPECIAL TYPES CLASS 1B

The term "special types Class 1B" is used in the Commodity Control List to designate certain alloy steels which are not subject to the Import Certificate/Delivery Verification procedure but require a validated license to all country group destinations. For export control purposes "special types Class 1B" of stainless and other alloy steel includes steels not specified in "Special Types Class 1A" above but which contain any of the following characteristics:

- (a) Alloys with 10 percent or more molybdenum;
- (b) Alloys with 5 percent or more molybdenum and more than 14 percent chromium;
- (c) Alloys with 1.5 percent or more columbium and/or tantalum;
- (d) Nickel-bearing stabilized steel, n.e.c., having a total of 38 percent or more alloying elements and having either 0.4 percent or more titanium or 0.8 percent or more columbium-tantalum; or
- (e) Precipitation hardening steels containing 4 percent or more nickel.

[F.R. Doc. 67-3112; Filed, Mar. 21, 1967; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

PART 1—GENERAL PROVISIONS

PART 2—MEASUREMENT OF VESSELS

PART 3—DOCUMENTATION OF VESSELS

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

Notice of Continuation of Certain Functions

CROSS REFERENCE: For a document affecting certain Customs Bureau functions, see F.R. Doc. 67-3101, Department of the Treasury, Coast Guard, in the Notices section of this issue, *infra*.

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Oral Prenatal Drugs Containing Fluorides for Human Use

A statement of policy, § 3.53, concerning human-use oral prenatal drugs containing fluorides, was published in the FEDERAL REGISTER of October 20, 1966 (31 F.R. 13537), and stated that regulatory proceedings might be initiated with respect to drug preparations labeled contrary to the statement and shipped after 60 days from October 20, 1966. Subsequently, to allow time for the submission of documentary evidence that might justify reconsideration of the policy statement, § 3.53 was amended by an order published December 20, 1966 (31 F.R. 16266), and specified that such regulatory proceedings would not be initiated before February 17, 1967.

The evidence submitted in response to that order has been reviewed, and questions from interested persons as to whether § 3.53 permits the labeling of the subject drugs to bear claims for the prevention of caries in pregnant women and whether it is permissible for such preparations to contain fluorides without labeling claims with respect to such fluoride content have been considered.

Based on the evidence submitted in response to the order of December 20, 1966, other available evidence, and consideration given the questions raised regarding § 3.53, the Commissioner of Food and Drugs concludes that the statement of policy should be revised as set forth below.

Therefore, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 502 (a), (f), 505, 701(a), 52 Stat. 1050, 1051, 1052, as amended, 1055; 21 U.S.C. 352 (a), (f), 355, 371(a)) and delegated by him to the Commissioner (21 CFR 2.120), § 3.53 is revised to read as follows:

§ 3.53 Oral prenatal drugs containing fluorides intended for human use.

(a) The Food and Drug Administration finds that there is neither substantial evidence of effectiveness nor a general recognition by qualified experts that prenatal drug preparations containing fluorides promote tooth development in the fetus, prevent dental caries in the offspring, or prevent dental caries in pregnant women.

(b) Any such drug preparation that is so labeled, represented, or advertised will be regarded as misbranded and subject to regulatory proceedings unless such recommendations are covered by a new-drug application, including substantial evidence of effectiveness, approved pursuant to section 505 of the Federal Food,

Drug, and Cosmetic Act. Any such drug preparation that is labeled, represented, or advertised as containing fluorides as an active ingredient of the drug for prenatal use will similarly be regarded as misbranded and subject to regulatory proceedings.

(c) A completed and signed "Notice of Claimed Investigational Exemption for a New Drug," Form FD-1571 set forth in § 130.3 of this chapter, must be submitted to cover clinical investigations designed to obtain evidence that such preparations are effective for such uses.

(d) Regulatory proceedings may be initiated with respect to drug preparations shipped within the jurisdiction of the act that are contrary to provisions of this statement after 30 days from the date of publication of this statement in the FEDERAL REGISTER.

(Secs. 502(a), (f), 505, 701(a), 52 Stat. 1050, 1051, 1052, as amended, 1055; 21 U.S.C. 352 (a), (f), 355, 371(a))

Dated: March 14, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-3113; Filed, Mar. 21, 1967; 8:47 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

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

Certain Cheeses; Confirmation of Effective Date of Order To Permit Use of Additional Safe and Suitable Milk-Clotting Enzymes

In the matter of amending the standards of identity for cheddar, washed curd, colby, granular, and swiss cheese (21 CFR 19.500, 19.505, 19.510, 19.535, and 19.540) to permit use of safe and suitable milk-clotting enzymes, other than the presently permitted rennet, in cheese-making:

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), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of January 14, 1967 (32 F.R. 410). Accordingly, the amendments promulgated by that order will become effective March 15, 1967.

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

Dated: March 14, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-3114; Filed, Mar. 21, 1967; 8:47 a.m.]

PART 31—NONALCOHOLIC BEVERAGES

Canned Soda Water, Identity Standard; Confirmation of Effective Date of Order Listing Stannous Chloride as Optional Chemical Preservative

In the matter of amending the standard of identity for soda water (21 CFR 31.1) by listing stannous chloride as an optional chemical preservative in canned soda water:

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), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of January 17, 1967 (32 F.R. 449). Accordingly, the amendment promulgated by that order will become effective March 18, 1967.

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

Dated: March 16, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-3115; Filed, Mar. 21, 1967; 8:47 a.m.]

PART 53—TOMATO PRODUCTS

Canned Tomatoes, Identity Standard; Confirmation of Effective Date of Order Ruling on "Solid Pack" Labeling Provision

In the matter of amending the standard of identity for canned tomatoes (21 CFR 53.40) to establish a definition for solid pack canned tomatoes and thereby ruling on the "solid pack" provision of the proposal of January 28, 1966 (31 F.R. 1154):

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), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of December 20, 1966 (31 F.R. 16266). Accordingly, the amendment promulgated by that order became effective February 18, 1967.

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

Dated: March 16, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-3116; Filed, Mar. 21, 1967; 8:47 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Aldrin and Dieldrin

A notice was published in the *FEDERAL REGISTER* of May 29, 1965 (30 F.R. 7249), proposing that the pesticide regulations be amended to change certain tolerances for residues of the insecticides aldrin and dieldrin. Based on recommendations of an advisory committee, and available data, it was proposed that:

1. The tolerances for aldrin and dieldrin established at 0.75 and 0.25 part per million for specified commodities be reduced to zero; and

2. The tolerances for these insecticides on small grains, sugarbeets, and sugarbeet tops be reduced from 0.1 part per million to zero because data indicate that residues of aldrin at the tolerance level in sugarbeet tops and of aldrin and dieldrin at the tolerance level in grains (and in grain straw) will result in dieldrin residues in milk and meat when these items are consumed by livestock, and residues in sugarbeet pulp and in dried citrus pulp from treated sugarbeet roots and treated citrus, respectively, will transfer from these feeds to milk and meat. (There are no tolerances for residues of aldrin or dieldrin in milk and meat.)

The Shell Chemical Co., New York, N.Y., filed pesticide petitions (PF 5F0449, 5F0450) requesting that the decrease for residues of aldrin and dieldrin, respectively, on some of the crops be from 0.75 or 0.25 part per million to 0.1 part per million rather than to zero as proposed. The petitioner did not dispute the finding that data are inadequate to support tolerances above zero for residues of aldrin in or on apples, apricots, carrots, garlic, leeks, onions, peanuts, pears, quinces, radishes, and above zero for residues of dieldrin in or on rice grain and straw and turnips. Subsequently, garden beets, garden beet tops, rutabagas, turnips, and turnip tops were withdrawn from the aldrin petition and garden beets, garden beet tops, pineapples, and rutabagas were withdrawn from the dieldrin petition. Also, the tolerance levels requested in said petitions for aldrin and dieldrin were reduced by the petitioner to 0.05 part per million in or on citrus fruits and to 0.02 part per million in or on the grains of barley, oats, rye, and wheat; and the tolerance level requested for aldrin in or on rice grain was reduced to 0.05 part per million.

Tolerances are established in this order for residues of aldrin at 0.1 part per million in or on broccoli, brussels sprouts, cabbage, cauliflower, cucumbers, lettuce, and summer squash and for residues of dieldrin at 0.1 part per million in or on apples, bananas, broccoli, brussels sprouts, cabbage, cauliflower, cherries, cucumbers, lettuce, pears, quinces, and summer squash.

Revised tolerances are established on an interim basis for residues of aldrin

and dieldrin at the reduced levels requested by the petitioner on the citrus fruits (grapefruit, lemons, limes, oranges, and tangerines) and the grain and straw of barley, oats, rye, and wheat, and for residues of aldrin on rice. The request for these revised tolerances on these commodities is being referred to a scientific advisory committee, as requested by the petitioner, and further action will be taken after receipt of the report of the advisory committee.

The Secretary of Agriculture has certified that these pesticide chemicals are useful for the purposes for which tolerances are being established.

Data in the petition and elsewhere available show that residues of dieldrin, the epoxidation product of aldrin, appear when aldrin is applied to raw agricultural commodities. Pesticide Petition No. 5F0449 has been amended to reflect this change. The tolerances for aldrin therefore are modified to include its epoxidation product, dieldrin. Where a finite tolerance is established for the use of aldrin on a commodity, and there is a zero tolerance for dieldrin, this zero tolerance is deleted.

After consideration of the data available, it is concluded that the tolerances established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (b), (d), (e), 68 Stat. 511, 512, 514; 21 U.S.C. 346a (b), (d), (e)) and delegated by the Secretary to the Commissioner of Food and Drugs (21 CFR 2.120), §§ 120.135 and 120.137 are revised to read as follows:

§ 120.135 Aldrin; tolerances for residues.

Tolerances for total residues of the insecticide aldrin and its epoxidation product dieldrin, resulting from application of aldrin, in or on raw agricultural commodities are established as follows:

0.1 part per million in or on asparagus, broccoli, brussels sprouts, cabbage, cantaloups, cauliflower, celery, cherries, cranberries, cucumbers, eggplant, grapes, lettuce, mangoes, muskmelons, nectarines, peaches, peppers, pimentos, pineapple, plums (fresh prunes), potatoes, pumpkins, strawberries, summer squash, sweet potatoes, tomatoes, watermelons, winter squash.

Zero in or on alfalfa, apples, apricots, beans, black-eyed peas, carrots, clover, collards, corn forage, corn grain, cowpeas, cowpea hay, endive (escarole), garden beets, garden beet tops, garlic, grain sorghum, grain sorghum forage, horse radish, kale, kohlrabi, leeks, lespedeza, mustard greens, onions, parsnips, peanuts, peanut hay, pears, peas, pea hay, popcorn, quinces, radishes, rutabagas, salsify tops, salsify roots, shallots, soybeans, soybean hay, spinach, sugarbeets, sugarbeet tops, Swiss chard, turnips, turnip tops.

Additional tolerances for total residues of aldrin are established, on an interim basis pending referral to an advisory committee, at 0.1 part per million in or

on straws of barley, oats, rice, rye, and wheat; at 0.05 part per million in or on grapefruit, lemons, limes, oranges, rice grain, and tangerines; at 0.02 part per million in or on the grains of barley, oats, rye, and wheat.

§ 120.137 Dieldrin; tolerances for residues.

Tolerances for residues of the insecticide dieldrin in or on raw agricultural commodities are established as follows:

0.1 parts per million in or on apples, apricots, asparagus, bananas, broccoli, brussels sprouts, cabbage, carrots, cauliflower, cherries, cranberries, cucumbers, eggplant, grapes, horse radish, lettuce, mangoes, nectarines, onions, parsnips, peaches, pears, peppers, pimentos, plums (fresh prunes), potatoes, quinces, radishes, radish tops, salsify roots, strawberries, summer squash, sweet potatoes, tomatoes.

Zero in or on alfalfa, beans, black-eyed peas, cantaloups, clover, collards, corn grain, corn forage, cowpeas, cowpea hay, endive (escarole), garden beets, garden beet tops, grain sorghum, grain sorghum forage, kale, kohlrabi, lespedeza, mustard greens, peas, pea hay, popcorn, rutabagas, salsify tops, spinach, soybeans, soybean hay, Swiss chard, turnips, turnip tops.

Additional tolerances for residues of dieldrin are established, on an interim basis pending referral to an advisory committee, at 0.1 part per million in or on the straws of barley, oats, rye, and wheat; at 0.05 part per million in or on grapefruit, lemons, limes, oranges, and tangerines; at 0.02 part per million in or on the grains of barley, oats, rye, and wheat.

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. 408 (b), (d), (e), 68 Stat. 511, 512, 514; 21 U.S.C. 346a (b), (d), (e))

Dated: March 13, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-3117; Filed, Mar. 21, 1967; 8:48 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Terbacil

A petition (PP 6F0510) was filed with the Food and Drug Administration by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, proposing the establishment of a tolerance of 0.2 part per million for residues of the herbicide terbacil (3-*tert*-butyl-5-chloro-6-methyluracil) in or on the raw agricultural commodities apples, citrus fruits, peaches, pears, and sugarcane. The petitioner subsequently reduced the proposed tolerance to 0.1 part per million.

The Secretary of Agriculture has certified that this herbicide is useful for the purposes for which the tolerances are being established.

After consideration of the data submitted in the petition and other relevant material, it is concluded that the tolerances established in this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), Part 120 is amended by adding to Subpart C a new section, as follows:

§ 120.209 Terbacil; tolerances for residues.

A tolerance of 0.1 part per million is established for residues of the herbicide terbacil (3-*tert*-butyl-5-chloro-6-methyluracil) in or on apples, citrus fruits, peaches, pears, and sugarcane.

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. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: March 13, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-3119; Filed, Mar. 21, 1967; 8:48 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Bromacil

A petition (PP 6F0499) was filed with the Food and Drug Administration by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, proposing the establishment of a tolerance of 1 part per million for residues of the herbicide bromacil in or on the raw agricultural commodities citrus fruits and pineapples. The petitioner subsequently reduced the tolerance level requested to 0.1 part per million.

The Secretary of Agriculture has certified that this herbicide is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material, it is concluded that the tolerances established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), Part 120 is amended by adding to Subpart C the following new section:

§ 120.210 Bromacil; tolerances for residues.

A tolerance of 0.1 part per million is established for residues of the herbicide bromacil (5-bromo-3-*sec*-butyl-6-methyluracil) in or on citrus fruits and pineapples.

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. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: March 10, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-3118; Filed, Mar. 21, 1967; 8:48 a.m.]

PART 121—FOOD ADDITIVES

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

THIABENDAZOLE

No comments were received in response to the notice published in the FEDERAL REGISTER of January 18, 1967 (32 F.R. 578), proposing on the initiative of the Commissioner of Food and Drugs that § 121.260 of the food additive regulations be amended to provide that animal feeds containing thiabendazole not contain bentonite. Accordingly, it is concluded that the amendment should be adopted as proposed.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.260 is amended by revising the introduction to paragraph (c) to read as follows:

§ 121.260 Thiabendazole.

(c) The additive is used or intended for use in feeds that do not contain bentonite and as otherwise described, as follows:

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

Dated: March 14, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-3120; Filed, Mar. 21, 1967; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

OXIDIZED POLYETHYLENE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6A1938) filed by Eastman Chemi-

cal Products, Inc., Kingsport, Tenn. 37660, and other relevant material, has concluded that a food additive regulation should be issued to provide for the safe use of oxidized polyethylene as a protective coating or component of coatings for certain fresh fruits and vegetables, as set forth below. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended by adding to Subpart D a new section, as follows:

§ 121.1142 Polyethylene, oxidized.

Oxidized polyethylene may be safely used as a component of food, subject to the following restrictions:

(a) Oxidized polyethylene is the basic resin produced by the mild air oxidation of polyethylene. The polyethylene used in the oxidation process conforms to the density, maximum *n*-hexane extractable fraction, and maximum xylene soluble fraction specifications prescribed in item 2.3 of the table in § 121.2501(c). The oxidized polyethylene has a minimum number average molecular weight of 1,200, as determined by high temperature vapor pressure osmometry; contains a maximum of 5 percent by weight of total oxygen; and has an acid value of 9 to 19.

(b) The additive is used or intended for use as a protective coating or component of protective coatings for fresh grapefruit, lemons, limes, muskmelons, oranges, sweet potatoes, and tangerines.

(c) The additive is used in accordance with good manufacturing practice and in an amount not to exceed that required to produce the intended effect.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

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

Dated: March 14, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-3123; Filed, Mar. 21, 1967; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

COATINGS ON FRESH CITRUS FRUIT

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 7A2122) filed by the Microbiological and Biochemical Center, Syracuse University Research Corp., 1075 Comstock Avenue, Syracuse, N.Y. 13210, and

Component	Limitations
Pentaerythritol ester of maleic anhydride-modified wood rosin.	Acid number of 134-145; drop-softening point of 127° C.-137° C.; saponification number of less than 280; and a color of M or paler.
Do	Acid number of 176-186; drop-softening point of 110° C.-118° C.; saponification number of less than 280; and a color of M or paler.
Polyethylene glycol 400	As a defoamer.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

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

Dated: March 14, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-3121; Filed, Mar. 21, 1967; 8:48 a.m.]

other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of additional substances in the formulation of coatings for fresh citrus fruit. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.1179(b) is amended by revising the item "Pentaerythritol ester * * *" in the list of components in subparagraph (2) to read as follows and by adding alphabetically a new item to that list, as follows:

§ 121.1179 Coatings on fresh citrus fruit.

- (b) * * *
- (2) * * *

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

COATINGS ON FRESH CITRUS FRUIT; PETROLEUM NAPHTHA

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 3A1182) filed by FMC Corp., Fairway Avenue, Box 1708, Lakeland, Fla. 33802, and other relevant material, has concluded that § 121.1179 of the food additive regulations should be amended to provide for the safe use of a calcium salt of partially dimerized rosin as a protective coating on citrus fruit and that a new regulation should be issued to prescribe the safe use of petroleum naphtha as a solvent in such coating. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended as follows:

1. Section 121.1179(b) is amended by revising the introduction to subparagraph (3) and by adding a new subparagraph (4), as follows:

§ 121.1179 Coatings on fresh citrus fruit.

- (b) * * *
- (3) In lieu of the components listed in subparagraphs (2) and (4) of this paragraph, the following copolymer and one or more of the listed adjuvants:

(4) In lieu of the components listed in subparagraphs (2) and (3) of this paragraph, the following rosin derivative and either or both of the listed adjuvants:

Component	Limitations
Calcium salt of partially dimerized rosin.	Having a maximum drop-softening point of 197° C. and a color of H or paler. It is prepared by reaction with not more than 7 parts hydrated lime per 100 parts of partially dimerized rosin. The partially dimerized rosin is rosin that has been dimerized by sulfuric acid catalyst to a drop-softening point of 95° C. to 105° C. and a color of WG or paler.
Petroleum naphtha.....	As adjuvant. Complying with § 121.1203.
Sperm oil.....	As adjuvant.

2. The following new section is added to Subpart D:

§ 121.1203 Petroleum naphtha.

Petroleum naphtha may be safely used in food in accordance with the following conditions:

(a) The additive is a mixture of liquid hydrocarbons, essentially paraffinic and naphthenic in nature, obtained from petroleum.

(b) The additive is refined to meet the following specifications when subjected to the procedures described in this paragraph.

(1) Boiling-point range: 175° F.-300° F.

(2) Nonvolatile residue: 0.002 gram per 100 milliliters maximum.

(3) Ultraviolet absorbance limits, as follows:

Wavelength (millimicrons)	Maximum absorbance per centimeter optical pathlength
280-289.....	0.15
290-299.....	.13
300-359.....	.08
360-400.....	.02

ANALYTICAL SPECIFICATION FOR PETROLEUM NAPHTHA

GENERAL INSTRUCTIONS

All glassware should be scrupulously cleaned to remove all organic matter such as oil, grease, detergent residues, etc. Examine all glassware, including stoppers and stopcocks, under ultraviolet light to detect any residual fluorescent contamination. As a precautionary measure, it is recommended practice to rinse all glassware with purified isooctane immediately before use. No grease is to be used on stopcocks or joints. Great care to avoid contamination of petroleum naphtha samples in handling and to assure absence of any extraneous material arising from inadequate packaging is essential. Because some of the polynuclear hydrocarbons sought in this test are very susceptible to photo-oxidation, the entire procedure is to be carried out under subdued light.

APPARATUS

Separatory funnels. 250-milliliter, and 2,000-milliliter capacity, equipped with tetrafluoroethylene polymer stopcocks.

Erlenmeyer flask. 125-milliliter with 24/40 standard taper neck.

Evaporation flask. 250-milliliter capacity all-glass flask equipped with 24/40 standard taper stopper having inlet and outlet tubes to permit passage of nitrogen across the surface of the contained liquid to be evaporated.

Condenser. 24/40 joints, fitted with drying tube, length optional.

Spectrophotometric cells. Fused quartz cells, optical path length in the range of 5.000 centimeters \pm 0.005 centimeter; also for checking spectrophotometer performance

only, optical path length in the range 1.000 centimeter \pm 0.005 centimeter. With distilled water in the cells, determine any absorbance difference.

Spectrophotometer. Spectral range 250-400 m μ with spectral slit width of 2 m μ or less; under instrument operating conditions for these absorbance measurements, the spectrophotometer shall also meet the following performance requirement:

Absorbance repeatability, \pm 0.01 at 0.4 absorbance.

Absorbance accuracy, \pm 0.05 at 0.4 absorbance.

Wavelength repeatability, \pm 0.2 millimicron. Wavelength accuracy, \pm 1.0 millimicron.

Ultraviolet lamp. Long wavelength (3400-3800A μ).

REAGENTS

Isooctane (2,2,4-trimethylpentane). Use 180 milliliters in a 250-milliliter Erlenmeyer flask, add 1 milliliter of purified n-hexadecane, insert the head assembly, allow nitrogen gas to flow into the inlet tube and connect the outlet tube to a solvent trap and vacuum line in such a way as to prevent any back flow of condensate into the flask. The contents of the flask are evaporated on a steam bath until 1 milliliter of residue remains. Dissolve the 1 milliliter of hexadecane residue in isooctane and make up to 25 milliliters. Determine the absorbance in a 5-centimeter path length cell compared to isooctane as reference. The absorbance should not exceed 0.01 per centimeter path length between 280-400 m μ . If necessary, isooctane may be purified by passage through a column of activated silica gel (Grade 12, Davidson Chemical Co., Baltimore, Md., or equivalent) or by distillation.

Methyl alcohol, A.C.S. reagent grade. Use 10 milliliters and proceed as with isooctane. The absorbance per centimeter of path length should be 0.00 between 280-400 m μ . Methyl alcohol may be purified by simple distillation or by refluxing in the presence of potassium hydroxide (10 grams/2 liters) and zinc dust (25 grams/2 liters) for 3 hours followed by distillation.

n-Hexadecane, 99 percent olefin-free. Dilute 1.0 milliliter of n-hexadecane to 25 milliliters with isooctane and determine the absorbance in a 5-centimeter cell compared to isooctane as reference between 280-400 m μ . The absorbance per centimeter path length shall not exceed 0.00 in this range. Purify, if necessary, by percolation through activated silica gel or by distillation.

Sodium borohydride, 98 percent.

Water. All distilled water must be extracted with isooctane before use. A series

¹ As determined by procedure using potassium chromate for reference standard and described in National Bureau of Standards Circular 484, Spectrophotometry, U.S. Department of Commerce, 1949. The accuracy is to be determined by comparison with the standard values at 290, 345, and 400 millimicrons.

of three successive extracts of 1.5 liters of distilled water with 100-milliliter portions of isooctane is satisfactory.

PROCEDURE

Determination of ultraviolet absorbance. Add a 25-milliliter aliquot of the hydrocarbon solvent together with 1 milliliter of hexadecane to the 125-milliliter Erlenmeyer flask. While flushing with nitrogen, evaporate to 1 milliliter on a steam bath. Nitrogen is admitted through a 8 \pm 1-millimeter outer-diameter tube, drawn out into a 2 \pm 1-centimeter long and 1 \pm 0.5-millimeter inner-diameter capillary tip. This is positioned so that the capillary tip extends 4 centimeters into the flask. The nitrogen flow rate is such that the surface of the liquid is barely disturbed. After the volume is reduced to that of the 1 milliliter of hexadecane, the flask is left on the steam bath for 10 more minutes before removing. Add 10 milliliters of purified isooctane to the flask and reevaporate the solution to a 1-milliliter volume in the same manner as described above, except do not heat for an added 10 minutes. Repeat this operation twice more. Let the flask cool.

Add 10 milliliters of methyl alcohol and about 0.3 gram of sodium borohydride. (Minimize exposure of the borohydride to the atmosphere; a measuring dipper may be used.) Immediately fit a water-cooled condenser equipped with a 24/40 joint and with a drying tube into the flask, mix until the sodium borohydride is dissolved, and allow to stand for 30 minutes at room temperature, with intermittent swirling. At the end of this time, disconnect the flask and evaporate the methyl alcohol on the steam bath under nitrogen until sodium borohydride begins to drop out of solution. Remove the flask and let it cool.

Add 6 milliliters of isooctane to the flask and swirl to wash the crystalline slurry. Carefully transfer the isooctane extract to a 250-milliliter separatory funnel. Dissolve the crystals in the flask with about 25 milliliters of distilled water and pour this also into the separatory funnel. Adjust the water volume in the separatory funnel to about 100 milliliters and shake for 1 minute. After separation of the layers, draw off the aqueous layer into a second 250-milliliter separatory funnel. Transfer the hydrocarbon layer in the first funnel to a 25-milliliter volumetric flask.

Carefully wash the Erlenmeyer flask with an additional 6 milliliters of isooctane, swirl, and transfer to the second separatory funnel. Shake the funnel for 1 minute. After separation of the layers, draw off the aqueous layer into the first separatory funnel. Transfer the isooctane in the second funnel to the volumetric flask. Again wash the Erlenmeyer flask with an additional 6 milliliters of isooctane, swirl, and transfer to the first separatory funnel. Shake the funnel for 1 minute. After separation of the layers, draw off the aqueous layer and discard. Transfer the isooctane layer to the volumetric flask and adjust the volume to 25 milliliters of isooctane. Mix the contents well, then transfer to the first separatory funnel and wash twice with 50-milliliter portions of distilled water. Discard the aqueous layers after each wash.

Determine the ultraviolet absorbance of the isooctane extract in 5-centimeter path length cells compared to isooctane as reference between 280-400 m μ . Determine a reagent blank concurrently with the sample, using 25 milliliters of purified isooctane instead of a solvent sample and measuring the ultraviolet absorbance of the blank between 280-400 m μ .

The reagent blank absorbance should not exceed 0.04 per centimeter path length between 280-289 m μ ; 0.020 between 290-359 m μ ; and 0.010 between 360-400 m μ .

Determination of boiling-point range. Use ASTM Method D-86.

Determination of nonvolatile residue. For hydrocarbons boiling below 250° F., determine the nonvolatile residue by ASTM Method D-1353; for those boiling above 250° F., use ASTM Method D-381.

(c) Petroleum naphtha containing antioxidants shall meet the specified ultraviolet absorbance limits after correction for any absorbance due to the antioxidants. Petroleum naphtha may contain antioxidants authorized for use in food in an amount not to exceed that reasonably required to accomplish the intended effect nor to exceed any prescribed limitations.

(d) Petroleum naphtha is used or intended for use as a solvent in protective coatings on fresh citrus fruit in compliance with § 121.1179.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

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

Dated: March 14, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-3122; Filed, Mar. 21, 1967;
8:48 a.m.]

SUBCHAPTER C—DRUGS

PART 148e—ERYTHROMYCIN

Erythromycin Estolate Oral
Suspension

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 148e is amended by adding thereto the following new section to provide for the certification of the subject antibiotic drug:

§ 148e.34 Erythromycin estolate oral suspension.

(a) **Requirements for certification—**

(1) **Standards of identity, strength, quality, and purity.** Erythromycin estolate oral suspension is erythromycin estolate, with suitable and harmless buffer substances, dispersing agents, diluents, colorings, and flavorings. It contains the equivalent of 25 milligrams of erythromycin per milliliter. Its pH is not less than 3.5 and not more than 6.5. The erythromycin estolate used conforms to the standards prescribed by § 148e.5 (a)(1). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(2) **Labeling.** In addition to conforming with the requirements of § 148.3 of this chapter, each package shall bear on its outside wrapper or container and the immediate container the statement "Refrigerate" or "Keep under refrigeration." Its expiration date is 12 months.

(3) **Request for certification; samples.** In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:
(a) The erythromycin estolate used in making the batch for potency, toxicity, moisture, pH, crystallinity, and identity.

(ii) Samples required:
(a) The erythromycin estolate used in making the batch: 10 containers, each having not less than 300 milligrams.

(b) The batch: A minimum of six immediate containers.

(c) In case of an initial request for certification, each other ingredient used in making the batch: One package of each, containing not less than 5 grams.

(4) **Fees.** \$4 for each container submitted in accordance with subparagraph (3)(ii) of this paragraph.

(b) **Tests and methods of assay—**(1) **Potency.** Proceed as directed in § 148e.5 (b)(1), except prepare the sample in the following manner: Place an accurately measured aliquot (usually a single dose) of the well-shaken suspension in a 100-milliliter volumetric flask and dissolve with 40 milliliters of reagent-grade methyl alcohol. Bring to volume with 0.1M potassium phosphate buffer, pH 8.0, and mix well. Hydrolyze at 60° C. for 2 hours or at room temperature for 16 to 18 hours. The erythromycin estolate content is satisfactory if it is not less than 90 percent nor more than 115 percent of the number of milligrams of erythromycin that it is represented to contain.

(2) **pH.** Proceed as directed in § 141a.5(b) of this chapter, using the drug as it is prepared for dispensing.

Notice and public procedure and delayed effective date are unnecessary prerequisites to this promulgation, and I so find, since the basic requirements of the statute have been complied with, the regulation is noncontroversial in nature, and it is in the public interest not to delay in providing for certification of the subject antibiotic drug.

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

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

Dated: March 14, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-3124; Filed, Mar. 21, 1967;
8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES
AND PUBLIC RELATIONS

PART 518—RECORDS AND
REPORTS

Unofficial Research in Department of
the Army Files

A new subparagraph (5) is added to § 518.5(d), as follows:

§ 518.5 Unofficial research in Department of the Army files by U.S. citizens.

(d) **Use of classified files.** * * *

(5) **Research operations, notes, and manuscripts—**(1) **Security review of classified documents.** In order to facilitate the use of classified records, authorized researchers will be required to select the classified documents which are to be used. After the documents have been selected and before any notes are made from the documents, The Adjutant General will arrange with the custodian of the records for a review of the documents for possible declassification. Any documents which are declassified will be made available to the researcher.

(i) **Use of classified documents.** An authorized researcher also may be permitted to examine documents which are not declassified pursuant to the review under subdivision (i) of this subparagraph. This examination will be limited to a review for background purposes, and notes will not be made from the documents. An exception may be granted to permit the making of a limited number of notes when the researcher can restrict the documents to only a few which are vital to his research project. Notes taken from these documents will be handled as provided below.

(ii) **Format of classified notes.** To facilitate the review and clearance of notes made from classified records, as required in subdivision (v) of this subparagraph, researchers will be required to:

(a) Type notes on letter size paper (8" x 10½") using only one side of sheet. Each sheet of notes will pertain to not more than one document.

(b) Indicate at the top of each note made from a classified document the origin of the document used, its date, subject, folder number or identification, file location, and security classification.

(c) Number each sheet of notes consecutively.

(d) Leave the last 3 inches on the bottom of each sheet of notes blank for use by reviewing authorities.

(e) Prepare and maintain classified notes separately from unclassified notes.

(iv) *Safeguarding classified notes.* The Adjutant General will arrange with custodians of classified records to insure that notes made from classified records are not removed by researchers. Such notes will be safeguarded as defense information until declassified.

(v) *Review and clearance of classified research notes.* (a) The Adjutant General will arrange with the custodian for classified notes made from Army records to be forwarded to him. The Adjutant General will refer the notes for a security review to the appropriate Headquarters, Department of the Army offices having primary interest in the subject matter. The offices concerned will return the notes with recommendations on declassification to The Adjutant General, Attention: AGAR-S, for declassification action.

(b) When the security review has been completed, notes which have been declassified will be returned to the researcher by The Adjutant General. Notes or portions thereof which cannot be declassified will be retained by The Adjutant General.

(vi) *Review of manuscript.* Researchers who are permitted access to classified records for unofficial research will submit their final manuscripts for clearance to the Chief of Public Information, Attention: Office for the Freedom of Information, Office of the Secretary of the Army, Washington, D.C. 20310. On completion of clearance action, the Chief of Public Information will return the manuscript to the researcher.

[DA Memo 345-3, Jan. 14, 1966] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[P.R. Doc. 67-3083; Filed, Mar. 21, 1967; 8:45 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER K—MILITARY TRAINING AND SCHOOLS

PART 902—USAF OFFICER TRAINING SCHOOL (OTS)

Miscellaneous Amendments

In Part 902, § 902.1 is revised; paragraph (j) of § 902.2 is revised; paragraphs (a) and (e) of § 902.4 are revised; paragraph (f) of § 902.5 is added; in § 902.6, Tables 1, 2, 4, 5, and 6 are revised and the note in Table 3 is revised; in § 902.7, Tables 7, 8, and 10 are revised; in § 902.10, Table 11 is revised; and in § 902.12, subparagraphs (1) and (2) of paragraph (b) are revised. These sections now read as follows:

§ 902.1 Purpose.

This part tells how to apply for OTS, process applications, and dispose of OTS eliminées and graduates. It applies to all applicants and all commands and activities that process OTS applications, including AFRes and ANG activities.

§ 902.2 Definitions.

(j) *Officer candidate-type training program.* Any portion of training received in OCS, Aviation Cadet, OTS, Army OCS, advanced course of the Army or Navy ROTC, Financial Assistance Program, or Professional Officer Course of the AFROTC, the Marine Platoon Leaders School, the Coast Guard Academy, or any training received at any of the service academies (including service academy preparatory schools).

§ 902.4 Responsibilities for OTS program.

(a) *USAFMPC (AFPMRDC).* Provides OTS production quotas and EAD schedules to ATC for USAF candidates and production quotas to the Chief, NGB (NG-AF); CAC; and ATC for ANG and AFRes candidates.

(e) *The Chief, National Guard Bureau (NG-AF).* Selects individuals to attend OTS within established quotas and eligibility criteria.

§ 902.5 Sources of information.

(f) Base Education Services Centers.

§ 902.6 Eligibility requirements.

TABLE 1—EDUCATIONAL QUALIFICATIONS

Rule	A If the applicant—	B Then he must—	C And he is—	D Go to table—
1	Does not have a baccalaureate or higher degree from a college or university (see note 1), or is not enrolled in the senior year of college.	Take no further action.....	Not qualified.....	
2	Has a baccalaureate or higher degree from a college or university (see note 1).	Attach to his application one copy of official transcript of college credits indicating the undergraduate or graduate degree awarded, major subject(s), and grades received.	Qualified.....	2
3	Holds a degree from an American or foreign college not listed in the directory (see note 1).	Comply with rule 2B and submit evidence that his college credits are acceptable for graduate work by one U.S.-accredited institution.		
4	Is enrolled in his senior year of college and is within 150 days of graduation (see note 2).	Attach to his application a copy of an official college transcript indicating all courses he has completed and is presently undertaking and a statement from the office of the Registrar certifying his scheduled graduation date, degree to be awarded, major subject(s), and grade point average, and at time of enlistment, must present either a complete transcript evidencing award of degree or documentary evidence that a degree has been awarded.		

NOTES: 1. College or university listed in the latest issue of part 3, "Higher Education," of the Education Directory published by the Department of Health, Education, and Welfare.
2. College seniors may apply as early as 150 calendar days before graduation provided their availability date for OTS coincides with the application schedule available at USAF Recruiting Service offices. For example, a June 1967 graduate may apply as early as January 1967 if he will be available to enter the first OTS class beginning after the June 1967 graduation date.

TABLE 2—INELIGIBILITY FACTORS

Rule	A If the applicant qualified under § 902.6(a) and Table 1, and he is—	B Then he is considered—	C Go to table—
1	Not eligible for enlistment or reenlistment in the Air Force under AFMs 33-3 (Enlistment in the Regular Air Force) and 39-9 (Reenlistment in the Regular Air Force), or ANGR 39-09 (Enlisted Personnel) for ANG applicants, AFR 45-47 (Enlistment and Reenlistment in the AF Reserve) for AFRes applicants, except for dependency and grade restrictions.	Not qualified.....	
2	Being considered for separation for unsuitability, unfitness, or misconduct, or has had a personnel security clearance denied or revoked.		
3	A person whose entry into or retention in the Air Force may not be clearly consistent with the interests of national security (see AFR 35-63 (Security Program)).		
4	Holding or has held a commission in any of the U.S. Armed Forces.		
5	Holding a certificate of completion of a course leading to a commission in any of the U.S. Armed Forces, and the commission is to be granted at a later date.		
6	A conscientious objector.		
7	A Selective Service System registrant who has been ordered to report for active military service with any of the Armed Forces.		
8	An applicant who previously applied for OTS and less than 6 months have elapsed since nonselection by the OTS Selection Board (see note).		
9	Not in any of the categories contained in Rules 1 through 8, above.....	Qualified.....	3

NOTE: Exception to this rule applies to nonselected NPS USAF applicants who desire to apply for OTS under the ANG or AFRes quota.

TABLE 7.—PROCESSING, WAIVER AND SELECTORS RESPONSIBILITIES

Rule	A	B	C	D
1	An ANG applicant.	CBPO.	The State adjutant general.	Chief, National Guard Bureau.
2	An AFRes applicant.	The applicant's unit administration.	HQ CAC (authority may be delegated to subordinate).	Bureau, HQ CAC.
3	A USAF civilian applicant.	The USAF Recruiting Detachment.	USAF Recruiting Service.	Lackland Military Training Center (L.M.T.C.).

And authorization to grant or deny waivers of minor offenses or violations is delegated to (see note, table 4).

And applications are forwarded for final processing and selection (see table 6) to—

Table 8—Preliminary Processing of Application

Line	When accomplishing preliminary processing of an applicant eligible under tables 1 through 6 who is—	Rule		
		1	2	3
A	An AFRes applicant.	X	X	X
B	An ANG applicant.			X
C	A civilian applicant.			X
D	Prepare AF Form 88 in duplicate (qualified and medically disqualified applicants only) (see note 1).	X	X	X
E	Prepare AF Form 36 in triplicate (qualified and medically disqualified applicants only) (see note 1).	X	X	X
F	Attach copy of transcript of college credits (table 3).	X	X	X
G	Attach evidence of acceptability of college credits, if appropriate (table 1).	X	X	X
H	Attach certificate of impending graduation, if appropriate (table 1).	X	X	X
I	Attach Recruiting Service Form 3 (table 4).	X	X	X
J	Attach conditional release, when appropriate (table 3).	X	X	X
K	Attach 311) Form 355, when appropriate (note to table 3).	X	X	X
L	Attach SF Form 88 (3 copies) and SF 89 (3 copies).	X	X	X
M	Attach enlistment agreement, as required (table 6).	X	X	X
N	Attach statement of ANG agreement (see note 2).	X	X	X
O	Attach approved waivers, when appropriate (tables 4 and 7).	X	X	X
P	Determine requirement for background investigation and notify LMTC at time application is for record.	X	X	X
Q	Review application and attached documents for accuracy and completeness (including all required signatures) and send, within 10 days, to final processing activity (see table 7).	X	X	X

Notes: 1. Enter the reasons for physical disqualification for applicants found medically disqualified at time of application. For applicants who meet basic eligibility prerequisites, enter under "Remarks" the following additional statements:

- I will be available for OTS training (day, month, and year).
- My utilization field choices are (1) _____ (2) _____ (3) _____
- (For USAF male applicants: I understand the active duty service obligations and commitments prescribed in AFR 32-27 (USAF Officer Training School (OTS)) and AFR 36-51 (Career Reserve Status for Reserve Officers and Active Duty Service Commitments for Officers and Warrant Officers).
- List out all references to "Career Reserve" prescribed on AF Form 36, and attach a copy of the following statement to each copy of the application (original to original, etc.): I desire to enter the Officer Training School under the Air National Guard quota. I agree to accept an appointment as an officer, Reserve of the Air Force, if tendered, and an appointment in the Federally recognized Air National Guard upon production. I further agree to serve as a commissioned officer of a Federally recognized Air National Guard unit or other Air Force Reserve unit as directed for at least 4 years after appointment, or for a sufficient length of time to satisfy my military service obligation, whichever is greater. I understand that failure to participate for reasons within my control may result in discharge action under AN (GR 36-19) (Enlisted Personnel—Discharge).
- List out all references to "Career Reserve" prescribed on AF Form 36, and attach a copy of the following statement to each copy of the application (original to original, etc.): I desire to enter the Officer Training School under the Air Force Reserve quota. I agree to accept an appointment as an officer in the Air Force Reserve, if tendered; to meet training requirements of the Ready Reserve element to which I am assigned; and to remain assigned to that program element for 4 years or for a sufficient length of time to satisfy my military service obligation, whichever is greater. I understand that failure to participate for reasons within my control may result in discharge action under AFR 41-41 (Administrative Separation of Officer Members of the AF Reserve).

TABLE 9.—SPECIAL REQUIREMENTS

Note: The DD Form 755 (used by the military services to exchange information on a person whose membership in an officer training program has been discontinued and who later applies for another such program) will become a part of and be forwarded with the application. (Only USAFMPC (AFPMRDC) has authority to waive record of discontinuement of former service academy cadets (including Coast Guard and service academy preparatory schools) and discontinuance from ROTC for willful violation (see Part 87, Subchapter H of this chapter).)

TABLE 4.—MORAL CHARACTER QUALIFICATIONS

Rule	A	B	C	D
1	An ANG, AFRes, or civilian applicant and is of high moral character.	Recruiting Service Form 3 for civilian applicants and approved waivers (see note) and DD Form 755 when applicable.	Qualified.	Go to table—
2	Any applicant having a record of conviction by court-martial or civil court (except minor traffic violations) (see note).		Not qualified.	5
3	Any applicant not of high moral character for reasons other than those in Rule 2.			

Note: When appropriate, a waiver of a minor offense may be requested under Table 7. If it is approved, applicant will be processed. Punishment under Article 15, UCMJ, is nonpunishable, not a conviction by court-martial. Paragraph 128b, Manual of Courts-Martial, 1951, contains a general guide to whether an offense is minor. A waiver will not be granted for an offense that involves moral turpitude.

TABLE 5.—MENTAL AND MEDICAL QUALIFICATIONS

Rule	A	B	C
1	Did not achieve a minimum qualifying score on the AFOQT.	And he—	Then the applicant is considered—
2	Achieved a minimum qualifying score on the AFOQT (see note).		Not qualified.
3			Qualified.

(Does not meet the medical standards prescribed in AFM 165-4 (Medical Examination and Medical Standards) for the training he desires or is selected for. Meets the medical standards prescribed in AFM 165-1 for the training he desires or is selected for.)

Note: Flying applicants who obtain a qualifying score on only the pilot or the navigator/technical composite will be considered for selection after all applicants who have qualified on both composites.

TABLE 6.—AFRES AND ANG REQUIREMENTS

Rule	A	B	C
1	Has no prior service and is under 26 years of age.	Then he must be—	And if selected he must—
2	Has no prior service and is over 26 years of age.	Qualified, available and scheduled for assignment upon graduation to lieutenant or captain vacancy which he is projected at the time of his appointment, in a unit authorized 45 drill pay periods a year.	Enlist for a period of 6 years to coincide with the incurred military obligation.
3	Without military status has prior service and no remaining military obligations.		Enlist for a period of 1 year.

§ 902.7 Processing and assigning applicants.

TABLE 10—ASSIGNMENT OF SELECTED APPLICANTS

Rule	A When the applicant has been selected—	B And it will be accomplished—
1	Enlist the applicant.	By the initial processing activity (see table 7). Upon arrival at OTS. When he enters training.
2	Assign the applicant to OTS.	
3	Appoint applicant an officer trainee.	
4	Promote applicant to pay grade (E-5) staff sergeant.	

NOTE: Male citizens with statute-directed military obligations will be advised and must agree in writing that, if eliminated from OTS for other than medical reasons, they must complete the 2-year enlistment.

§ 902.10 Elimination from training.

TABLE 11—DISPOSITION OF ELIMINATED OR DISQUALIFIED USAF TRAINEES

Line	If USAF applicant was eliminated—	Rule			
		1	2	3	4
A	For medical reasons or unsuitability.	Yes	No	No	No
B	And is male.	Yes	Yes	Yes	No
C	And was specifically enlisted for OTS.	Yes	Yes	Yes	Yes
D	And has completed an active service tour of 4 months or more.		No	Yes	Yes
E	He will not be required to complete his enlistment contract on AD.	X			
F	He will be required to complete his enlistment contract on AD.		X		
G	He will be permitted to elect, in writing, to complete his contract on AD or to be immediately separated IAW AFM 39-10 (Separation Upon Expiration of Term of Service, for the Convenience of the Government, Minority, Dependency and Hardship).			X	X
H	His election will be recorded in the "Remarks" section of AF Form 7.			X	X
I	Go to Table 12.			X	X

§ 902.12 Disposition of graduates.

(b) * * *

(1) Graduates assigned to training: LMTC will determine the type of additional training these graduates will pursue, compatible with quotas established by Hq USAF. Each officer who undergoes training after commissioning will incur an active duty service commitment for training as prescribed in AFR 36-51 (Career Reserve Status for Reserve Officers and Active Duty Service Commitments for Officers and Warrant Officers) and a directed duty assignment as prescribed in AFM 36-11 (Officers' Assignment Manual).

(2) Graduates assigned direct to duty: Officers assigned direct to duty will incur a directed duty in the utilization field containing the AFS in which they were initially assigned upon graduation from OTS. The directed duty assignment incurred will be for the period prescribed in AFM 36-11.

(Sec. 8012, 70A Stat. 488; sec. 9411, 70A Stat. 571; 10 U.S.C. 8012 and 9411) [AFR 53-27, Feb. 6, 1967]

By order of the Secretary of the Air Force.

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

[F.R. Doc. 67-3023; Filed, Mar. 21, 1967;
8:45 a.m.]

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 308, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: March 17, 1967.

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

In Part 1 of Chapter I of Title 47 of the Code of Federal Regulations, § 1.1209(g) is added, and § 1.1227(b) is revised, to read as follows:

§ 1.1209 Decision-making Commission personnel (restricted rule making proceedings).

(g) The Chief of the CATV Task Force and his staff when participating in proceedings involving service by common carriers to community antenna television systems.

§ 1.1227 Permissible ex parte communications.

(b) Such ex parte communications initiated by the staff of the Common Carrier Bureau or the CATV Task Force as may be necessary for the adduction of record evidence in restricted rule making proceedings.

[F.R. Doc. 67-3131; Filed, Mar. 21, 1967;
8:49 a.m.]

[Docket No. 16987; FCC 67-340]

PART 73—RADIO BROADCAST SERVICES

Remote Control Authorization; Report and Order

In the matter of amendment of §§ 73.66, 73.274, and 73.572 of the Commission's rules and regulations pertaining to remote control authorizations for standard, FM, and noncommercial educational FM broadcast stations, with respect to reliability showings for transmitters with power in excess of 10 kilowatts; Docket No. 16987, RM-1004.

1. On November 18, 1966, the Commission issued a notice of proposed rule-making in the above-entitled matter (FCC 66-1029) proposing to amend the rules relating to remote control operation of aural broadcast stations (standard, FM and noncommercial educational FM broadcast stations) insofar as they require a transmitter reliability showing based on 12 months of operation with the operator in attendance at the transmitter, for stations operating with power in excess of 10 kilowatts, before remote control operation will be authorized. This proceeding was instituted pursuant to a petition by the National Association of Broadcasters (NAB), and comments were invited from interested parties on or before December 27, 1966, and reply comments on or before January 6, 1967. The requested amendment was based on

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 67-322]

PART 1—PRACTICE AND PROCEDURE

CATV Task Force

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 15th day of March 1967:

1. The recently-created CATV Task Force is responsible, with the Common Carrier Bureau, for participation in restricted rule making proceedings involving service by common carriers to community antenna television systems. When the Task Force does participate in such proceedings, it is desirable for its status therein to be the same as those of the Bureau. We are therefore amending §§ 1.1209 and 1.1227(b) of the rules of practice and procedure to reflect the status of the Task Force as decision-making personnel when participating in such restricted rule making proceedings.

2. Authority for this amendment is contained in sections 4 (i) and (j) and 303(r) of the Communications Act of 1934, as amended. The amendment is procedural in nature, and the notice and effective date provisions of section 4 of the Administrative Procedure Act are therefore inapplicable.

In view of the foregoing: It is ordered, Effective March 23, 1967, That §§ 1.1209 and 1.1227(b) of the rules and regulations are amended as set forth below.

claims by the petitioner that the design of present-day high powered AM and FM transmitters assures the necessary stability and reliability and the 12 months observation period is not necessary.

2. Comments were received from Radio, Inc., National Association of Broadcasters (NAB), WGBH Educational Foundation, Post-Newsweek Stations, Metromedia, Inc., Kear and Kennedy, National Association of Broadcast Employees and Technicians AFL-CIO (NABET), National Association of FM Broadcasters (NAFMB), WAVI Broadcasting Corp., Storer Broadcasting Co., Association of Federal Communications Consulting Engineers (AFCC), A Earl Cullum, Jr., J. G. Rountree, Associated Broadcasters, Inc., Station KBBX-FM and American Broadcasting Co., Inc. (ABC), Golden West Broadcasters, Golden West Broadcasters, Inc., and Golden West Broadcasters, Inc., filed joint reply comments. Post-Newsweek Stations and WGBH Educational Foundation also filed joint reply comments.

3. Comments from the broadcasting industry generally favored adoption of the proposed amendments. Some suggested language changes and others recommended additional changes in the rules beyond the scope of this proceeding. Arguments for adoption of the rule changes proposed were based on the deterrent effect of the requirement for the present 12-month showing, which discourages the use of high power by FM broadcast stations and thus results in less service to the public than it might otherwise have. The requirement was said to be an economic deterrent to high power because of the additional operator costs involved for a year, and to preclude it where transmitter locations are unsuitable for operation with an operator in attendance. Some parties allege that qualified operators are difficult to find. It was stated that present design of high-power transmitters provides sufficient stability and reliability to permit remote control, and that they are as stable and reliable as transmitters of lesser power to which the requirement does not apply. Opposition came from NABET, a union representing radio operators, which referred to NAB's petition as part of that organization's effort to automate the industry, and asserted that the cumulative effect of actions already taken to permit remote control has been to lower operating standards and increase the number of technical rule violations.

4. We agree with the majority of the commenting parties, and conclude that the requirement of a 1-year showing, which does have a restrictive effect, serves no useful purpose and should be eliminated. All of the showings which have been made under the present requirement have been satisfactory, and our experience indicates that transmitters of more than 10 kw. power are as stable and reliable as those having less. NABET's argument is, of course, simply one directed against remote control generally and against any action which

would encourage its use in more situations. While we have noted a number of instances of improper operation by remotely controlled stations (and a somewhat higher instance of violations than with directly controlled stations), we do not believe there is a warrant for restricting remote control by a requirement which is no longer necessary and which has nothing to do with problems of improper operation. Permitting remote control without an extensive advance showing in some instances while refusing to do so in others, on the basis of a distinction which has become an arbitrary one, is not appropriate. However, we emphasize that licensees have an obligation to see that their stations are operated properly and in conformity with the rules, and to employ sufficient qualified personnel to keep them so. Compliance with this obligation is expected and will be enforced.¹

5. One party suggested that it be made clear that the rule applies to noncommercial educational FM, as well as other FM and AM, stations. Section 73.572, as proposed in the notice and adopted herein, does so. It was also suggested that the language of the three sections be clarified to indicate that requests for remote control may be as a part of any formal application for a new station or change of facilities of an existing station. This is the present practice, and the Commission in the near future will revise its rules accordingly. FCC Form 301-A will continue to be used only in situations in which an existing station desires to establish or delete a remote control point; or where a directional antenna system is involved. It was also requested that Question 12 of that form, which specifies the 12-month showing, be eliminated. It will be when the form is revised in the near future; until then applicants may answer it "Not Applicable". As to the requests for other changes outside of the scope of this proceeding, these need not be considered here.² In the notice we also invited comments on two NAB suggestions advanced as alternatives to the present requirements, that a reliability showing be included a part of type acceptance requirements, and that a block diagram of the proposed remote control system be required. We indicated doubt as to the necessity for these measures. NAB and other parties assert that they are

¹The action taken herein does not, of course, change the requirement of the rules §§ 73.93, 73.265, and 73.565) that standard broadcast stations operating with more than 10 kw. power, and FM and noncommercial educational FM stations with transmitter power output of more than 25 kw., shall have a first-class operator on duty at all times when the transmitter is in operation.

²One suggestion was that automatic logging and alarm systems should be required for all remote control operations regardless of transmitter power. Another was relaxation of the requirement for daily inspection of directionalized AM antenna arrays. The latter request, while it does not now appear appropriate, will be considered in connection with a recent NAB petition to the same effect (RM-1098).

not necessary and we are not adopting them.

6. After careful consideration of all comments and data submitted in this proceeding, we believe that the public interest would best be served by adopting the rule amendments as proposed in the notice of proposed rule making without modification. The inducement to operate at higher power by remote control should result in additional coverage and contribute especially to further development of the FM service.

7. Authority for the adoption of the amendments herein is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

8. Since the action taken herein is a relaxation of existing restrictions, the customary 30-day waiting period specified in section 4 of the Administrative Procedure Act does not apply. In order to bring improved service expeditiously, it is appropriate to make the new rule effective as quickly as possible. In view of the foregoing: *It is ordered*, That, effective March 22, 1967, Part 73 of the Commission's rules and regulations is amended as set forth below.

9. *It is further ordered*, That, this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1062, as amended; 47 U.S.C. 303)

Adopted: March 15, 1967.

Released: March 17, 1967.

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

1. In § 73.66 paragraphs (a) and (c) are amended as follows:

§ 73.66 Remote control authorization.

(a) Application to operate a station by remote control may be made as a part of the application for construction permit for a new station, provided that the proposal is for nondirectional operation.

(c) An authorization for remote control will be issued only after a satisfactory showing has been made in regard to the following, among others:

- (1) The location of the remote control point(s);
- (2) The directional antenna system, if such is authorized, is in proper adjustment and is stable.

2. Section 73.274(b) is amended to read as follows:

§ 73.274 Remote control authorization.

(b) An authorization for remote control will be issued only after a satisfactory showing has been made including, among other things, the location of the remote control point(s).

3. Section 73.572(b) is amended to read as follows:

§ 73.572 Remote control authorization.

³Commissioners Lee and Johnson absent.

(b) An authorization for remote control will be issued only after a satisfactory showing has been made, including, among other things, the location of the remote control point(s).

[F.R. Doc. 67-3132; Filed, Mar. 21, 1967; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. 3666; Order No. 50]

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Subpart F—Regulations Applying to Transportation of Explosives and Other Dangerous Articles by Private Motor Carriers

DENIAL OF PETITION FOR MODIFICATION OF EFFECTIVE DATE

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., this 3d day of March 1967.

Upon consideration of the record in the above-entitled proceedings, the petition, filed February 15, 1967, of the Private Carrier Conference of the American Trucking Associations, Inc., for modification of the effective date of §§ 77.875 and 77.876 of Subpart F—Regulations Applying to Transportation of Explosives and Other Dangerous Articles by Private Motor Carriers, as provided in the order accompanying the report of the Commission on reconsideration, dated January 12, 1967 (32 F.R. 2818):

It is ordered, That the petition for modification of the effective date be, and it is hereby, denied for the reason that sufficient grounds have not been presented to warrant granting the action sought.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-3103; Filed, Mar. 21, 1967; 8:47 a.m.]

[Ex Parte No. 243]

PART 91—LOCOMOTIVE INSPECTION

Subpart C—Other Than Steam Locomotives and Appurtenances

MISCELLANEOUS AMENDMENTS; CORRECTION

Decision and order. At a session of the Interstate Commerce Commission, Division 3, Commissioners Tuggle, Brown,

and Deason, held at its office in Washington, D.C., on the 6th day of March 1967.

Upon consideration of the record in the above-entitled proceeding, including the recommended report and order of the hearing examiner, the exceptions filed thereto by the Association of American Railroads, railway labor organizations, the Bureau of Railroad Safety and Service of this Commission, and replies thereto; and

It appearing, that the appendix to the hearing examiner's recommended report was intended to embrace all rules that he recommended be adopted but contains certain omissions and typographical errors, and inadvertently included deletion of a specific rule, the modification and correction of which are essential to a proper understanding of the report, of which the appendix is a part;

And if further appearing, that no good purpose will be served by renumbering the present rules as set forth in the appendix to the report and may cause confusion in the compliance with and administration of the said rules; therefore:

It is ordered, That the regulations set forth below be, and they are hereby, substituted for the appendix attached to the hearing examiner's report (31 F.R. 11179); and

It is further ordered, That certain typographical errors be corrected, to wit: On page 6, line 6 of the hearing examiner's report the words "Association of Mechanical Enginemen" be, and they are hereby changed to "American Society of Mechanical Engineers"; that on page 21, lines 18 and 19, the words "under present Rule 208 and at 12- or 24-month intervals" be, and they are hereby, stricken; that on page 22 after the words "Even if" on line 16 of the first full paragraph insert the word "it"; on page 23, last line, change "lives" to "lines"; on page 27, line 9 of third full paragraph under the heading "Rule 247(b)" change the word "on" after "Photographs" to "of"; on page 31 on line 23 of the paragraph beginning "In support of", change the figure 15 to "10"; on page 34, paragraph 3, line 15, change "19,240" to "19,420"; and on page 41, first line in column 3 of the table after "Accident Rate Per" add the word "Hundred";

It appearing, that the exceptions otherwise do not show any material errors in the examiner's statement and evaluation of the facts, his conclusions of law or findings, nor do they raise any material matters of fact or law not adequately considered and properly disposed of by the examiner in his report, and are not of such nature as to require the issuance of a report by Division 3 discussing the evidence in the light of such exceptions;

Wherefore, and good cause appearing therefor:

We find, that the evidence considered in the light of the exceptions and replies thereto does not warrant a result different from that reached by the examiner, and that, except as corrected herein, the statement of facts, conclusions and findings of the examiner, including the regulations set forth below, being proper and

correct in all material respects, should be, and they are hereby, affirmed and adopted as our own with the corrections noted herein.

It is further ordered, That the effective date of this order shall be 60 days from the date of service thereof; and that notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of this Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] H. NEIL GARSON,
Secretary.

§ 91.201 Locomotive unit.

(b) *Marking front.* The letter "F" shall be legibly shown on each side of every locomotive unit near the end, which, for identification purposes, will be known as the front end. The unit number shall be legibly shown on each side of every locomotive unit and shall be shown on the specification card, Form No. 4-A.

BRAKE EQUIPMENT; AIR BRAKES

§ 91.206 Main Reservoir tests.

(c) *Telltale holes.* Each main reservoir of the type described in the note below, hereafter put into service may be drilled over its entire surface with telltale holes, made by a standard $\frac{7}{16}$ -inch drill, which holes shall be spaced not more than 12 inches apart, measured both longitudinally and circumferentially, and drilled from the outer surface to an extreme depth determined by the formula

$$D = \frac{0.6PR}{S - 0.6P}$$

where D —extreme depth of telltale holes in inches but in no case less than $\frac{1}{8}$ inch; P —certified working pressure in pounds per square inch; S — $\frac{1}{2}$ of the minimum specified tensile strength of the material in pounds per square inch; and R —inside radius of the reservoir in inches. One row of holes shall be drilled lengthwise of the reservoir on a line intersecting the drain opening. No reservoir so drilled needs to be subjected to the requirement of paragraph (a) or (b) of this section, except the requirement for a hydrostatic test before being put in service. Whenever any such telltale hole shall have penetrated the interior of any such reservoir, the reservoir shall be permanently withdrawn from service. At the option of the carrier, such drilling may be applied to any reservoir now in service, in lieu of the tests provided for by paragraphs (a) and (b) of this section, but not without the said hydrostatic test after first being drilled.

NOTE: Paragraph (c) applies only to welded reservoirs originally constructed to withstand at least five times the maximum working pressure fixed by the chief mechanical officer of the railroad desiring to come within the terms of such paragraph, as evidenced by a manufacturer's certificate to that effect filed with the Commission.

§ 91.208 Cleaning.

(a) The filtering devices or dirt collectors located in the main reservoir supply line to the air brake system must be cleaned, repaired, or replaced as often as conditions require to maintain them properly in a safe and suitable condition for service, and not less frequently than once each 6-month period.

(b) Brake cylinder relay valve portions, main reservoir safety valves, brake pipe vent valve portions, and feed and reducing valve portions in the air brake system (including related dirt collectors and filters) must be cleaned, repaired, and tested as often as conditions require to maintain them properly in a safe and suitable condition for service, and not less frequently than once each 12-month period.

(c) All other valves and valve portions in the air brake system (including related dirt collectors and filters) the function of which is to apply or release the air brakes, must be cleaned, repaired, and tested as often as conditions require to maintain them properly in a safe and suitable condition for service, and not less frequently than once each 24-month period.

(d) The date of testing or cleaning, and the initials of the shop or station at which the work is done, shall be legibly stenciled in a conspicuous place on the parts, or placed on a card displayed under transparent cover in the cab of each locomotive unit.

DRAWGEAR BETWEEN LOCOMOTIVE UNITS, CONNECTIONS BETWEEN TRUCKS AND DRAFTGEAR

§ 91.212 General provisions.

(c) *Removal of drawbars and pins.* Lost motion in drawbars and pins when used between units or trucks shall not exceed one-half inch at each pin, and shall be checked by tramping.

(d) *Removal of drawbars and pins.* Lost motion in articulated connections when used between units or trucks shall not exceed one-half inch at each pin, and shall be checked by tramping.

ELECTRICAL EQUIPMENT

§ 91.247 Jumpers; cable connections.

(b) *Tests; record.* Cable connections between units and jumpers that carry

current having a potential of 600 volts or more shall be thoroughly cleaned, inspected, and tested as often as conditions require to maintain them in safe and suitable condition for service, but not less frequently than every 3 months, by immersing the cable portion in water and subjecting each conductor with another, and with the water, to a difference in potential of not less than 1¾ times the normal working voltages for not less than 1 minute. Date and place of inspection and test shall be legibly marked on the jumper or cable or on a tag securely attached thereto.

PERIODICAL REPORTS

§ 91.331 Monthly locomotive unit inspection and report.

(a) *30-day locomotive unit inspection and report.* Not less than once every 30 days a report shall be made on Form 1-A, covering each locomotive unit in use, which shall show the condition of the unit as determined by an inspection made in accordance with the law and these rules and instructions. The railroad may perform the inspection required by this rule within the 5 days next following the expiration of the 30-day period, if conditions beyond the control of the railroad render such additional time necessary; and in that event proper notation shall be made on the reverse of the report on Form 1-A. The report shall be prepared on a good grade of pale blue paper, size 6 by 9 inches, and subscribed and sworn to, before an officer authorized to administer oaths, by the inspectors who made the inspection, and by the officer in charge. A duplicate copy of this report shall be filed in the office of the mechanical officer having charge of the locomotive and within 10 days after each inspection one copy shall be transmitted to the U.S. District Inspector.

(b) *Cab report.* A copy of the last inspection report shall be displayed under transparent cover in a conspicuous place in the cab of each unit. This copy must be a duplicate in all ways of the report filed with the district inspector, except it need not be sworn to, and in the event this copy is destroyed or becomes lost or illegible it may be replaced by a conformed copy.

(c) *Out of service report.* When a locomotive is withheld from service for

30 or more consecutive days or was out of service when it would otherwise be due for inspection, an out-of-service report covering such unit shall be made on the reverse of Form 1-A. The out-of-service time shall be totaled and recorded on the reverse of Form 1-A and the interval prescribed for any particular test or inspection required by these rules may then be extended by the number of such consecutive out-of-service days recorded since the date of the last previous test or inspection, except as provided in paragraph (d) of this section. The report shall be made on each date on which an inspection or test would have been due except for the extension and shall show the name of the railroad, the place where made, the initials and number of the unit, the place where unit is out of service, and the reason for being out of service.

(d) *Out-of-service report when filed.* The out-of-service report shall be transmitted to the U.S. District Inspector in charge within 10 days after the 30-day inspection period for which it is to cover. One copy of the report will be retained in the office of the mechanical officer having charge of the locomotive. It need not be sworn to, but must be signed by the officer in charge of the locomotive unit. When out-of-service report has been filed, an inspection must be made and report made on Form 1-A before the unit is again returned to service.

§ 91.334 Extensions.

(a) *Automatic extensions for time out of service.* The time for making inspections and tests on units and boilers which are out of service for 30 or more consecutive days may be extended without application as hereinafter provided. Time out of service shall be properly accounted for by out-of-service reports and notations made on the back of each subsequent inspection report and cab card for time claimed out of service. Less than 30 days out of service will not be counted toward extensions.

- (b) [Deleted]
- (c) [Deleted]
- (d) [Deleted]
- (e) [Deleted]
- (f) [Deleted]

[F.R. Doc. 67-3104; Filed, Mar. 21, 1967; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1137]

[Docket No. AO 328-A11]

MILK IN EASTERN COLORADO MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Ex- ceptions 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 the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Eastern Colorado marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Denver, Colo., on February 1, 1967, pursuant to notice thereof which was issued December 30, 1966 (32 F.R. 56), and January 10, 1967 (32 F.R. 328).

The single issue considered at the hearing concerned marketing conditions which jeopardize the pool status of a pool distributing plant, and alternative order amendments which would maintain such status.

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

The route definition of the order should be amended to provide that packaged fluid milk products transferred to a pool distributing plant from a plant with route disposition in the marketing area, and which are classified as Class I, shall be considered as a route disposition from the transferor plant for the single purpose of qualifying the trans-

feror plant for distributing pool plant status.

The need for such amendment was established by the operator of a pool distributing plant. His plant bottles about 85 percent of its producer milk receipts. Nevertheless, the pool status of the plant is jeopardized by a recent change in the operations of the firm.

Until recently, the firm operated both wholesale and retail routes. As of September 1966, it divested itself of the retail routes but continues to supply wholesale routes. In this connection, the firm sells packaged fluid milk products to schools, and supplies government contracts.

Cambridge Dairy also packages fluid milk products for another pool handler. This business now represents about 25 percent of the firm's Class I sales. The raw milk is delivered to proponent's plant where it is processed and packaged. Then it is picked up by another pool handler who takes it to his plant for route delivery next day.

Under present order provisions, the milk disposed of in this way is not counted as a route disposition from proponent's plant. Instead, it is appropriately treated as an interhandler transfer and as a route disposition from the other pool plant. Thus, each transaction is properly identified and is specifically reported as such to the market administrator. This facilitates order operations and avoids ambiguous or dual reports.

The amendment provided herein will not change that treatment, as a general application of the order. It provides only that such transfers, which are classified as Class I, and emanate from a plant with route disposition in the marketing area, shall be considered as a route disposition from the transferor plant, rather than from the transferee plant, for the single purpose of qualifying the transferor plant as a pool distributing plant under § 1137.7(a)(1).

With no retail route disposition, it is increasingly difficult for proponent to meet the route disposition requirement of the order for pool distributing plants solely on the basis of wholesale route disposition. The applicable provision requires that a pool distributing plant must dispose of an amount equal to 50 percent or more of its total receipts of Grade A milk as fluid milk products on routes.

A situation developed last December which demonstrates how proponent's pool plant status is jeopardized. During that month schools were closed for about ten days. Between September and December 1966, proponent relied on wholesale route disposition as a means of qualifying his plant under the pooling provisions for pool distributing plants. When the schools closed, and this wholesale outlet was terminated temporarily, the plant was unable to meet the 50 per-

cent route disposition factor. Suspension of this provision by the Department was necessary to maintain the pool status of the plant for that month (31 F.R. 15087).

School milk business represents a substantial portion of proponent's wholesale route disposition. Proponent anticipates that when sales to schools terminate during the coming summer, the plant is unlikely to qualify for pooling beginning in June. This would happen even though the major portion of proponent's producer receipts are processed and packaged as fluid milk products.

Prior to September 1966, proponent's plant was pooled on the basis of a combination of wholesale and retail route disposition. No problem emerged so long as the plant qualified for pooling on this basis.

Packaged milk that moves to a pool plant is treated as an interhandler transfer and not as a route disposition, and we believe that this treatment is generally appropriate. Nevertheless, pool plant status should not be denied proponent's plant, whose Class I utilization is 85 percent of producer receipts and whose major fluid milk disposition is in the market. There was no opposition to the continued pooling of the plant.

Should the plant fail to qualify as a pool distributing plant, disorderly marketing conditions would result. Producers supplying the plant would be deprived of the assurance that their milk is priced according to its use. Regulated handlers would be confronted with an unregulated handler who is an important competitive factor in the market. They would be deprived of the assurance of uniform costs of milk for major competitors in the market. Producer-handlers who buy supplemental bulk milk from proponent would need to find other pool sources of milk or lose their exempt status. In short, customary marketing arrangements would be disrupted, and needlessly so.

An appropriate solution to the problem is to amend the route definition of the order to provide that packaged fluid milk products transferred to a distributing pool plant from a plant with route disposition in the marketing area, and classified as Class I, shall be considered as a route disposition from the transferor plant rather than from the transferee plant, for the single purpose of qualifying such plant as a pool distributing plant under § 1137.7(a)(1). This treatment will afford the proponent the flexibility of packaging milk for the other handler from receipts of producer milk at his plant, or from bulk receipts from other pool plants.

An alternative proposal was presented by the witness for the principal cooperative association in the market. It would have provided that bulk milk received from other distributing plants be sub-

tracted from the total receipts of Grade A milk at proponent's plant before the 50 percent pool plant requirement would apply to the balance of the Grade A receipts at the plant. The objective of this alternative is to preserve the pool plant status of Cambridge Dairy without changing the present route disposition factors provided in the pool plant definition. However, the adoption of the cooperative association's proposal was predicated on the revision of other provisions of the order, the consideration of which was outside the scope of the hearing notice.

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

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

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

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

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

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Eastern Colorado marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The rec-

ommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

Section 1137.15 is revised 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 to a pool plant or a nonpool plant: *Provided*, That packaged fluid milk products that are transferred to a distributing pool plant from a plant with route disposition in the marketing area, and which are classified as Class I under § 1137.44(a), shall be considered as a route disposition from the transferor plant, rather than from the transferee plant, for the single purpose of qualifying it as a pool distributing plant under § 1137.7(a)(1).

Signed at Washington, D. C., on March 16, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-3146; Filed, Mar. 21, 1967;
8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

LABELS OF FOODS, DRUGS, DEVICES AND COSMETICS

Proposal Regarding Required Statements

Correction

In F.R. Doc. 67-2991, appearing at page 4172 of the issue for Friday, March 17, 1967, the following corrections are made in paragraph (c) of the proposed new § 1.8b:

1. Immediately preceding the proviso, the words reading "net quantity of contents" should read "net quantity of contents".

2. The closing words of the paragraph, following the semicolon, now reading "for example, 'jumbo quart' and full 'gallon'." should read "for example, 'jumbo quart' and 'full gallon'."

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 17296; FCC 67-332]

UHF TV BROADCAST CHANNELS, HAWAII

Notice of Proposed Rule Making

In the matter of amendment of the Table of Assignments in § 73.606(b) of

the Commission rules and regulations to provide UHF television broadcast channels in the State of Hawaii; Docket No. 17296, RM-1010, RM-1022.

1. The Commission has received two petitions requesting the assignment of UHF television broadcast channels to specified cities in Hawaii; RM-1010, filed August 3, 1966, by S & G Television, Inc. and RM-1022, filed August 25, 1966, by James A. Chase and E. Harold Munn, Jr.

2. In support of its petition, S & G Television, Inc., notes that the four VHF channels assigned to Honolulu are in use and that the remainder of the VHF channels assigned to Hawaii are operating as satellites of the Honolulu TV stations. It recites certain statistics regarding the growing population of Honolulu and Hawaii and increasing retail sales and states that it is ready, willing and able to make application for and operate a new UHF television broadcast station in Honolulu if authorized to do so.

3. Chase and Munn, in their petition, argue that there is a need for UHF channel assignments in Hawaii for the following reasons:

1. Absentee ownership of existing television station facilities.
2. Unavailability of a variety of services.
3. Inadequate channels available.

Elaborating on these points, the petitioners note that if the Commission approves the recent sale of the Honolulu independent television station, all existing stations in that city will be owned by mainland interests; that three of the stations carry programs of the national networks and the independent relies heavily on mainland film products; that programs with a unique local orientation, based on Island culture and fitted to Hawaiian needs are necessarily at a minimum; and that under the present assignments, there are no channels available for special programming such as ethnic, sports, fine arts, subscription television, and other approaches. They propose the assignment of Channel 15 to Honolulu and Channel 17 to Wailuku. The petitioners do not indicate that they will apply for stations on the assigned channels but merely state that an application for a new UHF television broadcast station in Hawaii may be expected as the result of the rule making.

4. The present Table of Assignments for television broadcast channels contains no UHF channel assignments in Hawaii. The subject petitions indicate a developing interest and the Commission is of the view that such assignments should now be made; not on a case-by-case basis but in the form of an assignment plan for the entire State. Although there are only four cities of sufficient size to warrant inclusion in the Table of Assignments at this time, the plan has been developed around the whole island complex using the efficiency criteria employed in developing the recently revised UHF assignment plan for the conterminous United States. We have not proposed UHF channels reserved for educational use because we

PROPOSED RULE MAKING

have no information as to future plans for utilization of UHF channels for educational TV broadcasting in the State of Hawaii. VHF Channels 4, 11, 8, and 10 are currently reserved for educational use in Hilo, Honolulu, Lihue, and Wailuku, respectively. The University of Hawaii has authorized stations on Channel 11 in Honolulu and Channel 10 in Wailuku. We anticipate no problem in providing additional assignments on UHF channels, if needed.

5. Accordingly, pursuant to the authority contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the Table of Assignments in

§ 73.606(b) of the Commission rules by assigning UHF television broadcast channels in the State of Hawaii as follows:

<i>City</i>	<i>Channels</i>
Hilo, Hawaii.....	14+, 20+, 26+
Honolulu, Oahu.....	14, 20, 26, 36
Lihue, Kauai.....	16
Wailuku, Maui.....	22+, 28+

6. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before April 24, 1967, and reply comments on or before May 3, 1967. All submissions by parties to this proceeding or by persons acting in behalf of

such parties must be made in written comments, reply comments or other appropriate pleadings.

7. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: March 15, 1967.

Released: March 17, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 87-3133; Filed, Mar. 21, 1967;
8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 67-16]

CERTAIN FUNCTIONS PERFORMED BY BUREAU OF CUSTOMS

Notice of Continuation of Orders, Rules, Regulations, Policies, Procedures, Privileges, Waivers, and Other Actions

Effective on February 24, 1967, the Coast Guard assumed responsibility for the performance of certain functions heretofore performed by the Bureau of Customs. These functions are those concerned with admeasurement; documentation; publication of the register of merchant vessels of the United States; registration of private signals, funnel marks and house flags; recording of vessel mortgages and conveyances; and port security. Pursuant to the authority delegated to the Commandant of the Coast Guard by Treasury Department Order No. 167-81, all orders, determinations, rules, regulations, directives, requirements, standards, statements of policy, notices, interpretations, procedures, documents, registers, licenses, enrollments, certifications, permits, privileges, exemptions, waivers, and all other actions which have been issued, made, granted, or allowed to become effective prior to February 24, 1967, under the provisions of law or regulation listed below are hereby adopted and affirmed and shall continue in effect according to their terms until modified, terminated, repealed, superseded, or set aside by appropriate authority:

(1) Sections 2-4, 7, 8, 11-41, 43-47, 49-56, 58-63, 71-83k, 103, 105, 109, 151-163, 221, 227, 236-238, 251(a), 252-277, 278-280, 292, 320-328, 331-336, 404a, 496, 724, 725, 801, 802, 808, 838, 840, 881, 883, 883a, 883b, 883-1, 911-927, 941 (b) and (c), 981-984, 1011-1013 of Title 46, United States Code, insofar as they relate to the functions of admeasurement; documentation; publication of the register of merchant vessels of the United States; registration of private signals, funnel marks, and house flags; and recording of vessel mortgages, and conveyances;

(2) Section 1.1 of Title 19, Code of Federal Regulations, insofar as it relates to ports where marine documents may be issued;

(3) Parts 2 and 3 of Title 19, Code of Federal Regulations, relating to measurement and documentation of vessels;

(4) Part 23 of Title 19, Code of Federal Regulations, insofar as it relates to the enforcement of the laws listed in item (1);

(5) Section 191 of Title 50, United States Code insofar as it relates to port

security functions recently administered by the Bureau of Customs, that are now combined with existing Coast Guard administered port security functions.

Communications dealing with the functions of admeasurement should be addressed to the appropriate Officer in Charge, U.S. Coast Guard Marine Inspection; Coast Guard District Commander, or Commandant (MMT), U.S. Coast Guard Headquarters, 1300 E Street NW., Washington, D.C. 20226.

Communications dealing with the Registration of Stack Insignia or with the publication of the Merchant Vessel Register should be addressed to the Commandant (MVD), U.S. Coast Guard Headquarters, 130 E Street NW., Washington, D.C. 20226.

Communications dealing with the function of vessel documentation should be addressed to the appropriate Officer in Charge, U.S. Coast Guard Marine Inspection; Coast Guard District Commander, or Commandant (MVD), U.S. Coast Guard Headquarters, 1300 E Street NW., Washington, D.C. 20226.

Applications and other routine transactions made in person will continue to be handled at the same locations until further notice.

List of Officers in Charge, U.S. Coast Guard Marine Inspection:

427 Commercial Street, Boston, Mass. 02109.
Post Office Box 108, Pearl Street Station, Portland, Maine 04112.

409 Federal Building, Providence, R.I. 02903.
Post Office Box 391, Cairo, Ill. 62914.
Room 8413, Federal Office Building, 550 Main Street, Cincinnati, Ohio 45202.

Box 695, Dubuque, Iowa 52001.
328 Post Office and Federal Courthouse Building, Fifth Avenue and Ninth Street, Huntington, W. Va. 25701.

254 Francis Building, Fourth and Chestnut Streets, Louisville, Ky. 40202.

856 Federal Building, 167 North Main Street, Memphis, Tenn. 38103.

670 U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

U.S. Post Office and Courthouse Building, Room 1032, Pittsburgh, Pa. 15219.

Federal Building, 1520 Market Street, St. Louis, Mo. 63103.

Room 313, Federal Building, Albany, N.Y. 12207.

Room 302, Post Office Building, New London, Conn. 06321.

Battery Park Building, New York, N.Y. 10004.
Customhouse, Philadelphia, Pa. 19106.

Customhouse, Baltimore, Md. 21202.
Federal Building, Room 200, Portsmouth, Va. 23705.

Room 101-105, Customhouse, Wilmington, N.C. 28401.

Room 625, Federal Building, 334 Meeting Street, Charleston, S.C. 29403.

Room 210, Federal Building, Post Office Box 4968, Jacksonville, Fla. 32201.

Room 1202, Federal Building, 51 Southwest First Avenue, Miami, Fla. 33130.

Room 302, Federal Building, Post Office Box 3666, San Juan, P.R. 00904.

Post Office Box 191, Savannah, Ga. 31402.

Room 210, 500 Zack Street, Post Office Box 3172, Tampa, Fla. 33601.

Room 101, Federal Building, Corpus Christi, Tex. 78401.

Room 232, Customhouse, Galveston, Tex., 77550.

7300 Wingate Street, Houston, Tex. 77011.

Room 563, Federal Building, Mobile, Ala. 36602.

310 Customhouse, New Orleans, La. 70130.
1601 Proctor Street, Port Arthur, Tex. 77640.

Room 440, Federal Building, 121 Ellicott Street, Buffalo, N.Y. 14203.

10101 South Ewing Avenue, Chicago, Ill. 60617.

1055 East Ninth Street, Cleveland, Ohio 44114.
Federal Building Room 424, Detroit, Mich. 48226.

Federal Building, Room 311, Duluth, Minn. 55802.

Post Office Box 308, Ludington, Mich. 49431.

Room 400, 135 West Wells Street, Milwaukee, Wis. 53203.

Room 205, Federal Building, Oswego, N.Y. 13126.

Municipal Building, St. Ignace, Mich. 49781.

Federal Building, Room 5101, 234 Summit Street, Toledo, Ohio 43604.

(Los Angeles-Long Beach), Center Building, 750 North Broad Avenue, Wilmington, Calif. 90744.

Station B, Box 2029, San Francisco, Calif. 94126.

Room 12A, Broadway Pier, San Diego, Calif. 92101.

Room 202, Lincoln Building, 208 Southwest Fifth Avenue, Portland, Ore. 97204.

618 Second Avenue, Seattle, Wash. 98104.

610 Fort Street, Honolulu, Hawaii 96813.

Post Office Box 1286, Anchorage, Alaska 99501.
Post Office Box 3-5000, Juneau, Alaska 99801.

Dated: March 15, 1967.

[SEAL] W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant, U.S. Coast Guard.

[P.R. Doc. 67-3101; Filed, Mar. 21, 1967; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

Notice of Filing of Plat of Survey and Order Providing for Opening of Lands

MARCH 13, 1967.

1. The Plat of Survey of lands described below will be officially filed at the Nevada Land Office, Reno, Nevada, effective 10 a.m. on April 19, 1967.

MOUNT DIABLO MERIDIAN, NEVADA

T. 42 N., R. 35 E. (Group 428).

2. The surveyed area of the described land aggregates 23,718.39 acres. The plat was accepted February 1, 1967. The land varies from high rolling in the eastern portion to mountainous in the central western portion, to nearly level in the western part. Elevation ranges from about 4,100 to 5,900 feet above sea level. The soil varies from sandy to sandy loam, but is rocky in the higher elevations.

Vegetation consists of sagebrush, shade-scale, greasewood, and sparse native grasses. The southwest portion of the township is drained by the Quinn River. The northwest portion drains northerly, and the eastern portion drains to the east. Principal users of the area are cattlemen, and access is provided by desert roads.

3. Subject to any existing valid rights and the requirements of applicable law, the above-described lands are hereby opened to filing applications, selections, and location, except for applications under the Small Tract, Desert Land and Homestead Laws, in accordance with the following: Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of the order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs: Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of such claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph. All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m., April 19, 1967, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications, which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations. Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 300 Booth Street, Reno, Nev. 89502.

DANIEL P. BAKER,
Manager, Nevada Land Office.

[P.R. Doc. 67-3090; Filed, Mar. 21, 1967;
8:45 a.m.]

National Park Service

[Order 3]

ADMINISTRATIVE ASSISTANT AND MANAGEMENT ASSISTANT, PRINCE WILLIAM FOREST PARK AND GEORGE WASHINGTON MEMO- RIAL PARKWAY

Delegation of Authority

Order No. 2 (dated Aug. 17, 1966), Prince William Forest Park and George Washington Memorial Parkway, is completely revoked and is replaced by the following:

SECTION 1. Administrative Assistant. The Administrative Assistant, Prince William Forest Park and George Washington Memorial Parkway, may issue purchase orders not in excess of \$2,500 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

SEC. 2. Management Assistant. The Management Assistant, Prince William Forest Park, may issue purchase orders not in excess of \$2,500 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of allotted funds. (National Park Service Order 34 (31 F.R. 4255); 39 Stat. 535, 16 U.S.C. sec. 2; National Capital Region Order 3 (31 F.R. 8500))

Dated: December 22, 1966.

FLOYD B. TAYLOR,
Superintendent.

[P.R. Doc. 67-3140; Filed, Mar. 21, 1967;
8:49 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

UNIVERSITY OF SOUTHERN CALI- FORNIA AND NEW YORK UNIVER- SITY

Notice of Applications for Duty-Free Entry of Scientific Articles

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

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

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

Docket No.: 67-00006-60-46040. Applicant: University of Southern California, Los Angeles, Calif. 90026. Article: Electron microscope, model HU-125 with automatic tilting, rotating and heating stage, type HK-2-BM; universal diffraction stage, type HE-1; narrow angle charge neutralizer, type SG-B; specimen cooling stage, type HC-2; magnetic domain attachment, type HMD-1; and

specimen tensile stage, type HD-1. Manufacturer: Hitachi, Ltd., Tokyo, Japan. Intended use of article: Research and teaching on graduate level in materials science with investigations of metals, ceramics and semiconductors. Application received by Commissioner of Customs: March 9, 1967.

Docket No.: 67-00009-33-09000. Applicant: New York University, New York, N.Y. 10003. Article: Cathetometer with microscope, custom built to following specifications: 3-inch lens with 1.7 power; ocular with 10 power; lowest-reading-height over table plate, 230 mm; highest reading-height over table plate, 370 mm; gross movement, 110 mm; fine movement, 30 mm; reading accuracy, 0.005 mm. Manufacturer: Ole Dich Instrument Makers, Denmark. Intended use of article: Research with Cartesian diver apparatus made by Ole Dich, in the Department of Biology. Application received by Commissioner of Customs: March 8, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and
Technical Equipment, Busi-
ness and Defense Services
Administration.

[P.R. Doc. 67-3082; Filed, Mar. 21, 1967;
8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCA- TION, AND WELFARE

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 has been filed by American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540, proposing amendments to the food additive regulations to provide for the safe use in chicken feed of aklomide and sulfantran combined with chlortetracycline with or without sodium sulfate, for the prevention of coccidiosis and for the prevention or treatment of certain conditions in chickens in the amounts and for the purposes specified in §121.208 *Chlortetracycline*.

Dated: March 13, 1967.

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

[P.R. Doc. 67-3125; Filed, Mar. 21, 1967;
8:48 a.m.]

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 has been filed by American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540, proposing amendments to the food additive regulations to provide for the safe use in chicken feed of amprolium, ethopabate, and arsanilic acid for the prevention of coccidiosis, for growth promotion and feed efficiency, and for improving pigmentation, plus these combined with chlortetracycline with or without sodium sulfate for the prevention or treatment of certain conditions in chickens in the amounts and for the purposes specified in § 121.208 *Chlortetracycline*.

Dated: March 14, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-3126; Filed, Mar. 21, 1967;
8:48 a.m.]

NATIONAL STARCH AND CHEMICAL CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), notice is given that a petition (FAP 7A2154) has been filed by National Starch and Chemical Corp., 1700 West Front Street, Plainfield, N.J. 07063, proposing that paragraph (d) of § 121.1031 *Food starch-modified* be amended to provide for the safe use of a food starch esterified by treatment with monosodium orthophosphate, whereby the residual phosphate (calculated as phosphorus) in the food starch-modified does not exceed 0.4 percent.

Dated: March 13, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-3127; Filed, Mar. 21, 1967;
8:48 a.m.]

Office of the Secretary OFFICE OF EDUCATION

Statement of Organization and Delegations of Authority

Part 6 of the Statement of Organization and Delegations of Authority of the Department of Health, Education, and Welfare (31 F.R. 8089, dated June 8, 1966) is hereby amended to read as follows:

PART 6—OFFICE OF EDUCATION

Sec. 6.00 *Mission*. The Office of Education is responsible for providing professional and financial assistance to strengthen education in the United States in accordance with Federal laws and regulations.

Sec. 6.10 *Organization*. (a) The Office of Education, which is under the supervision and direction of the Commissioner of Education, consists of the following:

OFFICE OF THE COMMISSIONER

Commissioner.
Deputy Commissioner.
Associate Commissioner for Federal-State Relations.
Associate Commissioner for International Education.
Associate Commissioner for Field Services.
Office of Administration.
Office of Information.
Office of Legislation.
Office of Program Planning and Evaluation.
Division of Program Planning.
Division of Program Evaluation.
Office of Equal Educational Opportunities.
Office of Programs for the Disadvantaged.
Office of Construction Service.
National Center for Educational Statistics:
Office of the Assistant Commissioner.
Division of Data Sources and Standards.
Division of Data Processing and Data Analysis.
Division of Statistical Analysis.
Bureau of Operations Analysis.

BUREAU OF ELEMENTARY AND SECONDARY EDUCATION

Office of the Associate Commissioner.
Division of Plans and Supplementary Centers.
Division of Compensatory Education.
Division of State Agency Cooperation.
Division of School Assistance in Federally Affected Areas.
Division of Educational Personnel Training.
The Teacher Corps.

BUREAU OF ADULT AND VOCATIONAL EDUCATION

Office of the Associate Commissioner.
Division of Vocational and Technical Education.
Division of Library Services and Educational Facilities.
Division of Adult Education Programs.
Division of Manpower Development and Training.

BUREAU OF HIGHER EDUCATION

Office of the Associate Commissioner:
Division of Student Financial Aid.
Division of Foreign Studies.
Division of Graduate Programs.
Division of College Facilities.
Division of College Support.

BUREAU OF RESEARCH

Office of the Associate Commissioner:
Division of Elementary and Secondary Research.
Division of Adult and Vocational Research.
Division of Higher Education Research.
Division of Laboratories and Research Development.
Division of Research Training and Dissemination.

BUREAU OF EDUCATION FOR THE HANDICAPPED

Office of the Associate Commissioner:
Division of Research.
Division of Training Programs.
Division of Educational Services.

Sec. 6.20 *Functions*. (a) Except as provided in Part 2 (Office of the Secretary) and section 6.30 of this part (Reservation of Authority), the Commissioner of Education shall exercise the functions vested in or delegated to the Secretary, the Department of Health, Education, and Welfare, the Commissioner, or the Office of Education by or under the following:

(30) Manpower Development and Training Act of 1962 except that respon-

sibility for overall policy direction of the program and for coordination of program policy with those of related programs within the Department and with other departments and agencies, and the approval of rules and regulations authorized by section 232, and authority to submit reports to Congress required by section 233 are reserved to the Secretary (P.L. 87-415 approved March 15, 1962, 76 Stat. 23, as amended, 42 U.S.C. 2571-2620).

Dated: March 16, 1967.

[SEAL] JOHN W. GARDNER,
Secretary.

[F.R. Doc. 67-3128; Filed, Mar. 21, 1967;
8:49 a.m.]

SOCIAL SECURITY ADMINISTRATION

Statement of Organization and Delegations of Authority

Sections 8.20, 8.30, and 8.40 of Part 8 of the Statement of Organization and Delegations of Authority of the Department (22 F.R. 1050), as amended, are amended to read as follows:

Sec. 8.20 *Functions*. (a) Except as provided in paragraph (b) of this section and sections 2.30 and 8.30 of this statement, the Commissioner of Social Security shall exercise:

(1) The functions vested in the Secretary under Title II of the Social Security Act, as amended (42 U.S.C. 401-427); under Titles VII and XI of the Act, as amended (42 U.S.C. 902-907, 1301-1318), except insofar as the provisions of such titles pertain to the Mission of the Welfare Administration as described in section 9.00 of this statement; under Title XVIII of the Act (42 U.S.C. 1395-1395*ll*), with appropriate advice from and consultation with the Public Health Service and Welfare Administration; section 1110 of the the Social Security Act, as amended (42 U.S.C. 1310), insofar as such section pertains to the Mission of the Social Security Administration as described in section 8.00 of this statement; and under sections 1402(h), and 3121 (k) and (l) of the Internal Revenue Code of 1954, as amended (26 U.S.C. 1402(h), 3121 (k) and (l)).

(2) The functions vested in the Secretary relating to the Mission of the Social Security Administration, as described in section 8.00 of this statement, under the Social Security Act which are not contained in the Act but which are contained in the Acts cited in Exhibit X8.00.1.

(3) The functions vested in the Secretary by section 5(k) (2) of the Railroad Retirement Act as amended (45 U.S.C. 228e), having to do with the determination and certification for the transfer of funds between the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, and the Railroad Retirement Account.

(4) Authority vested in the Secretary by letter dated September 1, 1960, to the Secretary of the Treasury from the Director, Bureau of the Budget, authorizing the carrying out of programs under section 104(k) of the Agricultural Trade Development and Assistance Act of 1954, as amended, insofar as this authority pertains to the Mission of the Social Security Administration as described in section 8.00 of this statement: *Provided*, That this authority shall be exercised in accordance with applicable policies and procedures established by appropriate authorities to ensure consistency with basic foreign policy and with related Federal programs.

(5) Authority vested in the Secretary by section 4 of Public Law 86-610, approved July 12, 1960 (74 Stat. 364), with respect to responsibilities relating to the Mission of the Social Security Administration as described in section 8.00 of this statement: *Provided*, That this authority shall be exercised in accordance with applicable policies and procedures by appropriate authorities to ensure consistency with basic foreign policy and with related Federal Programs.

(b) In accordance with applicable rules and regulations, the Appeals Council, its members, and Hearing Examiners in the Bureau of Hearings and Appeals, shall exercise all duties, powers, and functions of the Secretary relating to the holding of hearings, the administration of oaths and affirmations, the issuance of subpoenas, the examination of witnesses, the receipt of evidence, the rendition of decisions, and the review of decisions in connection with administrative appeals: (1) By individuals from determinations made under Title II of the Social Security Act, as amended, and affecting their rights to benefits, lump sum payments, earnings credited to accounts, and disability determinations; (2) by individuals from determinations made under Title XVIII of the Social Security Act and affecting their rights to, and amounts of, benefits; and (3) by institutions or agencies from determinations described in section 1869(c) of the Social Security Act.

(c) The functions, powers, and duties of the Bureau of Federal Credit Unions under the Federal Credit Union Act, as amended (Public Law 86-354; 12 U.S.C. 1751-1772), shall be exercised by the Director of the Bureau of Federal Credit Unions under the general direction and supervision of the Commissioner of Social Security.

Sec. 8.30 Limitations on authority.
(a) The Secretary shall serve as a member of the Board of Trustees of the (1) Federal Old-Age and Survivors Insurance Trust Fund, (2) Federal Disability Insurance Trust Fund, (3) Federal Hospital Insurance Trust Fund, and (4) Federal Supplementary Medical Insurance Trust Fund. During the absence of the Secretary, the Under Secretary or the Assistant Secretary for Legislation shall serve. During the absence or disability of the Secretary and the Under Secretary, and Assistant Secretary for Legislation, the Commissioner of Social Security shall represent the Secretary.

(b) Authority conferred by sections 218(j), 706, 1813(b)(2), 1839(b)(2), 1867 and 1868 of the Social Security Act, as amended, shall be exercised only by the Secretary.

(c) Authority to terminate agreements with States entered into pursuant to section 1864 of the Social Security Act, as amended, shall be exercised only by the Secretary.

Sec. 8.40 Redlegation of Authority. Authority contained in paragraph 8.20(a) of this statement may be redelegated by the Commissioner to such officers and employees of the Social Security Administration as he may deem appropriate, except that:

(a) Authority contained in paragraph 8.20(a)(3) of this statement may be redelegated only to the Deputy Commissioner of Social Security.

(b) Agreements and modifications of agreements under sections 218, 221(b), 1816(a), 1842(a), 1843(a), 1864(a), 1866(a), or 1874 of the Social Security Act, as amended, shall be reviewed by the Office of the General Counsel for legal form and substance.

(c) Authority conferred by section 218(g)(2) of the Social Security Act, as amended, shall be exercised only by the Commissioner and the Deputy Commissioner of Social Security. Notwithstanding such limitation, the Commissioner may redelegate the authority to terminate an agreement with respect to one or more coverage groups in any case where a State waives the required notice and hearing provided in section 218(g)(2) of the Act, as amended, and consents to the removal of a group or groups from the agreement because the group(s) is dissolved, or is no longer legally able to function although not legally dissolved.

(d) Authority conferred by section 218(s) of the Social Security Act, as amended, shall be exercised only by the Commissioner of Social Security. Notwithstanding such limitation, the Commissioner may redelegate the authority to grant, upon application by a State and for "good cause" shown, extensions of the time allowed for filing additional information or argument in connection with a request for review filed pursuant to section 218(s).

(e) Authority conferred by section 1866(d) of the Social Security Act, as amended, to withhold payment for inpatient hospital services or for posthospital extended care services for failure to make timely utilization reviews, shall be exercised only by the Commissioner and Deputy Commissioner of Social Security.

(f) Authority conferred by sections 1816(b) and 1842(b)(2) of the Social Security Act, as amended, where the determination is that an agency, organization, or carrier will be unable to carry out the terms of an agreement (contract), shall be exercised only by the Commissioner of Social Security.

(g) Authority conferred by sections 1816(e)(2) and 1842(b)(4) to terminate an agreement (contract) with an agency, organization, or carrier shall be exercised only by the Commissioner of Social Security: *Provided further*, That

he shall exercise such authority only after (1) such agency, organization, or carrier has been given an opportunity to request (within such time as is provided for by regulations) the Secretary to review the Commissioner's conclusions and findings and, where such request is made (2) the Secretary has declined to review or has concurred in the Commissioner's proposal to terminate such agreement (contract).

(Sec. 6, Reorganization Plan No. 1 of 1953)

Approved: March 14, 1967.

[SEAL]

WILBUR J. COHEN,
Acting Secretary.

[P.R. Doc. 67-3129; Filed, Mar. 21, 1967;
8:49 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING REGIONAL COUNSEL,
REGION III (ATLANTA)

Designation

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

1. Assistant Regional Counsel for Metropolitan Development.
2. Assistant Regional Counsel for Housing Assistance.

(Authority delegated effective May 4, 1962,
27 F.R. 4319, May 4, 1962; Dept. Interim Order
II, 31 F.R. 815, Jan. 21, 1966)

Effective as of the 22d day of March
1967.

EDWARD H. BAXTER,
Regional Administrator,
Region III.

[P.R. Doc. 67-3099; Filed, Mar. 21, 1967;
8:46 a.m.]

ACTING ASSISTANT REGIONAL AD- MINISTRATOR FOR PROGRAM CO- ORDINATION AND SERVICES, RE- GION III (ATLANTA)

Designation

The officers appointed to the following listed positions in Region III (Atlanta) are hereby designated to serve as Acting Assistant Regional Administrator for Program Coordination and Services, Region III, during the absence of the Assistant Regional Administrator for Program Coordination and Services, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Program Coordination and Services: *Provided*, That no officer is authorized to serve as Acting Assistant Regional Ad-

ministrator for Program Coordination and Services unless all other officers whose titles precede his in this designation are unable to serve by reason of absence:

1. Director, Planning Branch.
2. Director, Economic and Market Analysis Branch.
3. Director, Relocation Branch.
4. Director, Workable Programs Branch.

(Authority delegated effective May 4, 1962, 27 F.R. 4319, May 4, 1962; Dept. Interim Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of the 22d day of March 1967.

EDWARD H. BAXTER,
Regional Administrator,
Region III.

[P.R. Doc. 67-3100; Filed, Mar. 21, 1967;
8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-255]

CONSUMERS POWER CO. (PALISADES PLANT)

Notice of Issuance of Provisional Construction Permit

Please take notice that, pursuant to the initial decision of the Atomic Safety and Licensing Board, dated March 13, 1967, the Director of the Division of Reactor Licensing has issued Provisional Construction Permit No. CPPR-25 to Consumers Power Co. for the construction of a pressurized water reactor, designed to operate initially at power levels up to 2,200 megawatts (thermal) and designated as the Palisades Plant, to be located at the company's site in Covert Township, Van Buren County, Mich., approximately 4½ miles south of South Haven, Mich.

A copy of the initial decision is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 14th day of March 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director.

Division of Reactor Licensing.

[P.R. Doc. 67-3081; Filed, Mar. 21, 1967;
8:45 a.m.]

DELAWARE RIVER BASIN COMMISSION

WATER QUALITY STANDARDS

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Thursday, March 30, 1967, on proposed water quality standards for all surface waters in the Delaware River Basin exclusive of the Delaware River Estuary and the tidal sections

of streams tributary thereto. The hearing will be held in the auditorium of the East Stroudsburg Area Joint High School, North Courtland Street, East Stroudsburg, Pa., beginning at 9:30 a.m.

The hearing will be held for the purposes required by Articles 5 and 13 of the Delaware River Basin Compact and section 10 of the Federal Water Pollution Control Act, as amended (P.L. 89-753). For the purposes of the Federal Water Pollution Control Act, as amended, the Commission will conduct the hearing for itself and on behalf of the New Jersey Department of Health.

The proposed standards would replace existing interstate water quality standards relating to Zone 1 which appear in Addendum No. 1, section VII, of the Comprehensive Plan, and also would replace section XII (Primary Treatment) as added to the Comprehensive Plan by Resolution No. 65-3.

Article I of the attached standards would apply to all streams in Delaware River Basin. Article II would apply only to Interstate Waters. The hearing will include:

1. Interstate waters.

Main stem of the interstate Delaware River from Hancock, N.Y., to Trenton, N.J.

East and West Branches Delaware River and their tributaries in New York and Pennsylvania.

Sand Pond Creek and its tributaries in Pennsylvania and New York.

Neversink River-Clove Brook in New Jersey and New York.

Brandywine, Red Clay and White Clay Creeks and their tributaries in Pennsylvania and Delaware.

Christina River and its tributaries in Pennsylvania, Delaware and Maryland.

Naaman Creek in Pennsylvania and Delaware.

2. State of New York.

All streams that drain directly or indirectly into the Delaware River, including (for example) the Mongaup and Neversink Rivers and their tributaries.

3. State of New Jersey.

All streams that drain directly or indirectly into the Delaware River, Estuary or Bay, including (for example) Paulins Kill, Pequest, Pohatcong, and Musconetcong Rivers and their tributaries; Assunpink, Crosswicks, Rancocas, and Alloways Creeks and their tributaries; Cooper, Cohansy, and Maurice Rivers and their tributaries.

4. Commonwealth of Pennsylvania.

All streams that drain directly or indirectly into the Delaware River or Estuary, including (for example) Lackawaxen, Lehigh, and Schuylkill Rivers and their tributaries; Equinunk, Brodhead, Neshaminy, Darby, and Chester Creeks and their tributaries.

5. State of Delaware.

All streams that drain directly or indirectly into the Delaware River Estuary or Bay, including (for example) Smyrna, St. Jones, Murderkill, and Mispillion Rivers and their tributaries; Broadkill Creek and its tributaries.

Any individual or organization may be heard regardless of any previous hearing in the States of New York, New Jersey, Pennsylvania, or Delaware. Those wishing to testify are requested to register with the Secretary to the Commission

either by mail or telephone (609-883-9500) not later than 5 p.m. on March 28. Written statements from those who cannot attend will be made a part of the record if mailed or delivered before the hearing is adjourned.

W. BRINTON WHITALL,
Secretary.

MARCH 14, 1967.

WATER QUALITY STANDARDS FOR THE DELAWARE RIVER BASIN

ARTICLE I

Basinwide

Water uses:

Uses paramount. Water uses shall be paramount in determining stream quality objectives which, in turn, shall be the basis for determining effluent quality requirements.

Uses to be protected. The quality of Basin waters shall be maintained in a safe and satisfactory condition for the following uses: (a) agricultural, industrial, and public water supplies after reasonable treatment, except where natural salinity precludes such uses; (b) wildlife, fish and other aquatic life; (c) recreation; (d) navigation; (e) controlled and regulated waste assimilation in reasonable compatibility with other uses; and (f) such other uses as may be provided by the Comprehensive Plan.

Stream quality objectives:

Limits. The waters of the Basin shall not contain substances attributable to municipal, industrial, or other discharges in concentrations or amounts sufficient to preclude the specified water uses to be protected. Within this requirement, the waters shall be substantially free from unsightly or malodorous nuisances due to floating solids, sludge deposits, debris, oil, scum, substances in concentrations or combinations which are toxic or harmful to human, animal, plant, or aquatic life, or that produce color, taste, odor, or taint fish or shellfish flesh. Limiting concentrations of arsenic, barium, cadmium, chromium, cyanide, fluoride, lead, selenium, and silver shall not exceed the values given for rejection of drinking water supplies in the USPHS Drinking Water Standards.

Effluent quality requirements:

Minimum treatment. Wastes shall receive a minimum of secondary treatment except where provided otherwise by the Commission.

Disinfection. Wastes (exclusive of stormwater bypass) containing human excreta shall be effectively disinfected before being discharged into surface bodies of water.

Public safety. Effluents shall not create a menace to public health or safety at the point of discharge.

Limits. Discharges shall not contain more than negligible amounts of debris, oil, scum or other floating materials, suspended matter which will settle to form sludge, toxic substances or substances that produce color, taste, odor, or taint fish or shellfish flesh.

Other considerations:

Combined sewers. Any new facility or project combining sanitary or industrial waste with stormwater drainage which would have a substantial effect on the quality of waters of the Basin shall not be permitted, whether or not any such project or facility discharges into an existing combined system.

Access and reports. The Commission, or its duly authorized representatives, shall have access, at reasonable hours, to observe and inspect waste treatment facilities and to collect samples for analyses. Upon written request, operation reports shall be submitted to the Commission.

Zones. The Delaware River and Bay and their tributaries may be divided into zones which will facilitate the management of surface and underground water quality. The required percentage reduction of biochemical oxygen demand of all wastes will be uniform within zones.

Streamflow. Numerical stream quality objectives are based on minimum 7-day flow with a 10-year recurrence interval.

Definitions:
Biochemical oxygen demand. Biochemical oxygen demand as determined under standard laboratory procedures for 5 days at 20° C.

Carbonaceous oxygen demand. That part of the ultimate oxygen demand associated with biochemical oxidation of carbonaceous, as distinct from nitrogenous, material.

Effective disinfection. The destruction of pathogenic organisms in such manner and under such controls as shall be prescribed by Commission regulations.

Secondary treatment. The removal of practically all suspended solids and the reduction of the biochemical oxygen demand by at least 85 percent.

River mile. The distance, in statute miles, of a location or item measured from "mile zero."

Delaware Bay and River. Mile zero is located at the intersection of the centerline of the navigation channel and a line between the Cape May Light and the tip of Cape Henlopen. Distances from mile zero are measured essentially along the centerline of the navigation channel up to the Trenton-Morrisville Toll Bridge (R.M. 133.4) and above that point along the State boundary line as shown on published quadrangle maps of the U.S. Geological Survey.

Tributaries. Mile zero is located at the intersection of the centerline of the tributary and a line joining the opposite banks at its mouth. Distances from mile zero are measured along the centerline of the tributary.

ARTICLE II

Interstate Streams—Nontidal

Zones:

1A. That part of the Delaware River extending from the confluence of the East and West Branches of the Delaware River at Hancock, N.Y., R.M. (River Mile) 330.7, to the U.S. Route 106 bridge at Narrowsburg, N.Y., R.M. 289.9.

1B. That part of the Delaware River extending from the U.S. Route 106 bridge at Narrowsburg, N.Y., R.M. 289.9, to the U.S. Routes 6 and 209 bridge at Port Jervis, N.Y., R.M. 254.75.

1C. That part of the Delaware River extending from the U.S. Routes 6 and 209 bridge at Port Jervis, N.Y., R.M. 254.75, to Tocks Island Dam, R.M. 217.0 (proposed axis of dam).

1D. That part of the Delaware River extending from Tocks Island Dam, R.M. 217.0 (proposed axis of dam), to R.M. 185.0, above Easton, Pa.

1E. That part of the Delaware River extending from R.M. 185.0, above Easton, Pa., to the head of tidewater at Trenton, N.J., R.M. 133.4 (Trenton-Morrisville Toll Bridge).

2. All of the East Branch Delaware River extending from its source in the town of Roxbury, Delaware County, N.Y., to its mouth at Hancock, N.Y., at R.M. 330.7 on the Delaware River.

W1. All of the West Branch Delaware River extending from its source in the town of Jefferson, Schoharie County, N.Y., to its mouth at Hancock, N.Y., at R.M. 330.71 on the Delaware River.

W2. All of Sand Pond Creek extending from R.M. 1.8 at the confluence of Sherman Creek and Starboard Creek in Pennsylvania to its mouth in New York at R.M. 10.45 on

the West Branch Delaware River; all of Cat Hollow Brook extending from its source in New York to its mouth in Pennsylvania at R.M. 1.05 on Sand Pond Creek; all of Sherman Creek in Pennsylvania extending from its source to its mouth at R.M. 1.8 on Sand Pond Creek; all of an unnamed tributary of Sherman Creek extending from its source in New York to its mouth in Pennsylvania at R.M. 1.6 on Sherman Creek; and all of Starboard Creek extending from its source in Lake Oquaga in New York to its mouth in Pennsylvania at R.M. 2.01 on Sand Pond Creek.

N1. That part of the Neversink River extending from R.M. 0.5 at its confluence with Clove Brook to its mouth on the Delaware River at R.M. 253.64.

N2. All of Clove Brook extending from its source in Steeny Kill Lake in New Jersey to its mouth in New York at R.M. 0.5 on the Neversink River; all of an unnamed tributary of Clove Brook extending from its source in New York to its mouth in New Jersey at R.M. 1.0 on Clove Brook; and all of an unnamed tributary to the above unnamed tributary of Clove Brook extending from its source in New York to its mouth in New Jersey at R.M. 0.7 on the unnamed tributary of Clove Brook.

C1. That part of the Christina River extending from its source in Pennsylvania to the head of tide at R.M. 16.3 at the outlet of Smalley's Pond in Delaware.

C2. All of the West Branch Christina River extending from its source in Maryland to its mouth on the Christina River in Delaware at R.M. 25.7; all of Persimmon Run extending from its source in Maryland to its mouth on the West Branch Christina River in Delaware at R.M. 0.8; and all of

the East Branch Christina River extending from its source in Pennsylvania to its mouth on the Christina River in Delaware at R.M. 30.2.

C3. That part of White Clay Creek extending from the confluence of the East and West Branches of White Clay Creek in Pennsylvania at R.M. 15.9 to R.M. 14.7 at the Pennsylvania-Delaware State line and all of the East Branch White Clay Creek extending from its source to its mouth on White Clay Creek at R.M. 15.9.

C4. That part of White Clay Creek extending from R.M. 14.7 at the Pennsylvania-Delaware State line to its mouth on the Christina River in Delaware at R.M. 10.0.

C5. That part of Red Clay Creek extending from the confluence of the East and West Branches of Red Clay Creek in Pennsylvania at R.M. 13.4 to R.M. 12.6 at the Pennsylvania-Delaware State line and all of West Branch Red Clay Creek extending from its source to its mouth on Red Clay Creek at R.M. 13.4.

C6. That part of Red Clay Creek extending from R.M. 12.6 at the Pennsylvania-Delaware State line to its mouth on White Clay Creek in Delaware at R.M. 2.6.

C7. That part of Brandywine Creek extending from the confluence of the East and West Branches of Brandywine Creek in Pennsylvania at R.M. 20.0 to the head of tide at R.M. 2.0 at the Market Street Bridge in Wilmington, Delaware, and all of West Branch Brandywine Creek extending from its source to its mouth on Brandywine Creek at R.M. 20.0.

C8. All of Naaman Creek extending from its source in Pennsylvania to its mouth on the Delaware River in Delaware at R.M. 77.55.

SUMMARY OF PROPOSED STANDARDS

	Zone	Water uses	Stream quality objectives	Effluent quality requirements
				(4)
	(1)	(2)	(3)	(4)
1A	Delaware River, Hancock to Narrowsburg	ABCDF	A1, B1, C1, D, E, F	A
1B	Delaware River, Narrowsburg to Port Jervis	ABDEF	A2, B3, C1, D, E, F	A
1C	Delaware River, Port Jervis to Tocks Island	ABDEF	A2, B3, C1, D, E, F	A
1D	Delaware River, Tocks Island to Easton	ABDEF	A2, B3, C1, D, E, F	A
1E	Delaware River, Easton to Trenton	ABDEF	A2, B4, C1, D, E, F, H	A
2	East Branch Delaware River	ABCF	A1, B1, C1, D, E, F	A
W1	West Branch Delaware River	ABCF	A1, B1, C1, D, E, F	A
W2	Sand Pond Creek, Cat Hollow Brook, Sherman Creek, Starboard Creek	ABCF	A1, B1, C1, D, E, F	A
N1	Neversink River, R.M. 0.0 to 0.5	ABF	A2, B3, C2, D, E, F	A
N2	Clove Brook and its interstate tributaries	ABCF	A1, B1, C2, D, E, F	A
C1	Christina River above Smalley's Pond	ABF	A2, B4, C1, D, E, F	A
C2	East and West Branches Christina River, Persimmon Run	ABF	A2, B4, C1, D, E, F	A
C3	White Clay Creek in Pennsylvania and East Branch White Clay Creek	ABCF	A1, B1, C1, D, E, F	A
C4	White Clay Creek in Delaware	ABF	A2, B4, C1, D, E, F	A
C5	Red Clay Creek in Pennsylvania and West Branch Red Clay Creek	ABCF	A1, B1, C1, D, E, F	A
C6	Red Clay Creek in Delaware	ABF	A2, B4, C1, D, E, F	A
C7	Brandywine Creek and West Branch Brandywine Creek	ABDF	A2, B2, C1, D, E, F, G	A
C8	Naaman Creek	ABF	A2, B4, C1, D, E, F	A

Classification Footnotes

Water uses:

- Agricultural, industrial, and public water supplies after reasonable treatment.
- Wildlife, maintenance and propagation of resident game fish and other aquatic life.
- Maintenance and propagation of trout.
- Spawning and nursery habitat for anadromous fish.
- Passage of anadromous fish.
- Recreation.

Stream quality objectives:

- Dissolved oxygen:
 - Not less than 5.0 mg/l.
 - Not less than 4.0 mg/l.
- Temperature:
 - Not to exceed 5° F. rise above natural temperature when stream temperature is

below 70° F.; natural temperature will prevail above 70° F.

2. Not to exceed 5° F. rise above natural temperature or a maximum of 85° F., whichever is less.

3. Not to exceed 5° F. rise above natural temperature or a maximum of 87° F., whichever is less.

4. Not to exceed 5° F. rise above natural temperature or a maximum of 93° F., whichever is less.

C. pH:

- Between 6.0 and 8.5.
- Between 6.5 and 8.5.
- Phenols—not to exceed 0.005 mg/l.
- Threshold odor number—not to exceed 24 at 60° C.
- Synthetic detergents (M.B.A.S.)—not to exceed 0.5 mg/l.

G. Fluorides—not to exceed 1.0 mg/l.
H. Alkalinity—not less than 20 mg/l.

Effluent quality requirements:

A. All discharges shall meet the effluent quality requirements of Article I. The biochemical oxygen demand shall be reduced at all times by at least 85 percent. The carbonaceous oxygen demand from any outfalls (exclusive of stormwater bypass) shall not exceed such amounts as may be assigned by the Commission.

[P.R. Doc. 67-3084; Filed, Mar. 21, 1967; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

T. J. HANSON, INC., ET AL.

Notice of Agreements Filed for Approval and Cancellation

Notice is hereby given that the following freight forwarder cooperative working agreements have 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 agreements at the Washington office of the Federal Maritime Commission, 1321 H. Street NW., Room 609. 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 30 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement or request for a hearing should also be forwarded to each of the parties to the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Unless otherwise indicated, these agreements are nonexclusive, cooperative working agreements under which the parties may perform freight forwarding services for each other. Forwarding and service fees are to be agreed upon on each transaction. Ocean freight compensation is to be divided as agreed between the parties.

T. J. Hanson, Inc., Beaumont, Tex., and J. W. Allen & Co., Inc., New Orleans, La. FF-3282
Norman G. Jensen, Inc., Minneapolis, Minn., and Norton & Ellis, Inc., Norfolk, Va. FF-3283
Rohner, Gehrig & Co., Inc., New York, N.Y., and Admiral Shipping Corp., Houston, Tex. FF-3284
Lep Transport, Inc., New York, N.Y., and V. G. Nahrgang Co., Detroit, Mich. FF-3285
J. T. Steeb & Co., Inc., Portland, Oreg., and Evans International, New York, N.Y. FF-3286
Foreign Forwarding of Milwaukee, Milwaukee, Wis., and Norton & Ellis, Inc., Norfolk, Va. FF-3287
John S. Connor, Inc., Baltimore, Md., and Argus Shipping Co., Inc., New York, N.Y. FF-3289
Wilmington Shipping Co., Wilmington, N.C., and Heemsoth-Kerner Corp., New York, N.Y. FF-3290
Rohner, Gehrig & Co., Inc., New York, N.Y., and Charleston Overseas Forwarders, Inc., Charleston, S.C. FF-3291
American Express Co., New York, N.Y., and Grieve & Mitchell Shipping, Inc., New Orleans, La. FF-3292

L. A. Fern Co., Inc., New York, N.Y., and Norton & Ellis, Inc., Norfolk, Va. FF-3293
American Union Transport Forwarding, Inc., New York, N.Y., and Waters Shipping Co., Wilmington, N.C. FF-3294

NOTICE OF AGREEMENT SUBJECT TO CANCELLATION

Notice is hereby given that the following independent ocean freight forwarder cooperative working agreements approved by the Commission pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814) is scheduled for cancellation inasmuch as in accordance with the terms therein the parties to the agreement have requested in writing that the agreement be terminated.

George M. Leininger Co., Inc., New Orleans, La., and Presto Shipping Agency, Inc., New York, N.Y. FF-1636

Dated: March 17, 1967.

THOMAS LISI,
Secretary.

[P.R. Doc. 67-3141; Filed, Mar. 21, 1967; 8:50 a.m.]

PORT OF SEATTLE AND OLYMPIC STEAMSHIP CO.

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H. Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by

Mr. T. P. McCutchan, Post Office Box 1209, Seattle, Wash. 98111.

Agreement No. T-2026 between the Port of Seattle (Port) and Olympic Steamship Co. (Olympic) provides for the lease of a transit shed on Pier 25, and preferential use of the South Dock apron at a fixed monthly rental. Port reserves the right to assign the dock apron and berth area for other users provided such use does not unreasonably interfere with Olympic's operations. Port will collect dockage fees from all vessels using the berth.

Dated: March 17, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[P.R. Doc. 67-3142; Filed, Mar. 21, 1967; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 67-331]

STANDARD BROADCAST STATIONS

Operating Hours

MARCH 17, 1967.

The Commission is receiving a considerable number of inquiries from AM broadcast stations concerning the enactment of the Uniform Time Act of 1966 and its effect on their hours of operation.

As in the past, the operation of AM broadcast stations will, as expressly provided in their licenses, be geared to local standard time throughout the year.

The Uniform Time Act (Public Law 89-387, approved April 13, 1966) specifies 2 a.m. on the last Sunday in April through 2 a.m. on the last Sunday of October as the period for the observance of daylight saving time within those jurisdictions electing to adopt it. However, as noted in the accompanying Committee Report (Rept. No. 268 on S. 1404, 89th Cong., 1st sess.), the new legislation is not intended to affect operating hours of AM broadcast stations.

By way of explanation, skywave interference problems occurring at night and during transitional hours are a function of the degree of light or darkness along transmission paths. Hence, the Commission's calculations of sunrise and sunset times must reflect actual "sun time" averages at given locations for each month of the year. For convenience, "sun time" is expressed in local standard time. Since "sun time" is not influenced by arbitrary clock settings, the local or statewide adoption of daylight saving time cannot serve to change prescribed hours of sign-on, sign-off, or shifts in modes of operation as set forth in license documents issued by the Commission.

The Commission is aware that the listening habits of communities are affected by the adoption of daylight saving time, often to the detriment of daytime-only stations attempting to reach the early morning audience. As indicated above, however, this cannot be properly taken into account by the Commission for standard broadcast allocation purposes. By the same token, existing presunrise operating privileges and share time arrangements remain unaffected by the new legislation.

Adopted: March 15, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 67-3134; Filed, Mar. 21, 1967; 8:49 a.m.]

[Canadian Change List 223]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections in Assignments

MARCH 3, 1967.

Notification under the provision of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes and corrections in assignment of Canadian broadcast stations modifying appendix containing assignments of Canadian stations (Mimeograph No. 47214-3) attached to the recommendation of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
CHFI (change in daytime pattern).	Toronto, Ontario	680 kilocycles 1 kw D/10 kw N.	DA-2	U	II	E.I.O. 8-1-67.
CHFI (increase nighttime power).	Toronto, Ontario	680 kilocycles 1 kw D/25 kw N.	DA-2	U	II	E.I.O. 3-1-68.
New (change in site and mode of operation from that notified in list No. 172).	Ottawa, Ontario	1150 kilocycles 10 kw D/5 kw N.	DA-2	U	III	E.I.O. 3-1-68.
CFLK (now in operation).	Kapuskasing, Ontario	1250 kilocycles 0.10 kw	ND	U	IV	
New	Wabush, Labrador-Newfoundland.	1250 kilocycles 0.25 kw	ND	U	IV	E.I.O. 3-1-68.
New (change in nighttime pattern from that notified in list No. 210).	Sherbrooke, Quebec	1510 kilocycles 10 kw	DA-2	U	II	E.I.O. 8-1-67.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[SEAL]

[F.R. Doc. 67-3135; Filed, Mar. 21, 1967; 8:49 a.m.]

[Docket No. 16828; FCC 67-342]

AMERICAN BROADCASTING COMPANIES, INC.

Further Order on Petition for Reconsideration Designating Matter for Hearing

In the matter of applications by American Broadcasting Companies, Inc.; for assignment of licenses of stations: WABC, WABC-FM, WABC-TV, New York, N.Y., WLS-FM, WBKB, Chicago, Ill., KGO, KGO-FM, KGO-TV, San Francisco, Calif., KABC, KABC-FM, KABC-TV, Los Angeles, Calif.; for transfer of control of stations: WLS, Chicago, Ill., KQV and KQV-FM, Pittsburgh, Pa., WXYZ, WXYZ-FM, WXYZ-TV, Detroit, Mich.; and for assignments and transfer of ancillary radio facilities; Docket No. 16828.

1. The Commission has before it for consideration: The petition of the Department of Justice for reconsideration of the memorandum opinion and order (FCC 66-1186) issued on December 21, 1966, in this proceeding; the opposition of ABC and ITT to the petition for reconsideration; the reply by the Department to the opposition; the material filed by the Department and the applicants pursuant to the Commission's order on petition for reconsideration (FCC 67-175) issued on February 1, 1967; a petition for reconsideration and leave to intervene filed on February 2, 1967, by the American Civil Liberties Union, Inc. (ACLU); a corrected petition of the ACLU filed on February 20, 1967; a re-

quest by Gerald Gottlieb for leave to appear as amicus curiae; oppositions of ABC and ITT to the ACLU and Gottlieb pleadings; and the entire record herein. The pertinent background and procedural posture of the proceeding are set forth in the order of February 1, 1967 (FCC 67-165).

2. Both in the decision of December 21, 1966, and in the order of February 1, 1967, the Commission stressed the importance of this proceeding and its desire to secure all possible assistance and information in resolving the issues. We particularly emphasized our desire to know and consider what evidence the Department of Justice has relating to this matter, and therefore provided an opportunity for disclosure of the Department's evidence prior to ruling on its petition for reconsideration.

3. In line with our February 1, 1967, order, we shall afford the Department the opportunity to adduce evidence on the matters specified in its filings. Such evidence will be adduced under broad issues to insure a full record (see par. 8(ii) within), but we emphasize that the specific matters at issue have been very substantially narrowed by the filings of the Department and the applicants in response to the February 1, 1967, order. The existing record, including all of the evidence, statements and material filed pursuant to our order of February 1, 1967, will, of course, be incorporated with the record of the further hearing. It will thus not be necessary for any of the parties to repeat any presentation previously made to the Commission.

4. Counsel for the Broadcast Bureau will also participate to insure that the record, as supplemented, is complete. At this posture, we think it appropriate that the Department of Justice and Bureau counsel proceed initially with the introduction of evidence on the issues. After such evidence has been adduced, the burden will be upon the applicants to proceed; the ultimate burden of proof on the applications remains, of course, on the applicants. The Department and Bureau counsel will be afforded appropriate opportunity for rebuttal.

5. The public interest requires that the supplemental proceeding be conducted as expeditiously as possible without prejudice to the compilation of a full record. This important matter has been before us for a considerable period of time and has been the subject of a final decision. The present posture of this proceeding is highly unsettling and affects planning in the vital national network area of the broadcasting industry. Considering the history of this matter before the Commission, the policy implications of the issues, and, particularly, the public interest in a prompt settlement of the present uncertainty, we think that expedition is required. Accordingly, the Commission finds that due and timely execution of its functions in this matter imperatively and unavoidably requires that the Examiner certify the record as supplemented, upon its closing, immediately to the Commission for final decision. Pursuant to the February 1, order, the Department and the applicants have already exchanged and filed with the Commission copies of the exhibits and documentary evidence upon which they intend to rely and have identified, and summarized the testimony of, witnesses they are prepared to call. Thus, no extensive prehearing procedure or further period of preparation for the supplementary hearing is necessary. We also direct the Examiner (i) to exclude irrelevant, immaterial or unduly repetitious evidence, and (ii) to limit examination or cross-examination of witnesses, where he deems that the matter is carried beyond any useful purpose. Expedition also requires that the parties adhere to the prescribed time schedules for the conduct of the hearing and the filing of pleadings. These instructions will facilitate expedition in the hearing process, without in any way derogating from the full record we seek.

6. We will by this order schedule a prehearing conference on March 23, 1967, and the hearing will commence on March 27, 1967, with a daily transcript delivered to each Commissioner. The parties may file proposed findings of fact and conclusions of law within 5 business days after the date that the record is closed. Oral argument will be held 15 days (or as soon thereafter as possible) after the date the record is closed. Thereafter, the Commission will promptly issue a decision determining whether the memorandum opinion and order of December 21, 1966, should be affirmed, modified or set aside. Pending

that determination we will stay the effectiveness of the memorandum opinion and order.

7. The ACLU petition for reconsideration and leave to intervene will be denied. This petition, first filed on February 2, 1967, is untimely in seeking reconsideration of the December 21, 1966, decision, does not show good reason for failure to participate at an earlier stage of the proceedings, and is insufficient in other respects. We have not been shown that participation by the ACLU as a party would serve any useful purpose. We note that the only witness proposed by the ACLU, Mr. Sidney W. Dean, is being offered by the Department of Justice and that the arguments of the ACLU are not materially different from those of the Department. However, we invite the ACLU to tender a statement as amicus curiae within 10 days of the close of the supplemented record, including in such statement a showing how ACLU's participation as amicus curiae would serve a useful purpose. We will then rule whether such participation by ACLU will be permitted.¹

8. Accordingly, the Commission orders this 16th day of March 1967,

(i) That the petition of the Department of Justice for stay of the Commission's memorandum opinion and order of December 21, 1966, in Docket No. 16828 is granted and the effectiveness of that order is stayed pending further order of the Commission.

(ii) That the record in Docket No. 16828 is reopened for purpose of adducing supplementary evidence² and the matter is designated for hearing before Chief Hearing Examiner James D. Cunningham, to commence at 9 a.m., March 27, 1967, in Room 7134, New Post Office Building, Washington, D.C., upon the following issues:

(1) To determine the benefits to the public interest from the proposed merger;

(2) To determine the detriments to the public interest from the proposed merger; and

(3) To determine, in light of the evidence adduced on the above issues and the entire record, whether the public interest will be served by a grant of the applications.

(iii) That the record heretofore compiled in this proceeding shall be incorporated in the supplementary hearing.

(iv) That the Commission's Broadcast Bureau is made a party to the proceeding.

(v) That a prehearing conference will be held on March 23, 1967.

(vi) That the Department of Justice and Bureau counsel shall proceed initially with the introduction of evidence on the issues; that the burden of proceeding with the introduction of evidence on the

issues shall then be upon the applicants, with the Department and Bureau counsel thereafter given appropriate opportunity for rebuttal; and that the ultimate burden of proof on the applications shall be upon the applicants.

(vii) That upon the closing of the supplemented record it shall be certified immediately to the Commission for a final decision affirming, modifying or setting aside the memorandum opinion and order of December 21, 1966.

(viii) That the parties shall file proposed findings of fact and conclusions of law within 5 business days after the date the supplemented record is closed and that oral argument thereon shall be specified by further order of the Commission, at a time 15 days after the date the record is closed, or as soon thereafter as possible.

(ix) That the petitions of the American Civil Liberties Union, Inc., for reconsideration and leave to intervene and the request of Gerald Gottlieb for leave to appear as amicus curiae are denied: *Provided, however,* That the American Civil Liberties Union, Inc., may tender a statement as amicus curiae within 10 days after the closing of the supplemented record, with the ruling on acceptance of such tender to be made at a later date.

Released: March 16, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,³

[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 67-3136; Filed, Mar. 21, 1967;
8:49 a.m.]

[Docket No. 16110 etc.; FCC 67-318]

CIRCLE L, INC., ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Circle L, Inc., Reno, Nev., Docket No. 16110, File No. BP-15413; Southwestern Broadcasting Co. (KORK), Las Vegas, Nev., Docket No. 16111, File No. BP-15441; 780, Inc., Las Vegas, Nev., Docket No. 16113, File No. BP-16273; Albert John Williams and Jack M. Reeder, doing business as Radio Nevada, Las Vegas, Nev., Docket No. 16115, File No. BP-16524; for construction permits.

1. WGN Continental Broadcasting Co., licensee of Class I-A Clear Channel standard broadcast station WGN in Chicago, Ill., seeks review of a Review Board memorandum opinion and order⁴ which added a limited financial issue concerning the financial qualifications of Albert John Williams and Jack M. Reeder, doing business as Radio Nevada. Radio Nevada is an applicant for a construction permit for a Class II-A station on 780 kc in Las Vegas, Nev., which was originally designated for hearing along

with seven other mutually exclusive applications.⁵

2. WGN requested the Review Board to add a financial issue to permit complete inquiry into all aspects of Radio Nevada's financial proposal after Radio Nevada filed a petition to amend its application. That amendment reflects the filing of an application by Tel-America Corp. (a wholly owned subsidiary of Trans-America Broadcasting Corp., which, in turn, is wholly owned by one of the partners of Radio Nevada, Albert John Williams) for assignment of license and construction permit of Station KAIL-TV, a UHF television station in Fresno, Calif.

3. The Review Board determined that a cash outlay of \$542,656 was needed to finance the Las Vegas and Fresno proposals. This amount was based upon estimates submitted by Reeder and Williams of \$258,375 for Las Vegas and of \$284,281 for Fresno. To meet this requirement Reeder committed \$58,106, Williams committed \$279,047, and they have obtained bank loans of \$109,333 for a total of \$446,486. Therefore, the Board concluded that \$96,170 would be required to make up the difference between anticipated first year cash requirements and funds already committed to these proposals. WGN argued before the Board that Radio Nevada had not demonstrated the accuracy of its estimate of first year cash requirements, its cost estimates for the first year of operation, and the availability of funds allegedly committed. The Board granted WGN's motion in part and enlarged the issues to determine whether the Las Vegas and the Fresno proposals may reasonably expect combined first year operating revenues of \$96,170, and if not, whether Radio Nevada has other funds available to make up the deficiency. However, the Board refused to add a financial issue concerning the other aspects of Radio Nevada's proposal because the Board believed that the matters raised by WGN were entirely speculative and involved only minor details in the overall proposal.

4. Board Member Slone dissented to the limited financial issue because he felt that a substantial question was raised as to whether the funds committed by Radio Nevada would in fact be available. He questioned Reeder's ability to provide his commitment of \$58,106, noting that this would exhaust his net worth of \$58,106.24. Furthermore, he noted that Reeder relies upon stocks which had a market value of \$12,262.50, but which have depreciated substantially since he filed his financial statement. As to Williams, Board Member Slone pointed out that the Fresno application contains two separate and inconsistent balance sheets listing \$248,699 of Williams' assets, which are described as cash and stocks in one balance sheet and as bank and savings and loan accounts in the other. For this reason, and because Williams has sworn that the Fresno proposal will have first

¹ We deny the request of Mr. Gerald Gottlieb to participate as amicus curiae, since such participation would not serve any useful purpose.

² For ease in studying the record, all documentary evidence should be given an identification consistent with the identification sequence applied to evidence previously submitted.

³ Joint abstaining statement of Commissioners Lee, Loevinger, and Wadsworth filed as part of original document.

⁴ FCC 66R-501, released, as corrected, Dec. 22, 1966. Member Slone dissented and issued a statement; Chairman Berkemeyer was absent.

⁵ FCC 65-630, released July 21, 1965.

call over the Las Vegas proposal upon the total assets, Slone concluded that the issue should be broadened so that Williams' assets would be substantiated with more detail and so that the true amount available for the Las Vegas proposal could be ascertained.

5. WGN submits that the Board erred in adopting a limited financial issue which will determine only whether Radio Nevada may reasonably expect combined first year revenues or will have available additional funds of \$96,170 to make up the difference between anticipated first year cash requirements and funds already committed to these proposals. WGN argues first that Radio Nevada has not established the accuracy of its estimate of first year cost requirements. Although WGN concedes that the Board correctly combined the funds required for both the Las Vegas and Fresno proposals, WGN claims that the estimated construction and operating costs of both projects for the first year contain numerous ambiguities. WGN argues that, since Reeder will be deeply involved in the Las Vegas radio station and the Fresno UHF station, it is apparent that substantial transportation expenses must be borne or additional personnel must be hired at one or both stations. WGN then charges that the Board's decision entirely ignored the failure of Radio Nevada's revised cost estimate to explain: (a) The deferral of certain costs for professional services and (b) its reliance on reduced estimates of equipment costs. WGN argues that, since the Board has determined that an issue exists concerning the applicant's financial qualifications and since the applicant's itemization of costs has been challenged as inaccurate, incomplete, and unsubstantiated, a narrow issue is inappropriate. Applicant claims that under Ultravision, 1 FCC 2d 544 (1965), a realistic determination of the financial issue depends upon a valid cost estimate. Therefore, WGN concludes, an applicant whose cost estimate has been questioned should be required to justify this estimate through the processes of an evidentiary hearing.

6. WGN then argues that a substantial question exists concerning the availability of funds committed to Radio Nevada's radio and television proposals. WGN adverts to the breakdown of Reeder's and Williams' net liquid assets relied upon by the Board and argues that such reliance ignores reality as presented by Board Member Slone in his dissent. WGN points out that: (a) Reeder's securities listed as \$12,262.50 have depreciated to less than \$10,000; (b) his commitment of \$58,106 all but exhausts his net liquid worth; and (c) there is no cushion between Reeder's net worth and his commitment. Moreover, WGN argues that Reeder relies on \$27,498 allegedly available from refinancing his home. Since this figure is not based on an appraisal from a lending institution, but rather from a real estate broker, WGN argues that the Board erred in accepting this figure.

7. Similarly, WGN asserts that the Board erred in accepting a real estate

broker's appraisal as the basis of Williams' refinancing his personal residence and his mother's apartment properties. WGN then characterizes Williams' assets listed under "cash and listed stocks" and "cash in banks and savings and loan accounts" as meaningless since there is no further breakdown. This is especially true because of the fluctuation in market value of any securities included in this asset. Furthermore, WGN notes that, since \$52,815 of \$248,669 attributed to Williams is listed as an asset of Trans-America Broadcasting, a question exists as to whether this amount will actually be available to finance Radio Nevada in light of Williams' statement that the Fresno operation "will have first call over the Radio Nevada proposal upon the total assets of Williams and Trans-America, even if more than \$130,000 should be needed." For these reasons, WGN urges the Commission to add issues to determine whether Radio Nevada has prudently estimated its cash requirements and to determine whether it can reasonably rely on its proposed capital contributions so that a determination can be made on whether Radio Nevada is financially qualified to be a licensee.

8. The Broadcast Bureau opposes WGN's application for review and supports the Board's decision, since the Board has decided that WGN had not justified inquiry into these matters and has specifically rejected WGN's argument that additional money would be needed for staffing because of the multiple duties of the principals. The Bureau urges that the Board correctly found that WGN's views are based entirely upon speculation and that they question only minor details in implementing Radio Nevada's overall proposal. The Bureau states that it can find no justification for substituting WGN's views for the reasoned determination of the Board, particularly when the Board did not reject in toto WGN's request for enlargement of the issues.

9. Radio Nevada's opposition² charges that WGN is now merely reiterating its previous contention that some of Radio Nevada's cost estimates are so questionable as to require an evidentiary hearing thereon. Radio Nevada asserts that its cost estimates were attacked by WGN without any evidence that the figures were wrong or unrealistic. Radio Nevada then notes that WGN has questioned its cost estimate for the Las Vegas proposal which has now been reduced from \$200,000 to \$127,000 by an amendment which is attached to its opposition.³ Radio Nevada states that the amendment contains new credit arrangements and includes a detailed showing to substantiate

² On Jan. 16, 1967, Radio Nevada filed a motion to accept its late filed opposition. Since no party has objected to Radio Nevada's motion, it may be granted.

³ The petition to amend the application was granted by Examiner Honig on Jan. 27, 1967, FCC 67M-144. The Examiner accepted the amendment subject to the deletion of all references to reduction of expenses based on the elimination of three salesmen and one bookkeeper.

the availability of expected profits from the commonly owned station KTYM, Inglewood, Calif., which profits are available to Radio Nevada, if necessary. Although the Board refused to consider expected profits of \$60,000 per year from KTYM because "no evidence was submitted to support this figure nor was there a specific indication that it would be available to Radio Nevada." Radio Nevada contends that the new amendment eliminates these objections, thus providing an excess of financial resources. Radio Nevada requests the Commission to affirm the action of the Review Board.

10. In reply to the Bureau's opposition, WGN claims that the Board entirely ignored its specific challenges to Radio Nevada's cost estimates. WGN argues that no reference was made to Radio Nevada's inadequate estimate of \$1,200 for professional fees, to the cost estimate of the Fresno proposal and to the availability of funds from KTYM. WGN contends that the Board's failure to examine carefully these points as they relate to Radio Nevada's first year estimates ignores the mandate of Ultravision, supra. Turning to Radio Nevada's opposition, WGN points out that the financial portion of Radio Nevada's application, which was filed on July 10, 1964, was amended by financial amendments submitted on October 20, 1964, November 3, 1964, December 30, 1964, and January 21, 1965. After this proceeding was designated for hearing, WGN notes that petitions for leave to amend the financial portion of Radio Nevada's application were granted on October 26, 1965 (FCC 65M-1388), November 30, 1965 (FCC 65M-1545), November 8, 1966 (FCC 66M-1499), and finally January 27, 1967 (FCC 67M-144). WGN argues that these amendments are each part of Radio Nevada's continuing attempt to bridge the substantial gap between the resources available to it for financing its proposals and its prior estimates of its first year's costs. Since Radio Nevada's most recent financial amendment was not before the Board, WGN claims that it cannot be used by Radio Nevada as a basis for opposing this application for review, citing Community Broadcasting Service, Inc., 4 FCC 2d 379, 8 RR 2d 168 (1966). Even if the amendment were considered, WGN contends that it raises more questions than it answers, because it substantiates dissenting Board Member Slone's view that the market value of Reeder's securities has depreciated.⁴

11. Under the circumstances of this proceeding, we are persuaded that serious questions have been raised concerning the validity of Radio Nevada's cost estimates and its ability to provide the required capital to construct and operate its proposals for 1 year. Although Radio Nevada relies upon its most recent amendment to answer WGN's application for review, we agree with WGN that its amendment is not entitled to consideration at this juncture because the Board was not afforded an opportunity

⁴ The amendment lists their value at \$9,275, a depreciation of \$2,987.50.

to consider it as required by section 5(d) (5) of the Communications Act and § 1.115(c) of our rules. More importantly, however, Radio Nevada's attempted reliance upon this financial amendment may constitute some indication of its repeated endeavors to shore up its financial proposals throughout the course of this proceeding. Radio Nevada has revised its financial proposal in this proceeding no less than eight times in its attempt to satisfy our financial requirements. At the same time, Williams has cast serious doubt upon his ability to meet his financial commitment for the Radio Nevada application by his conflicting descriptions of the same assets in his Fresno and Las Vegas applications and by his affidavit in this proceeding which states that the Fresno proposal "will have first call over the Radio Nevada proposal upon the total assets of Williams and Trans-America even if more than \$130,000 should be needed."

12. We agree with WGN that a realistic determination of Radio Nevada's financial qualifications depends upon a valid cost estimate for its proposals and upon a stable and precise showing of personal resources to meet those costs. It is apparent from the discussion in the preceding paragraph that Radio Nevada's application does not presently meet those requirements, and the limited issue specified by the Review Board will not permit a determination to be made of these important elements reflecting upon Radio Nevada's financial qualifications. For these reasons, we are convinced that the Review Board's memorandum opinion and order should be set aside and that the issues herein should be enlarged to permit a full evidentiary hearing upon all aspects of Radio Nevada's financial proposal.

13. Accordingly, it is ordered, This 15th day of March 1967:

(a) That the motion to accept late filed opposition, filed on January 16, 1967, by Albert John Williams and Jack M. Reeder, doing business as Radio Nevada is granted;

(b) That the application for review, filed January 3, 1967, by WGN Continental Broadcasting Co., is granted to the extent reflected in this memorandum opinion and order;

(c) That the memorandum opinion and order (FCC 66R-501) released, as corrected, on December 22, 1966, by the Review Board is hereby set aside; and

(d) That the issues in this proceeding are hereby enlarged as follows:

To determine, with respect to Radio Nevada's financial proposal:

(a) The basis of Radio Nevada's—

(1) Estimate of construction costs, and

(2) Estimated operating expenses for the first year of operation;

(b) Radio Nevada's current financial position and whether sufficient funds are available to meet the cost of construction and one year's operation of the proposed station;

(c) The basis for Radio Nevada's estimate of revenues in its first year of operation, whether such estimate is reason-

able, the extent to which net operating revenues may be relied upon to yield necessary funds for the initial construction and one year's operating cost;

(d) Whether, in the light of the evidence adduced pursuant to items a, b, and c, Radio Nevada is financially qualified.

Released: March 17, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] • BEN F. WAPLE,

Secretary.

[F.R. Doc. 67-3137; Filed, Mar. 21, 1967;
8:49 a.m.]

[Docket Nos. 17258-17260; FCC 67M-447]

GAMMA TELEVISION CORP. ET AL.

Order Continuing Prehearing Conference

In re applications of Gamma Television Corp., Memphis, Tenn., Docket No. 17258, File No. BPCT-3599; John McLendon, trading as Tele/Mac of Memphis, Memphis, Tenn., Docket No. 17259, File No. BPCT-3762; Victor Muscat and Cliff Ford, doing business as Memphis Broadcasting Associates, Memphis, Tenn., Docket No. 17260, File No. BPCT-3787; for construction permit for new television broadcast station (Channel 24).

In order to accommodate a conflict in the Hearing Examiner's schedule:

It is ordered, This 16th day of March 1967, that the prehearing conference now scheduled for March 29, 1967, at 10 a.m., is continued to April 4, 1967, at 9 a.m. in the offices of the Commission at Washington, D.C.

Released: March 17, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,

Secretary.

[F.R. Doc. 67-3138; Filed, Mar. 21, 1967;
8:49 a.m.]

[Docket No. 17198; FCC 67M-440]

SAN FERNANDO BROADCASTING CO. (KSFV)

Order Changing Place of Hearing

In re application of Joseph M. Arnoff and Maurice H. Gresham doing business as San Fernando Broadcasting Co. (KSFV), Docket No. 17198, File No. BLH-2397; for license to cover construction permit authorizing a new FM broadcast station at San Fernando, Calif.

The Chief Hearing Examiner having under consideration a petition in behalf of the Commission's Broadcast Bureau, filed March 13, 1967, requesting a field hearing in the above-entitled proceeding;

It appearing, that, in its order of hearing designation herein, the Commission has placed upon the petitioner the burden of proceeding with the introduction of evidence under the primary issues in

the case, which will entail the testimony of a number of persons who are residents of the San Fernando area;

It appearing further, that the petition is not opposed by the applicant, the only other party to the proceeding; and that, as contended by the Bureau, "although an application for initial license is involved, the proceeding partakes of the nature of a renewal or revocation proceeding which, under Commission policy, is normally held in the community in which the station is located, particularly when this has been requested by one of the parties";

It appearing further, that petitioner shows good and sufficient cause for a grant of the relief sought:

It is ordered, This 16th day of March 1967, that the petition is granted and that the place of hearing in this proceeding is changed from Washington, D.C., to San Fernando, Calif.

Released: March 17, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,

Secretary.

[F.R. Doc. 67-3139; Filed, Mar. 21, 1967;
8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-585 etc.]

ALABAMA-TENNESSEE NATURAL GAS CO.

Order Amending Orders Issuing Certificates of Public Convenience and Necessity and Substituting Party in Pending Proceedings

MARCH 14, 1967.

On December 28, 1966, Alabama-Tennessee Natural Gas Co. (Petitioner) filed in Docket No. G-585 et al., a petition to amend the orders issuing it certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act by authorizing Petitioner to continue the sales and transportation of natural gas authorized therein as an Alabama corporation in lieu of as a Delaware corporation, all as more fully set forth in the petition. Petitioner also requests that the Alabama corporation be substituted in lieu of the Delaware corporation as party in all pending proceedings.

Petitioner has changed the state of its incorporation on January 1, 1967, from Delaware to Alabama without change in operations or corporate activity. The Alabama corporation proposes to adopt the tariff of the Delaware corporation.

After due notice no petition to intervene, notice of intervention or protest to the granting of the petition to amend has been received.

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity to Alabama-Tennessee Natural Gas Co., a Delaware corporation, are amended by authorizing the continuation of the sales and transportation of natural gas by

Alabama-Tennessee Natural Gas Co., an Alabama corporation; and in all other respects said orders shall remain in full force and effect.

(B) Alabama-Tennessee Natural Gas Co., an Alabama corporation, is substituted in lieu of Alabama-Tennessee Natural Gas Co., a Delaware corporation, in all proceedings pending before the Commission.

(C) This order shall be effective as of January 1, 1967, upon the submission by Petitioner of a certified copy of its certificate of incorporation in the State of Alabama on January 1, 1967.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3085; Filed, Mar. 21, 1967;
8:45 a.m.]

[Docket No. CP67-254]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

MARCH 14, 1967.

Take notice that on March 7, 1967, Consolidated Gas Supply Corp. (Applicant), 445 West Main Street, Clarksburg, W. Va. 26301, filed in Docket No. CP67-254 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas storage facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes the construction and operation of an additional 4,000 horsepower engine and related equipment in order to increase the deliverability of its Pink-Kennedy Storage Pools located in Harrison and Lewis Counties, W. Va. Applicant states that the increased deliverability will be used to meet normal growth in its market requirements. No new sales or service is proposed in this application.

Applicant estimates the cost of the proposed construction at approximately \$1,051,625, said cost to be financed by funds on hand and funds to be obtained from Applicant's parent corporation, Consolidated Natural Gas Co.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 12, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time re-

quired herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3086; Filed, Mar. 21, 1967;
8:45 a.m.]

COLORADO

Order Vacating Withdrawal of Lands in Project No. 979

MARCH 14, 1967.

Application was filed by the U.S. Forest Service, Department of Agriculture, for vacation of the power withdrawal pertaining to the following described lands of the United States located within the San Isabel National Forest:

NEW MEXICO PRINCIPAL MERIDIAN,
COLORADO

T. 46 N., R. 11 E.,
Sec. 11, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$.

The lands, comprising 120 acres, are located on or near North Lake Creek in the vicinity of Rainbow Lake in Custer County, Colo., and are withdrawn pursuant to the filing on April 11, 1929 of an application for license for Project No. 979. By letter dated April 30, 1929, the Commission gave notice of the power withdrawal of the lands to the then General Land Office, Department of the Interior.

The project structures originally consisted of a concrete diversion dam, a wood and steel penstock, a powerhouse containing less than 100 horsepower, and a transmission line about 2,600 feet long. Power generated by the project was used by the licensee for mining operations. By letter dated February 21, 1953, the last licensee of record for the project, informed the Commission that an insufficient supply of water had rendered operation of the project impractical. The license for the project expired in 1959.

The Commission finds: Inasmuch as the subject lands no longer have power value, and the power withdrawal of the lands serves no useful purpose, it should be vacated.

The Commission orders: The withdrawal of the subject lands pursuant to the application for Project No. 979 is hereby vacated.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3087; Filed, Mar. 21, 1967;
8:45 a.m.]

[Docket No. CP67-250]

NORTHERN NATURAL GAS CO.

Notice of Application

MARCH 14, 1967.

Take notice that on March 6, 1967, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP67-250 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate a 7,250 horsepower compressor unit at its Beaver, Okla. Compressor Station to compress volumes of natural gas from existing gathering systems presently connected to Applicant's system. Applicant states that it is necessary to compress the gas from these gathering systems due to gas purchase obligations under contracts with Producers.

Applicant estimates the cost of the proposed construction at approximately \$2,423,600, said cost to be financed out of internal sources.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before April 10, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-3088; Filed, Mar. 21, 1967;
8:45 a.m.]

[Docket No. CP66-180]

TENNESSEE GAS PIPELINE CO.

Notice of Petition To Amend

MARCH 14, 1967.

Take notice that on March 7, 1967, Tennessee Gas Pipeline Co. (Petitioner),

a division of Tenneco Inc., Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP66-180 a petition to amend the order issued by the Commission May 10, 1966, as amended December 28, 1966, by changing the ordering paragraphs (G) and (H), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Specifically, Petitioner requests that the Commission amend paragraphs (G) and (H) to read as follows:

(G) Without specific permission from the Commission, Tennessee shall make no sales under Rate Schedules R, SR, TWS, ERS, or excess withdrawal provisions of Rate Schedules SS-3 and SS-E during the months of April through October 1967: *Provided, however,* That sales under such rate schedules may be made if Tennessee has had the following volumes of gas in top storage at the end of the immediately preceding month:

	MMcf
March, 1967.....	0
April, 1967.....	1,917
May, 1967.....	4,921
June, 1967.....	7,519
July, 1967.....	10,934
August, 1967.....	14,545
September, 1967.....	17,477
October, 1967.....	20,078

And provided further, That additional sales under such rate schedules may be made of such amounts of gas which Tennessee is reasonably convinced cannot be moved beyond its Compressor Station No. 200.

(H) During the period November 1, 1967, through March 31, 1968, Tennessee shall be permitted to make sales under such rate schedules of 1,300 MMcf each month plus or minus the amount of excess or deficiency, as the case may be, in top storage inventory based on the top storage inventory for the month ending prior to such sales as shown below:

	MMcf
October, 1967.....	20,078
November, 1967.....	18,751
December, 1967.....	13,504
January, 1968.....	7,545
February, 1968.....	2,211
March, 1968.....	0

Any sales of gas under such rate schedules as contemplated above shall be made so as to be consistent with the maintenance of the specified storage inventories for the end of the then current month.

Petitioner states that in view of the fact that it will have excess volumes of natural gas available, during the months above-listed, due to the facilities authorized in Docket No. CP66-303 and that the revised requirements of its customers require smaller top storage inventories than set forth in the original ordering paragraphs (G) and (H), it is justified in requesting the Commission to amend the above-mentioned ordering paragraphs as set forth.

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 April 10, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[P.R. Doc. 87-3089; Filed, Mar. 21, 1967;
8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2064]

ANDERSON NEW ENGLAND CAPITAL CORP.

Notice of Filing of Application for Order

MARCH 16, 1967.

Notice is hereby given that Anderson New England Capital Corp. ("Anderson"), 150 Causeway Street, Boston, Mass., a Massachusetts corporation registered as a closed-end, nondiversified, management investment company under the Investment Company Act of 1940 ("Act") and licensed under the Small Business Investment Act of 1958, has filed an application pursuant to sections 10(f), 17(d) and Rule 17d-1 of the Act requesting an order of the Commission permitting Anderson to purchase certain securities of Chester Electronic Laboratories, Inc. ("Chester"). All interested persons are referred to the application for a statement of Anderson's representations which are summarized below.

Anderson proposes to purchase 500 units out of a total of 4,500 units of Chester registered under the Securities Act of 1933 pursuant to an effective registration statement. Putnam Coffin & Burr ("Putnam") is the underwriter of this issue. Chester's registration statement reserved the 500 units exclusively for sale to Anderson, at its option, until March 31, 1967. Mr. Warren Heidel, a director of Anderson, is a partner of Putnam.

Each unit is to be sold at a price of \$100 and consists of one \$100 face amount Debenture and warrants to purchase six shares of common stock. The Debentures are due September 1, 1981, and bear interest at the rate of 7½ percent per annum. The warrants expire on December 31, 1971, and enable the holder to purchase the common stock of Chester at \$6.75 per share through December 31, 1969, and thereafter at \$7.50 per share until the warrants' expiration.

Chester has agreed to pay Anderson's legal and other out-of-pocket expenses not exceeding \$1,000, plus a fee of \$500 to Putnam for services in connection with the proposed purchase by Anderson.

Section 10(f) of the Act, as here pertinent, provides that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security if a director of the registered investment company is an affiliate of a principal underwriter of such security. Since one of Anderson's directors is an affiliated person of Putnam, the principal underwriter offering the units, the proposed purchase of the units by Anderson is prohibited. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors.

In support of its application, Anderson asserts that the proposed purchase of the units is consistent with its investment objectives and policies, that the transaction was made at arm's length and that an order of exemption is appropriate in this case. Anderson further represents that the proposed purchase is not made for the purpose of relieving the underwriter of otherwise unmarketable securities.

Putnam acted as managing underwriter to a public distribution of Chester stock in 1962. Putnam presently holds, in its investment portfolio, 5,776 shares of Chester stock. In addition, shares are held by Putnam in its trading account, the number of which vary, but which has not exceeded 2,600 over the last 12 months.

Section 17(d) and Rule 17d-1 of the Act prohibit any affiliated person of a registered investment company acting as principal to effect any transaction in connection with any joint arrangement in which such registered company is a participant unless an application regarding such joint arrangement has been granted by the Commission. Rule 17d-1 provides that in passing upon an application, the Commission will consider whether the participation of the registered company in the joint enterprise on the basis proposed is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation on a basis different from or less advantageous than that of other participants.

Notice is further given that any interested person may, not later than March 30, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Anderson at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[P.R. Doc. 67-3093; Filed, Mar. 21, 1967;
8:46 a.m.]

[70-4468]

CONNECTICUT LIGHT AND POWER CO.

Notice of Proposed Modification of Indenture

MARCH 16, 1967.

Notice is hereby given that the Connecticut Light and Power Co. ("CL&P"), 107 Selden Street, Berlin, Conn. 06037, a public-utility subsidiary company of Northeast Utilities, a registered holding company, has filed a declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), proposing the modification of its indenture governing the terms of its first mortgage bonds. CL&P has designated sections 6(a) and 7 of the Act as applicable to the proposal. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed modifications.

In order to conform to the requirements of this Commission's statement of policy with respect to first mortgage bonds issued under the Act, as set forth in Holding Company Act Release No. 13105, and to effect other modifications, CL&P proposes to amend its first mortgage indenture and deed of trust, dated as of May 1, 1921, to Bankers Trust Co., as trustee, so as, among other things, to reduce the percentage of property additions governing the issuance of additional bonds, to provide a replacement fund requirement and accountability therefor in computing property additions available for the issuance of additional bonds, to modify the computation of earnings required for the issuance of additional bonds, to provide for a sinking and improvement fund and dividend restriction on common stock. The declaration states that the consent of bondholders is not required for the proposed amendment.

The fees and expenses incurred and to be incurred in connection with the proposed modification are to be filed by amendment. The declaration further states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed amendment.

Notice is further given that any interested persons may, not later than April 13, 1967, request in writing that a hearing be held with respect to the proposed modification of the indenture, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commis-

sion, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[P.R. Doc. 67-3094; Filed, Mar. 21, 1967;
8:46 a.m.]

[70-4468]

MICHIGAN WISCONSIN PIPE LINE CO. AND AMERICAN NATURAL GAS CO.

Notice of Proposed Issue and Sale of Mortgage Bonds at Competitive Bidding, Increase in Authorized Capital Stock, and Issue and Sale, and Acquisition of Common Stock

MARCH 16, 1967.

Notice is hereby given that American Natural Gas Co. ("American Natural"), Suite 4950, 30 Rockefeller Plaza, New York, N.Y. 10020, a registered holding company, and its subsidiary company, Michigan Wisconsin Pipe Line Co. ("Michigan Wisconsin"), 1 Woodward Avenue, Detroit, Mich. 48266, have filed an application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9, 10, and 12(f) of the Act and Rules 43 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Michigan Wisconsin proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, \$45 million principal amount of first mortgage pipe line bonds, ---- percent series, due May 1, 1987. The bonds are to be issued under a mortgage and deed of trust, dated as of September 1, 1948, between Michigan Wisconsin and First National City Bank (formerly City Bank Farmers Trust Co.) and Christopher C. Arvani, as trustees, as heretofore supplemented and as to be further supplemented by an 18th supplemental indenture to be dated as of May 1, 1967.

The interest rate (which will be a multiple of one-eighth of 1 percent and the price, exclusive of accrued interest (which will not be less than 100 percent nor more than 102½ percent of the principal amount), will be determined by the competitive bidding.

Michigan Wisconsin also proposes (a) to amend its articles of incorporation so as to increase the number of its authorized shares of common stock, par value \$100 per share, from 885,000 shares to 985,000 shares, and (b) to issue and sell 100,000 shares of such common stock to American Natural for a cash consideration of \$10 million. American Natural, which owns all of Michigan Wisconsin's outstanding common stock, proposes to acquire the 100,000 shares, and in payment therefor to use \$7,500,000 of funds on hand and \$2,500,000 in cash to be received as a special dividend to be paid by Michigan Wisconsin on its common stock.

Michigan Wisconsin will use the net proceeds from the proposed issue and sale of bonds to prepay, without penalty, part of its promissory notes due banks which are presently outstanding in the amount of \$60 million maturing September 30, 1967. The proceeds from the proposed issue and sale of common stock will be used by Michigan Wisconsin to finance, in part, its 1967 expansion program estimated to cost \$65 million. It is stated that such additional funds as may be required to finance this expansion program will be obtained by Michigan Wisconsin from internal sources and borrowings from banks which will be the subject of a future filing with this Commission.

The fees and expenses to be paid by Michigan Wisconsin in connection with the issue and sale of the bonds are estimated at \$155,000, including counsel fees of \$50,000 and accountant's fees of \$8,000; and in connection with the issue and sale of the common stock are estimated at \$3,000, including counsel fees of \$500. The fees of counsel for the bond underwriters, estimated at \$16,000, are to be paid by the successful bidders.

It is stated that the issuance and sale of the bonds and common stock by Michigan Wisconsin is subject to authorization by the Michigan Public Service Commission and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 14, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing).

upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-3095; Filed, Mar. 21, 1967;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 17, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40949—*Iron and steel articles from Indian Oaks, Ill.* Filed by Illinois Freight Association, agent (No. 323), for interested rail carriers. Rates on iron and steel articles, as described in the application, in carloads, minimum 100,000 pounds, from Indian Oaks, Ill., to Greenville and Vicksburg, Miss.

Grounds for relief—Market competition.

Tariff—Supplement 34 to Illinois Freight Association, agent, tariff ICC 1085.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-3105; Filed, Mar. 21, 1967;
8:47 a.m.]

[Notice 438]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 17, 1967.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all

interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 200 (Deviation No. 12), RISS & COMPANY, INC., Post Office Box 2809, Kansas City, Mo. 64142, filed March 7, 1967. Carrier's representative: Ivan E. Moody, 903 Grand Avenue, Kansas City, Mo. 64106. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 55 to junction Interstate Highway 80, near Joliet, Ill., thence over Interstate Highway 80 to junction Interstate Highway 80S, near Big Springs, Nebr., thence over Interstate Highway 80S to Denver, Colo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 66 to Joliet, Ill., thence over U.S. Highway 6 to Denver, Colo., and (2) from Chicago, Ill., over Alternate U.S. Highway 30 to Sterling, Ill., thence over U.S. Highway 30 to junction U.S. Highway 138, at Big Springs, Nebr., thence over U.S. Highway 138 to junction U.S. Highway 6 at Sterling, Colo., thence over U.S. Highway 6 to Denver, Colo., and return over the same routes.

No. MC 21170 (Deviation No. 6), BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa 50518, filed March 9, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 90 to junction Interstate Highway 94, near Madison, Wis., thence over Interstate Highway 94 to St. Paul, Minn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Kansas City, Kans., over city streets to Kansas City, Mo., thence over Alternate U.S. Highway 69 to junction U.S. Highway 69, thence over U.S. Highway 69 via Cameron, Mo., to Ames, Iowa, thence over U.S. Highway 30 via Colo., Iowa, to junction Iowa Highway 330 (formerly U.S. Highway 30), thence over Iowa Highway 330 to Marshalltown, Iowa, thence over Iowa Highway 14 to

junction Iowa Highway 57, thence over Iowa Highway 57 to junction U.S. Highway 65, thence over U.S. Highway 65, via Owatonna, Minn., to Minneapolis, Minn., thence over city streets to St. Paul, Minn.; also from Kansas City, Kans., to Marshalltown, Iowa, as specified above, thence over unnumbered highway (formerly U.S. Highway 30) to junction U.S. Highway 30, thence over U.S. Highway 30 to Tama, Iowa, thence over U.S. Highway 63 to Waterloo, Iowa, thence over U.S. Highway 218 to Owatonna, Minn., thence to St. Paul as specified above; also from Kansas City, Kans., to Tama, Iowa, as specified above, thence over U.S. Highway 30 to junction U.S. Highway 218, thence over U.S. Highway 218 to Waterloo, Iowa, thence to St. Paul, Minn., as specified above, and (2) from Chicago, Ill., over Illinois Highway 64 to St. Charles, Ill., thence over Illinois Highway 31 to Geneva, Ill., thence over Alternate U.S. Highway 30 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Iowa Highway 131, thence over Iowa Highway 131 to Belle Plaine, Iowa, thence over Iowa Highway 212 to junction U.S. Highway 30, thence over U.S. Highway 30 to Missouri Valley, Iowa, and return over the same routes.

No. MC 56679 (Sub-No. 2) (Deviation No. 1), BROWN TRANSPORT CORP., 142 Milton Avenue, Post Office Box 6985, Atlanta, Ga. 30315, filed March 3, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cartersville, Ga., over U.S. Highway 41 to Dalton, Ga., thence over Georgia Highway 71 to the Georgia-Tennessee State line, thence over Tennessee Highway 60 to Cleveland, Tenn., thence over U.S. Highway 11 to Knoxville, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Cartersville, Ga., over U.S. Highway 411 to junction U.S. Highway 129, thence over U.S. Highway 129 to Knoxville, Tenn., and return over the same route.

No. MC 56679 (Sub-No. 2) (Deviation No. 2), BROWN TRANSPORT CORP., 142 Milton Avenue, Post Office Box 6985, Atlanta, Ga. 30315, filed March 3, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Atlanta, Ga., over Interstate Highway 75 to Macon, Ga., (2) from Atlanta, Ga., over Interstate Highway 20 to Augusta, Ga., and (3) from Macon, Ga., over Interstate Highway 16 to Savannah, Ga., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Atlanta, Ga., over U.S. Highway 23 to junction Georgia Highway 87, thence over Georgia Highway 87 to Macon, Ga., (2) from Atlanta, Ga., over U.S. Highway 278 to Augusta, Ga., and (3) from Macon, Ga.,

over Georgia Highway 22 to junction Georgia Highway 24, thence over Georgia Highway 24 to junction Georgia Highway 17, thence over Georgia Highway 17 to Savannah, Ga., and return over the same routes.

No. MC 103435 (Deviation No. 17), UNITED BUCKINGHAM FREIGHT LINES, Post Office Box 1631, Rapid City, S. Dak. 57701, filed March 7, 1967. Carrier's representative: Maurice Andren (same address as above). Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Duluth, Minn., and the Kansas City, Mo.-Kans., commercial zone, over Interstate Highway 35, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From South St. Paul, Minn., over city streets to St. Paul, Minn., thence over U.S. Highway 61 to Duluth, Minn., thence over U.S. Highway 2 to Erskine, Minn., (2) from Des Moines, Iowa, over U.S. Highway 69 to junction Iowa Highway 3, thence over Iowa Highway 3 to Clarion, Iowa, (3) from Des Moines, Iowa, over U.S. Highway 69 to Garner, Iowa, thence over U.S. Highway 18 to Mason City, Iowa, thence over U.S. Highway 65 to Owatonna, Minn., thence over Minnesota Highway 218 via Rosemount to St. Paul, Minn., (4) from Des Moines, Iowa, to Rosemount, Minn., as specified in (3); thence over Minnesota Highway 218 to junction Minnesota Highway 55, thence over Minnesota Highway 55 to Minneapolis, Minn., (5) from Des Moines, Iowa, over U.S. Highway 69 to junction Iowa Highway 175, thence over Iowa Highway 175 to junction Iowa Highway 60, thence over Iowa Highway 60 to Webster City, Iowa, thence over unnumbered highways to Woolstock, Iowa, thence over Iowa Highway 323 to junction Iowa Highway 60, thence over Iowa Highway 60 to Eagle Grove, Iowa (also from Des Moines over U.S. Highway 69 to junction U.S. Highway 20, thence over U.S. Highway 20 to Webster City, thence as specified above to Eagle Grove), and (6) from Omaha, Neb., over U.S. Highway 6 to Des Moines, Iowa, and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 364) (Cancels Deviation No. 227), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif. 94106, filed March 8, 1967. Carrier's representative: W. T. Meinhold, 371 Market Street, San Francisco, Calif. 94105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Seattle, Wash., over Interstate Highway 5 to Tacoma, Wash., (2) from Tacoma, Wash., over Interstate Highway 5 to junction unnumbered highway (Gravelly Lake Junction), (3) from junction U.S. Highway 99 and Interstate Highway 5 (North

Olympia Junction), over Interstate Highway 5 to Olympia, Wash., (4) from Olympia, Wash., over Interstate Highway 5 to Tumwater, Wash., and (5) from junction unnumbered highway and Interstate Highway 5 (North Salmon Creek Junction), over Interstate Highway 5 to junction unnumbered highway (North Vancouver Junction), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Seattle, Wash., over unnumbered highway via Tacoma to junction Interstate Highway 5 (Gravelly Lake Junction), thence over Interstate Highway 5 to junction U.S. Highway 99 (Nisqually Junction), thence over U.S. Highway 99 to junction Business Route Interstate Highway 5 (North Olympia Junction), thence over Business Route Interstate Highway 5 via Olympia to junction Interstate Highway 5 (Tumwater), thence over Interstate Highway 5 to junction unnumbered highway (North Salmon Creek Junction), thence over unnumbered highway to junction Interstate Highway 5 (North Vancouver Junction), thence over Interstate Highway 5 to the Washington-Oregon State line (connects with Oregon Route 26), and return over the same route.

No. MC 59238 (Deviation No. 6), VIRGINIA STAGES LINES, INCORPORATED, Fourth and Water Streets, Charlottesville, Va. 22902, filed March 9, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction Interstate Highway 495 and U.S. Highway 50 over Interstate Highway 495 to junction Interstate Highway 66, thence over Interstate Highway 66 to junction U.S. Highway 29 (near Centerville, Va.), and (2) from junction Interstate Highway 495 and U.S. Highway 50 over Interstate Highway 495 to junction Interstate Highway 66, thence over Interstate Highway 66 to junction Virginia Highway 123, thence over Virginia Highway 123 to Fairfax, Va., thence return over Virginia Highway 123 to junction Interstate Highway 66, thence over Interstate Highway 66 to junction Virginia Highway 28, thence over Virginia Highway 28 to junction U.S. Highway 29 (near Centerville, Va.), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From junction Interstate Highway 495 and U.S. Highway 50 over U.S. Highway 50 to junction U.S. Highway 29, thence over U.S. Highway 29 to junction Interstate Highway 66 (near Centerville, Va.), and return over the same route.

No. MC 8500 (Deviation No. 11), TENNESSEE TRAILWAYS, INC., 710 Sevier Avenue, Knoxville, Tenn. 37920, filed March 7, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and

express and newspapers in the same vehicle with passengers, over a deviation route as follows: From Marietta, Ga., over Georgia Highway 120 to junction U.S. Highway 41, thence over U.S. Highway 41 to junction Franklin Road, thence over Franklin Road to junction Interstate Highway 75, thence over Interstate Highway 75 to Atlanta, Ga., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and same property, over a pertinent service route as follows: From Marietta, Ga., over Georgia Highway 120 to junction U.S. Highway 41 (formerly portion Georgia Highway 3E), thence over U.S. Highway 41 to Atlanta, Ga. (also from junction U.S. Highway 41 and Georgia Highway 3 formerly portion Georgia Highway 3E), over Georgia Highway 3 to junction Georgia Highway 120), and return over the same routes.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[P.R. Doc. 67-3106; Filed, Mar. 21, 1967;
8:47 a.m.]

[Notice 1038]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 17, 1967.

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

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the 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 12731 (Sub-No. 1) (Republication), filed May 2, 1966, published FEDERAL REGISTER issue of June 3, 1966, and republished this issue. Applicant: TEENS' TOURS, INC., 1004 White Birch Lane, Post Office Box A-7, Wantagh, Long Island, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York, N.Y. By application filed May 2, 1966, applicant seeks a license authorizing operation in interstate or foreign commerce, as a broker at Massapequa, Long Island, N.Y., in arranging for the transportation of passengers and their baggage, in all-expense tours, as individuals and groups, in charter operations, between Merrick, Long Island, N.Y., and points in Nassau and Suffolk Counties, N.Y., within 35 miles of Merrick, on the one hand, and

on the other, points in the United States, including Alaska and Hawaii. An order of the Commission, Operating Rights Board No. 1, dated February 13, 1967, and served March 10, 1967, finds that operation by applicant at Massapequa, Long Island, N.Y., as a broker in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of passengers and their baggage, in all-expense, round-trip tours, in special and charter operations, beginning and ending at Merrick, Long Island, and at points in Nassau and Suffolk Counties, N.Y., west of New York Highway 112 and extending to points in the United States (including Alaska and excluding Hawaii) will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that a license authorizing such operations should be issued, subject to the right of the Commission, which is hereby expressly reserved, to impose, after final determination of the proceeding in Ex Parte No. MC-29 (Sub-No. 2), such terms and conditions, if any, as may be deemed necessary to insure that the operations of applicant are limited to bona fide operations, as a broker of transportation by motor vehicle of passengers and their baggage, in all-expense, round-trip tours, in special and charter operations, conditioned upon the receipt of a request in writing from applicant for the coincidental cancellation of its license No. MC-12731. Because it is possible that other parties, who have relied upon the notice of the application as so published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a license herein 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 petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 19781 (Sub-No. 4) (Republication), filed July 21, 1966, published FEDERAL REGISTER issue of August 18, 1966, and republished this issue. Applicant: RITZ TRUCKING COMPANY, INC., Port of Albany, Post Office Box 1166, Albany, N.Y. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. By application filed July 21, 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 lumber, on platform dump trucks, from Albany and Rensselaer, N.Y., to points in Vermont. An order of the Commission, Operating Rights Board No. 1, dated February 13, 1967, and served March 10, 1967, finds that the present and future public convenience and necessity require operation by applicant, in

interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of lumber, from Albany and Rensselaer, N.Y., to points in Vermont; 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 petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 26088 (Sub-No. 8) (Republication), filed October 14, 1966, published FEDERAL REGISTER issue of November 3, 1966, and republished this issue. Applicant: THE SANDERS TRUCK TRANSPORTATION CO., INC., 301 North, Allendale, S.C. Applicant's representative: William Addams, Room 406, 1776 Peachtree Street NW., Atlanta, Ga. 30309. By application filed October 14, 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 concrete building blocks, hollow or briquette, slag or cinders and Portland cement combined, from Augusta, Ga., to points in South Carolina. An order of the Commission, Operating Rights Board No. 1, dated February 13, 1967, and served March 14, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of concrete building blocks, from Augusta, Ga., to points in 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 petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 59367 (Sub-No. 48) (Republication), filed July 21, 1966, published FEDERAL REGISTER issue of August 18, 1966, and republished this issue. Applicant: DECKER TRUCK LINE, INC., Post Office Box 915, Fort Dodge, Iowa 50501. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. By application filed July 21, 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 meats, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Storm Lake and Postville, Iowa, and Omaha, Nebr., to points in Wisconsin, with service from Postville restricted to traffic originating at Omaha, Nebr., or Storm Lake, Iowa, and stopped at Postville to complete loading. An order of the Commission, Operating Rights Board No. 1, dated February 28, 1967, and served March 15, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of meat, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and except commodities in bulk), from Storm Lake and Postville, Iowa, to points in Wisconsin, restricted to the transportation of traffic originating at the plantsites of Hygrade Food Products Corp. at Storm Lake and Postville; 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 petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 104589 (Sub-No. 21) (Republication), filed July 21, 1966, published FEDERAL REGISTER issue of August 18, 1966, and republished this issue. Applicant: J. L. LAWHON, 2941 Main Street, East Point, Ga. 30044. Applicant's representative: Jacob P. Billig, 1825 Jefferson Place NW, Washington, D.C. By application filed July 21, 1966, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as

a contract carrier by motor vehicle, over irregular routes, of heat processed citrus juice in hermetically sealed containers when moving with fresh citrus fruits in containers, and fresh fruit sections and salads packed in glass, except frozen citrus products, from Plymouth, Fla., to points in Alabama, Mississippi, Louisiana, North Carolina, Georgia, Tennessee, and South Carolina, and (2) fresh citrus fruits in containers, and fresh fruit sections and salads packed in glass, except frozen citrus products, from points in Alachua, Bradford, Brevard, Broward, Charlotte, Citrus, Clay, Collier, Columbia, Dade, De Soto, Duval, Flagler, Gilchrist, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lake, Lee, Levy, Manatee, Marion, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Seminole, Sumter, and Volusia Counties, Fla., to points in the destination States enumerated in (1) above, limited to a transportation service to be performed under a continuing contract, or contracts, with Seald-Sweet Sales, Inc. of Tampa, Fla. An order of the Commission, Operating Rights Board No. 1, dated February 13, 1967, and served March 10, 1967, as amended, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) *canned citrus juice*, when transported at the same time and in the same vehicle with the commodities authorized in (2) below, from the plantsite or facilities used by the Plymouth Citrus Products Cooperative at Plymouth, Fla., to points in Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, restricted to the transportation of traffic originating at the said plantsite or facilities, and

(2) *Citrus fruits, and fruit sections and salads* (not canned and not frozen) in containers, when transported at the same time and in the same vehicle with the canned citrus juice in (1) above, from points in Alachua, Bradford, Brevard, Broward, Charlotte, Citrus, Clay, Collier, Columbia, Dade, De Soto, Duval, Flagler, Gilchrist, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lake Lee, Levy, Manatee, Marion, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Seminole, Sumter, and Volusia Counties, Fla., to points in Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, under a continuing contract with Seald-Sweet Sales, Inc. of Tampa, Fla., will be consistent with the public interest and the national transportation policy; 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 permit 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 petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 109595 (Sub-No. 8) (Republication), filed June 20, 1966, published FEDERAL REGISTER issue of June 30, 1966, and republished this issue. Applicant: REX TRANSPORTATION CO., a corporation, 34350 Goodard Road, Rumulus, Mich. 48174. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. By application filed June 20, 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 constructional materials in bulk, from the Flexiflo Rail Motor Interchange facilities on the lines of the New York Central Railroad located in Avon, Ind. (exclusive of team tracks and other public facilities) to points in Indiana, Illinois, Kentucky, and Ohio, west of U.S. Highway 21, restricted to shipments having a prior rail movement. An order of the Commission, Operating Rights Board No. 1, dated February 28, 1967, and served March 15, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *cement*, in bulk, from Avon, Ind., to points in Indiana, restricted to the transportation of traffic having a prior movement by rail from Fultonham, Ohio; 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 petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 112627 (Sub-No. 10) (Republication), filed July 19, 1966, published FEDERAL REGISTER issue of August 25, 1966, and republished, this issue. Applicant: OWEN BROS., INC., Post Office Box 247, Dansville, N.Y. 14437. Applicant's representative Raymond A. Richard's 25 Curtice Park, Webster, N.Y. 14580. By application filed July 19, 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) Brandy, in mixed shipments with wine (presently authorized), from Hammondsport, N.Y., to points in Connecticut, Delaware, Indiana, Illinois, Maryland, Massachusetts, New Jersey, Ohio, Pennsylvania, Rhode Island, and Wisconsin, and Charleston, W. Va., Detroit, Mich., Naples, N.Y., Richmond, Va., and St. Louis, Mo., and (2) *commodities* the transportation of which is partially exempt under the provisions of section 203 (b) (6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving the same vehicle at the same time with the commodities in (1) above, (a) from Hammondsport and Naples, N.Y., to Charleston, W. Va., Detroit, Mich., New York, N.Y., Richmond, Va., St. Louis, Mo., and points in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, New Jersey, Ohio, Pennsylvania, Rhode Island, Wisconsin, and the District of Columbia.

(b) Between Hammondsport and Naples, N.Y., (c) from New York, N.Y., Detroit, Mich., and points in Ohio, Pennsylvania, New Jersey, Delaware, Maryland, Massachusetts, Connecticut, Rhode Island, and the District of Columbia, to Hammondsport and Naples, N.Y., (d) between points in Livingston County, N.Y., on the one hand, and, on the other, points in Maryland, Ohio, and Pennsylvania, (e) between Carteret, N.J., on the one hand, and, on the other, points in Allegany, Chemung, Livingston, and Steuben Counties, N.Y., (f) from North Claymont, Del., to points in New York on and west of New York Highway 14, extending through Geneva and Elmira, N.Y., (g) between Baltimore, Md., and Philadelphia, Pa., and points in Livingston and Steuben Counties, N.Y., (h) from Richmond, Va., and Chicago, Ill., to Hammondsport and Naples, N.Y., and (i) between New York, N.Y., on the one hand, and, on the other, points in New York. A supplemental order of the Commission, Operating Rights Board No. 1, dated February 13, 1967, and served March 9, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) brandy (except in bulk), in mixed loads with wine (presently authorized), from Hammondsport, N.Y., to points in Connecticut, Delaware, Indiana, Illinois, Maryland, Massachusetts, New Jersey, Ohio, Pennsylvania, Rhode Island, and Wisconsin, and to Charleston, W. Va., Detroit, Mich., Naples, N.Y., Richmond, Va., and St. Louis, Mo., and

(2) *Agricultural commodities* (except in bulk), the transportation of which would otherwise be partially exempt under the provisions of section 203 (b) (6) of the Interstate Commerce Act when moving in the same vehicle at the same time with brandy or wine (otherwise authorized), between points in New York and Pennsylvania, on the one

hand, and, on the other, points in Connecticut, Delaware, Indiana, Illinois, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Wisconsin, and Charleston, W. Va., Detroit, Mich., Richmond, Va., and St. Louis, Mo.; 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 petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 112750 (Sub-No. 152) (Republication), filed July 1, 1963, published FEDERAL REGISTER issue of July 17, 1963, and republished, this issue. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. (Retitled), AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. By application filed July 1, 1963, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) business papers, records, and documents (excluding plant removals) between Canton, Ohio, on the one hand, and, on the other, Boyers, Pa., and (2) charge sales tickets, cash sales tickets, charge credit sales tickets, refund slips, cash register tapes, and accompanying documents, between Braintree, Mass., on the one hand, and, on the other, Branford, Manchester, and Wallingford, Conn., Laconia, Plymouth, Portsmouth, and Salem, N.H., and North Kingstown and Woonsocket, R.I. NOTE: The proposed service in (1) above will be for the account of the Timken Roller Bearing Co. of Canton, Ohio, and in (2) above, for the account of L. Grossman Sons, Inc., of Braintree, Mass. A supplemental order of the Commission, Operating Rights Board No. 1, dated January 24, 1967, and served March 9, 1967, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) business papers, records, and documents (except cash letters), between Canton, Ohio, on the one hand, and, on the other, Boyers, Pa., and

(2) Charge sales tickets, cash sales tickets, charge credit sales tickets, refund slips, cash register tapes and accompanying documents (except cash letters) between Braintree, Mass., on the one hand, and on the other, Branford,

Manchester, and Wallingford, Conn., Laconia, Plymouth, Portsmouth, and Salem, N.H., and North Kingstown and Woonsocket, R.I.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that the holding by applicant of the certificate authorized to be issued in this proceeding and of the permits issued or authorized to be issued in Nos. 112750, MC 123486, and MC 123304 and subs thereunder, following the issuance of the certificate authorized to be issued in Nos. MC 111729 (Sub-Nos. 169, 170, and 171), MC 126745 (Sub-No. 19), and MC 127431 (Sub-No. 8), will be consistent with the public interest and the national transportation policy. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 112750 (Sub-No. 159) (Republication), filed August 19, 1963, published FEDERAL REGISTER issue of September 5, 1963, and republished this issue. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. (Retitled), AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. By application filed August 19, 1963, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) checks, audit, and accounting media, magnetic tape, punch paper tape, and business papers and records (excluding plant removals) for the account of the Wingate Computing Center of Hartford, Conn., between Providence, R.I., on the one hand, and, on the other, points in Connecticut, points in Bristol and Worcester Counties, Mass., and points in Albany, Broome, Nassau, Onondaga, and Westchester Counties, N.Y., and (2) invoices, inventory control documents and business records pertaining to general accounting and auditing of chain grocery stores, for the account of Stop & Shop, Inc., between Boston, Mass., on the one hand, and, on the other, points in Connecticut, Maine, New Hampshire, and Rhode Island.

NOTE: Common control may be involved. A supplemental order of the Commission, Operating Rights Board No. 1, dated January 24, 1967, and served March 9, 1967, finds that the present and future public convenience and necessity require operation by applicant in

interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) checks, audit, and accounting media, magnetic tape, punch paper tape, and business papers and records (except cash letters), between Providence, R.I., on the one hand, and, on the other, points in Connecticut, points in Bristol and Worcester Counties, Mass., and points in Albany, Broome, Nassau, Onondaga, and Westchester Counties, N.Y., and (2) invoices, inventory control documents and business records pertaining to general accounting and auditing of chain grocery stores (except cash letters) between Boston, Mass., on the one hand, and, on the other, points in Connecticut, Maine, New Hampshire, and Rhode Island; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that the holding by applicant of the certificate authorized to be issued in this proceeding and of the permits issued or authorized to be issued in Nos. MC 112750, MC 123486, and MC 123304 and subs thereunder, following the issuance of the certificate authorized to be issued in Nos. MC 111729 (Sub-Nos. 169, 170, and 171), MC 126745 (Sub-No. 19), and MC 127431 (Sub-No. 8), will be consistent with the public interest and the national transportation policy. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 118288 (Sub-No. 8) (Republication), filed February 1, 1966, published FEDERAL REGISTER issue of February 25, 1966, and republished this issue. Applicant: STEPHEN F. FROST, 14750 Boyle Avenue, Fontana, Calif. By application filed February 1, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of bananas, and fresh fruits, fresh vegetables and fresh berries, when moving in the same vehicle with bananas, from points in California, to points in Idaho north of a line running due east and west through Moscow, Idaho, and including Moscow, Idaho. NOTE: Applicant states he proposes to transport exempt commodities, on return. An order of the Commission, Operating Rights Board No. 1, dated February 21, 1967, and served March 15, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier

by motor vehicle, over irregular routes, of (1) *bananas*, and (2) *fresh fruits, fresh vegetables and fresh berries*, in mixed loads with bananas, from points in California, to points in that part of Idaho north of U.S. Highway 12; 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 petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 123631 (Sub-No. 1) (Republication), filed July 19, 1966, published FEDERAL REGISTER issue of August 18, 1966, and republished this issue. Applicant: GERALD DUIDO, doing business as G & G FREIGHT LINES, 754 North James Street, Hazleton, Pa. 18201. Applicant's representative: John W. Frame, Post Office Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. By application filed July 19, 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) *games, toys, playground apparatus and equipment, athletic and sporting equipment, transmitting and receiving sets, electric phonographs, amusement outfits, mechanical devices, including parts, and tools and accessories necessary for the installation thereof*, (2) *materials, supplies and equipment used in connection with the manufacture, sale and distribution of games, toys, playground apparatus and equipment, athletic and sporting equipment, transmitting and receiving sets, electric phonographs, amusement outfits, and mechanical devices (except commodities in bulk, in tank vehicles)*, between points in Luzerne and Lackawanna Counties, Pa., on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana (on and west of U.S. Highway 171), Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. An order of the Commission, Operating Rights Board No. 1, dated February 21, 1967, and served March 15, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) *games, toys, playground and athletic equipment, radio and television transmitting and receiving sets,*

antennas, electrical testing equipment, electric phonographs, sportswear, car washing equipment, and supplies, vacuum cleaners and household appliances, (2) *parts, tools, and accessories used in the installation of the commodities in (1) above, and*

(3) *Materials, supplies, and equipment (except commodities in bulk)*, used in the manufacture, sale and distribution of the commodities in (1) above, between points in Luzerne and Lackawanna Counties, Pa., on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, and those points in that part of Louisiana on and west of U.S. Highway 171; 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 petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 127050 (Sub-No. 2) (Republication), filed October 13, 1966, published FEDERAL REGISTER issue of November 3, 1966, and republished this issue. Applicant: CUSTOMER DELIVERY SERVICE, INC., Rural Delivery No. 1, Montgomery, N.Y. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. By application filed October 13, 1966, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of building materials, uncrated, transported in flatbed dump vehicles, (1) from Middletown, Orange County, N.Y., to points in Wayne and Pike Counties, Pa., Sussex, Passaic, Bergen, Morris, Essex, Somerset, Union, and Middlesex Counties, N.J., and Litchfield and Fairfield Counties, Conn., and (2) in interplant operations, between the plantsites of Wickes Lumber & Building Supply Co., located in the town of Montgomery and Middletown, N.Y., on the one hand, and, on the other, plants located at Southington, Conn., and Succasunna and Phillipsburg, N.J., under a contract with Wickes Lumber & Building Supply Co., Division of Wickes Corp. of Saginaw, Mich.

An order of the Commission, Operating Rights Board No. 1, dated February 13, 1967, and served March 10, 1967, finds that operation by applicant, in interstate or foreign commerce, as a con-

tract carrier by motor vehicle, over irregular routes, of *building materials*, uncrated, from Middletown (Orange County), N.Y., to points in Wayne and Pike Counties, Pa., Sussex, Passaic, Bergen, Morris, Essex, Somerset, Union, and Middlesex Counties, N.J., and Litchfield and Fairfield Counties, Conn., under a continuing contract with Wickes Lumber & Building Supplies, a division of the Wickes Corp., of Saginaw, Mich., will be consistent with the public interest and the national transportation policy; 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 permit 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 petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 127811 (Republication), filed December 20, 1965, published FEDERAL REGISTER issue of January 20, 1966, and republished this issue. Applicant: BRYNWOOD TRANSFER COMPANY, INC., 331 Ulysses Street NE., Minneapolis, Minn. 55418. Applicant's representative: Robert A. Minish, 900 Farmers & Merchants Bank Building, Minneapolis, Minn. 55402. In the above-specified proceeding, the examiner recommended the granting to applicant 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 bulk storage tank and smokestacks, which because of unusual size or weight require special handling and the use of special equipment, and (2) related parts and equipment when transported in the same vehicle at the same time with the commodities described in (1) above, from the plantsites of Brown Steel Tank Co., Arrow Tank & Engineering, Wheeler Tank & Manufacturing Co., and Minneapolis Tank & Manufacturing Co., all located in the Minneapolis-St. Paul, Minn., commercial zone, to points in Iowa, North Dakota, South Dakota, Wisconsin, and the Upper Peninsula of Michigan. A decision and order of the Commission, Operating Rights Review Board Number 3, dated February 28, 1967, and served March 10, 1967, find that operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) *bulk storage tanks and smokestacks*, which because of unusual size or weight require special handling and the use of special equipment, and (2) *related parts and equipment* when transported in the same vehicle at the same time with the commodities described in (1)

above, from the plantsites of Brown Steel Tank Co., Arrow Tank & Engineering, Wheeler Tank & Manufacturing Co., and Minneapolis Tank & Manufacturing Co., all located in the Minneapolis-St. Paul Minn., commercial zone, to points in Iowa, North Dakota, South Dakota, Wisconsin, and the Upper Peninsula of Michigan; 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. 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, who may have relied upon the notice of the application as originally published and would be prejudiced by lack of proper notice of the authority actually granted herein, may file an appropriate pleading.

No. MC 128224 (Republication), filed May 19, 1966, published FEDERAL REGISTER issue of June 9, 1966, and republished this issue. Applicant: GEORGE F. JOHNSON, Rural Delivery No. 1, New Stanton, Pa. Applicant's representative: John A. Vuono, 1515 Park Building, Pittsburgh, Pa. 15222. By application filed May 19, 1966, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of plastic mold steel and component parts thereof, between the Borough of Youngwood, Westmoreland County, Pa., on the one hand, and, on the other, Hillside, N.J., Detroit, Mich., Chicago, Ill., and Cleveland, Ohio. Note: Applicant states that the above-proposed operation will be restricted to a service to be performed under a continuing contract or contracts with D-M-E Corp. A supplemental order of the Commission, Operating Rights Board No. 1, dated March 8, 1967, and served March 14, 1967, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of *semifinished steel* used in the manufacture of steel molds for the casting of plastics, between Youngwood (Westmoreland County), Pa., on the one hand, and, on the other, Hillside, N.J., Detroit, Mich., Chicago, Ill., and Cleveland, Ohio, under a continuing contract with D-M-E Corp., of Detroit, Mich., will be consistent with the public interest and the national transportation policy; 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 permit 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 petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 130019 (Republication), filed October 6, 1966, published FEDERAL REGISTER issue of November 3, 1966, and republished this issue. Applicant: CONLON TRAVEL, INC., doing business as CONLON TRAVEL, 163 North Mechanic Street, Cumberland, Md. 21502. Applicant's representative: Charles J. Williams, 1060 Broad Street, Newark, N.J. 07102. By application filed October 6, 1966, applicant seeks a license to engage in operations as a broker at Cumberland, Md., in arranging for transportation, in interstate or foreign commerce, of passengers and their baggage, in groups, destined for the same destination, in round-trip all inclusive pleasure or vacation type tours, beginning and ending at Cumberland, Md., and extending to points in the United States. An order of the Commission, Operating Rights Board No. 1, dated February 21, 1967, and served March 14, 1967, finds that operation by applicant at Cumberland, Md., as a broker in arranging for transportation by motor vehicle, in interstate or foreign commerce, of *passengers and ice* and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations *there their baggage*, in round-trip tours, in special and charter operations, beginning and ending at Cumberland, Md., and extending to points in the United States (including Alaska but excluding Hawaii) will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that a license authorizing such operations should be issued, subject to the right of the Commission which is hereby expressly reserved, to impose, after final determination of the proceeding in Ex Parte No. MC-29 (Sub-No. 2), such terms and conditions, if any, as may be deemed necessary to insure that the operations of applicant are limited to bona fide operations, as a broker of transportation by motor vehicle of passengers and their baggage, in special and charter operations, in round-trip tours. 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 license 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 petition for leave to intervene in this proceeding, setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITION

No. MC 116316 (Sub-No. 2) (Notice of Filing of Petition to Add an Additional Shipper to its Contract Carrier Permit), filed March 6, 1967. Petitioner: ARMORED MOTOR SERVICE OF ARIZONA, INC., Post Office Box 721, Phoenix, Ariz. 85001. Petitioner's representative: Earl H. Carroll, 363 North First Avenue, Phoenix, Ariz. 85003. Petitioner holds a Permit in No. MC 116316 (Sub-No. 2) to conduct operations as a contract carrier, by motor vehicle, over irregular routes, transporting: Coin, currency, and securities, between Los Angeles, Calif., on the one hand, and, on the other, points in Arizona, limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: First National Bank of Arizona, of Phoenix, Ariz., Valley National Bank of Phoenix, Phoenix, Ariz., The Continental National Bank of Phoenix, Ariz., and First Navajo National Bank of Winslow, Ariz. By the instant petition, petitioner requests the Commission to enter an order modifying the restriction in its permit so as to authorize service to an additional shipper: The Southern Arizona Bank. 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 FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 7573 (Sub-No. 4), filed March 5, 1967. Applicant: LEHMAN CARTAGE INC., 1821 Middle Avenue, Elyria, Ohio 44035. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular and regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), regular routes: (1) Between Cleveland and Elyria, Ohio, over U.S. Highway 20, serving all intermediate points, (2) between Elyria and Lorain, Ohio, over Elyria-Lorain Road (also over Ohio Highway 57), serving all intermediate points, (3) between Lorain and junction Ohio Highways 254 and 611 over Ohio Highway 611, serving all intermediate points, (4) between junction Ohio Highways 254 and 57 and Cleveland, Ohio, over Ohio Highway 254, serving all intermediate points, (5) between Elyria, Ohio, and junction Ohio Highway 254 and unnumbered county highway (known as Abbe Road) over unnumbered county highway, serving all intermediate points, (6) between Lorain and junction Ohio Highway 254 and unnumbered county highway (known as Pearl Avenue) over unnumbered county highway, serving all intermediate points, (7) between Lorain, Ohio, and

junction Ohio Highway 57 and unnumbered county highway (known as Elyria Avenue) over unnumbered county highway, serving all intermediate points, (8) between Cleveland and North Olmsted, Ohio, over Ohio Highway 10, serving all intermediate points, (9) between North Olmsted, Ohio, and junction Ohio Highways 254 and 252 over Ohio Highway 252, serving all intermediate points, (10) between junction U.S. Highway 20 and Ohio Highway 17 and Independence, Ohio over Ohio Highway 17, serving all intermediate points, (11) between North Olmsted, Ohio, and junction U.S. Highway 20 and unnumbered county highway (known as Barton Road) over unnumbered county highway, serving all intermediate points, restricted against service at North Olmsted, Avon, and Bay Village, Ohio, also restricted at Independence to service at locations on and north of Ohio Highway 17 (known also as Schaaf Road), including locations abutting the south side thereof, and (12) between Cleveland, Ohio, and junction U.S. Highway 21 and Ohio Highway 18 over U.S. Highway 21, serving no intermediate points, for purposes of joinder only. Irregular route: Between Elyria, Ohio, on the one hand, and, on the other, points in Ohio. Note: Applicant states it intends to join or tack this proposed authority at points in Lorain County, Ohio, with presently held authorized authority to serve points in Indiana, Michigan, New York, Pennsylvania, and West Virginia. This application is a matter directly related to Docket No. MC-F-9690, published FEDERAL REGISTER issue of March 15, 1967. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 28536 (Sub-No. 13), filed February 24, 1967. Applicant: FOX & GINN, INC., 12 Howard Lane, Bangor, Maine 04402. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, new furniture, uncrated, commodities in bulk, and those requiring special equipment); regular routes: (1) Between Worcester and Boston, Mass., from Worcester over Massachusetts Highway 9 to Boston (also from Worcester over Massachusetts Highway 9 to junction U.S. Highway 20, thence over U.S. Highway 20 to Boston), and return over the same routes, serving the intermediate and off-route points of Shrewsbury, Northboro, Marlboro, Framingham, Sudbury, Weyland, Weston, Waltham, Watertown, Cambridge, Westboro, Hopkinton, Ashland, Natick, Wellesley, and Newton, Mass., (2) between Worcester and Oxford, Mass., from Worcester over Massachusetts Highway 9 to Leicester, and thence over Massachusetts Highway 56 to junction Massachusetts Highway 12, and thence over Massachusetts Highway 12 to Oxford, and return over the same route, serving the intermediate point of Leicester, and (3) between

Worcester and Charlton, Mass., from Worcester over Massachusetts Highway 12 to Auburn, thence over U.S. Highway 20 to Charlton, and return over the same route, serving the intermediate and off-route points of Auburn and Oxford, and irregular routes: between points in Massachusetts. Note: Applicant states it intends to tack at Boston, Mass., and points within 15 miles of Boston, and also at intermediate points on U.S. Highway 1 between Boston, Mass., and the Massachusetts-New Hampshire State line. This application is directly related to MC-F 9683, published FEDERAL REGISTER issue of March 8, 1967. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 21a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9483 (Amendment) (CHEMICAL LEAMAN TANK LINES, INC.)—Purchase (Portion)—RYDER TRUCK LINES, INC. (TANK LINE DIVISION), published in the July 27, 1967, issue of the FEDERAL REGISTER, on page 10166. Amendment filed March 7, 1967. Applicant seeks to (1) acquire control of RYDER TRUCK LINES, INC., through purchase of capital stock, and (2) purchase operating rights and physical assets of Tank Line Division of RYDER TRUCK LINES, INC., in lieu of purchase originally proposed. Amended application has been filed for temporary authority under section 210a(b).

No. MC-F-9692 (Correction) (BENNY DEFAZIO)—Purchase (Portion)—M. H. MUMMEL, filed in the March 15, 1967, issue of the FEDERAL REGISTER, on page 4102. Applicant seeks to purchase and temporarily lease the entire operating rights and property of M. H. HUMMEL, doing business as HUMMEL TRUCKING COMPANY, in lieu of a portion as inadvertently stated in the prior notice.

No. MC-F-9693. Authority sought for purchase by OREGON-NEVADA-CALIFORNIA FAST FREIGHT, INC., 2800 West Bayshore Road, Palo Alto, Calif. 94303, of a portion of the operating rights and certain property of LYNDEN TRANSFER, INC., Post Office Box 433, Lynden, Wash. 98264, and for acquisition by CARROLL J. ROUSH, D. P. ROUSH, and G. JON ROUSH all also of Palo Alto, Calif., of control of such rights and property through the purchase. Applicants' attorneys: John R. Turney, 342 West Vista Avenue, Phoenix, Ariz. 85021, and Turney, Major, Sherfy & Sage, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Operating rights sought to be transferred: *General commodities*, excepting, among others household goods and commodities in bulk, as a common carrier over regular routes,

between Lynden, Wash., and Seattle, Wash., serving the intermediate and off-route points of Stanwood, Burlington, and Silvana, Wash., and those in Washington within 5 miles of Lynden, unrestricted, and serving the intermediate point of Bellingham, Wash., for joinder only; between Bellingham, Wash., and the United States-Canada boundary line at the port of entry at or near Blaine, Wash., between Bellingham, Wash., and the United States-Canada boundary line at the port of entry at or near Sumas, Wash., serving no intermediate points, and serving Bellingham for joinder only; between Everett, Wash., and the United States-Canada boundary line at the port of entry approximately 8 miles north of Oroville, Wash., serving no intermediate points, between the junction of U.S. Highways 2 and 97 (north of Wenatchee, Wash.), and Spokane, Wash., serving no intermediate points, and serving the termini for purpose of joinder only, between Seattle, Wash., and the United States-Canada boundary line at the port of entry at or near Eastport, Idaho, serving no intermediate points, between Spokane, Wash., and junction U.S. Highways 195 and 95 at or near Sandpoint, Idaho, serving no intermediate points, and serving the termini for purpose of joinder only, between Seattle, Wash., and Tacoma, Wash., serving no intermediate points, and with service restricted to the transportation of traffic moving to or from Alaska, between Lynden, Wash., and Bellingham, Wash., serving all intermediate points; *ground peat*, over irregular routes, from the port of entry at or near Blaine, Wash., on the United States-Canada boundary line to points in Pierce and Thurston Counties, Wash., from the port of entry at or near Blaine, Wash., on the United States-Canada boundary line to points in Whatcom, Skagit, Snohomish, King, and Pierce Counties, Wash.; *berries*, fresh and frozen, processed and unprocessed, in containers, in seasonal operations between May 15 and October 1, of each year, from Sumas and Lynden, Wash., and points in Washington within 5 miles of Lynden, to points in Whatcom, Skagit, Snohomish, King, and Pierce Counties, Wash., and *pyrite cinders*, from the port of entry on the United States-Canada boundary line at or near Blaine, Wash., to Bellingham, Wash. Vendee is authorized to operate as a common carrier in Oregon, California, Nevada, and Washington. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9694. Authority sought for purchase by JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. 46323, of the operating rights of HERMAN C. JENKINS, doing business as J. & H. TRUCKING CO., 4010 West Fourth Avenue, Gary, Ind. 46406, and for acquisition by JOHN S. GRAY, JR., also of Hammond, Ind., of control of such rights through the purchase. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be transferred: *Slag*, in

bulk, in dump trucks, as a *common carrier*, over irregular routes, from Gary, Ind., to certain specified points in Illinois and Wisconsin; *gravel, crushed limestone, and sand*, in bulk, in dump trucks, from points in Waukesha County, Wis., to certain specified points in Illinois, from points in Racine County, Wis., to points in Du Page County, Ill.; *gravel and sand*, in bulk, in dump trucks, from South Beloit, Ill., to points in Rock County, Wis.; and *materialite*, in bulk, in dump trucks, from points in La Salle County, Ill., to certain specified points in Wisconsin. Vendee is authorized to operate as a *common carrier* in Indiana, Illinois, Iowa, Missouri, Michigan, Minnesota, Wisconsin, Ohio, Kentucky, Pennsylvania, West Virginia, and Nebraska. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9695. Authority sought for purchase by H. J. JEFFRIES TRUCK LINE, INC., Post Office Box 94850, Oklahoma City, Okla. 73109, of a portion of the operating rights of SYKES TRANSPORT COMPANY, Post Office Box L, Madisonville, Ky. 42431, and for acquisition by H. J. JEFFRIES, also of Oklahoma City, Okla., of control of such rights through the purchase. Applicants' attorneys: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224, and Robert M. Pearce, 1033 State Street, Bowling Green, Ky. 42101. Operating rights sought to be transferred: *Lumber*, as a *common carrier*, over irregular routes, from points in New Mexico, to St. Louis, Mo., points in Kentucky, Tennessee, Wisconsin, Illinois, and Indiana (except from Albuquerque and Santa Fe, N. Mex., to Chicago, Ill., and points in the Chicago, Ill., commercial zone, as defined by the Commission). Vendee is authorized to operate as a *common carrier* in Oklahoma, Illinois, Kansas, Texas, Arkansas, Missouri, New Mexico, Indiana, Louisiana, Iowa, Colorado, Wyoming, Montana, North Dakota, South Dakota, Nevada, Tennessee, Nebraska, Ohio, Alaska, Montana, and Utah. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9696. Authority sought for purchase by CHECKER EXPRESS CO., 960 West Montana Street, Milwaukee, Wis. 53215, of the operating rights and property of MEY TRANSFER, INC., Post Office Box 26, Newburg, Wis., and for acquisition by HYMAN J. LEWENSOHN, also of Milwaukee, Wis., of control of such rights and property through the purchase. Applicants' representative: Richard A. Rebholz, 960 West Montana Street, Milwaukee, Wis. 53215. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC-104876 Sub-2, covering the transportation of property, as a *common carrier*, in intrastate commerce, within the State of Wisconsin. Vendee is authorized to operate as a *common carrier* in Wisconsin, Illinois, Iowa, Minnesota, and Indiana. Note: MC-68980 Sub-No. 11 is a matter directly related.

No. MC-F-9697. Authority sought for purchase by INSURED TRANSPORT-

ERS, INC., 1944 Williams Street, San Leandro, Calif. 94577, of a portion of the operating rights of CONVOY COMPANY, 3900 Northwest Yeon Avenue, Portland, Ore. 97210, and for acquisition by R. H. BERRY, also of San Leandro, Calif., of control of such rights through the purchase. Applicants' attorneys: Marvin Handler, 405 Montgomery Street, San Francisco, Calif. 94104, and John G. Lyons, 1418 Mills Tower, San Francisco, Calif. 94104. Operating rights sought to be transferred: *Trucks, truck chassis, and truck-tractors, and parts and accessories* of the described vehicles which are moving at the same time and with the vehicle of which they are a part and on which they are to be installed, in initial movements by the driveaway method, as a *common carrier*, over irregular routes, from Portland, Ore., to points in the United States, west of a line commencing at the Gulf of Mexico and extending along the Mississippi River to the point of intersection of the eastern and southern boundaries of the State of Minnesota, thence along the eastern boundary of the State of Minnesota to the international boundary between the United States and Canada. Vendee is authorized to operate as a *common carrier* in all points in the United States (except Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9698. Authority sought for purchase by TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. 63101, of a portion of the operating rights of CLETEX TRUCKING, INC., Cleburne, Tex., and for acquisition by ROBERT B. SCHILLI, 1931 North Geyer Road, St. Louis, Mo., of control of such rights through the purchase. Applicants' attorney: Thomas F. Kilroy, 1341 G Street NW., Washington, D.C. 20005. Operating rights sought to be transferred: *Lime*, in bulk (except lime used for agricultural purposes), as a *common carrier*, over irregular routes, from Limedale, Ark., to points in Oklahoma, Missouri, Illinois, Kentucky, Tennessee, Mississippi, Louisiana, Alabama, and Texas, except Houston and points in Texas within 50 miles thereof; and *lime*, in bulk, from Limedale, Ark., to points in Colorado, Kansas, Arizona, and New Mexico. Vendee is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC-F-9699. Authority sought for control and merger by McLEOD TRUCKING, INC., Post Office Box 366, Reno, Nev., of the operating rights and property of CARSON VALLEY FREIGHT LINES, INC., Post Office Box 112, Reno, Nev., and for acquisition by JOHN TOM ROSS, 1289 East Fifth Street, Reno, Nev., of control of such rights and property through the transaction. Applicants' attorneys and representative: Silver, Rosen & Kerr, Attention: Martin J. Rosen, 140 Montgomery Street, San Francisco, Calif., and James J. Halley, First National Bank Building, Reno, Nev. Operating rights sought to be con-

trolled and merged: Under a certificate of registration, in Docket No. MC-98677 Sub-1, covering the transportation of commodities generally, as a *common carrier* in intrastate commerce, within the State of Nevada. McLEOD TRUCKING, INC., is authorized to operate as a *common carrier* in California and Nevada. Application has been filed for temporary authority under section 210a(b). Note: MC-45057 Sub-18 is a matter directly related.

No. MC-F-9700. Authority sought for purchase by BRANSON TRUCK LINE, INC., 1309 Highway 56 East, Lyons, Kans., of the operating rights and certain property of FEASTER TRUCKING SERVICE, INC., Claffin, Kans., and for acquisition by A. L. BRANSON, ARLEEN R. BRANSON, both also of Lyons, Kans., and LAVONDA F. ODELL, 1510 Pleasant Street, Hutchinson, Kans., of control of such rights and property through the purchase. Applicants' attorneys: John E. Jandera, 641 Harrison, Topeka, Kans., and Leland M. Spurgeon, Casson Building, Topeka, Kans. Operating rights sought to be transferred: *Clay products*, as a *common carrier*, over irregular routes, from certain specified points in Kansas, to points in Nebraska, Iowa, Oklahoma, New Mexico, Colorado, Wyoming, Missouri, except points in the St. Louis, Mo., and Springfield, Mo., commercial zones, as defined by the Commission, and certain specified points in Texas, from certain specified points in Oklahoma, to points in Kansas, Nebraska, Iowa, New Mexico, Colorado, Wyoming, Missouri (except St. Louis, St. Charles, and Springfield, Mo.), and certain specified points in Texas, from the plantsites of Adel Clay Products Co. located at Redfield and Centerville, Iowa, to points in Kansas, Missouri, and Oklahoma, and that part of Nebraska west of U.S. Highway 281, from Denver, Colo., to points in Iowa, Kansas, Missouri, Nebraska, Oklahoma, Texas, Wyoming, and certain specified points in New Mexico, from the plantsite of Cloud Ceramics Co., located near Concordia, Kans., to points in Iowa, Nebraska, Wyoming, Missouri (except points in the St. Louis, Mo., commercial zone, as defined by the Commission), and that part of Colorado on and east of U.S. Highway 87, from Fredonia, Kans., to points in Nebraska, from Nebraska City, Nebr., to points in Kansas, Iowa, Missouri, and Oklahoma; and in pending Docket No. MC-117651, Sub-9, seeking a certificate of public convenience and necessity, covering the transportation of clay products, as a *common carrier*, over irregular routes, from Mason City, Iowa, and points within 10 miles thereof to points in Missouri, Kansas, Nebraska, and Oklahoma. Vendee is authorized to operate as a *common carrier* in all points in the United States (except Alaska, Hawaii, and the District of Columbia). Application has been filed for temporary authority under section 210a(b).

No. MC-F-9701. Authority sought for purchase by DANCE FREIGHT LINES, INC., 254 New Circle Road NE., Lexington, Ky., of a portion of the operating rights and certain property of ED-

WARD POOL, doing business as POOL FREIGHT LINE, 103 East Avenue, Greenville, S.C., and for acquisition by R. L. Dance, 920 Dance Court, Cincinnati, Ohio, of control of such rights and property through the purchase. Applicants' attorneys: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201, and George, Greek, King & McMahon, 100 East Broad Street, Columbus, Ohio 43215. Operating rights sought to be transferred: A portion under a certificate of registration in No. MC-98138, Sub-1, covering the transportation of commodities in general, as a common carrier in intrastate commerce, within the State of South Carolina. Vendee is authorized to operate as a common carrier in Ohio, Georgia, Kentucky, Tennessee, South Carolina, North Carolina, Illinois, Indiana, and Alabama. Application has not been filed for temporary authority under section 210a(b). NOTE: MC-107475, Sub-62 is a matter directly related.

No. MC-F-9702. Authority sought for control and merger by ESTES EXPRESS LINES, 1405 Gordon Avenue, Richmond, Va., of the operating rights and property of CAROLINA-NORFOLK TRUCK LINE, INC., 2412 Virginia Beach Boulevard, Norfolk, Va., and for acquisition by WEBB W. ESTES, 585 Boyd Street, Chase City, Va., of control of such rights and property through the transaction. Applicants' attorney: Francis W. McInerney, Suite 502, 1000 16th Street NW., Washington, D.C. 20036. 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 Norfolk, Va., and Wilmington, N.C., serving the plantsite of the Texas Gulf Sulphur Co., approximately 8 miles from Aurora, N.C., as an off-route point, between Norfolk, Va., and Goldsboro, N.C., between Norfolk, Va., and Fayetteville, N.C., between Norfolk, Va., and Charlotte, N.C.; between Norfolk, Va., and High Point, N.C., serving the off-route points of Roanoke Rapids and Thomasville, N.C.; between Norfolk, Va., and Raleigh, N.C., serving certain off-route points; between Norfolk, Va., and Salisbury, N.C., serving the intermediate points of Franklin, Va., and those on U.S. Highway 58 between Franklin and Norfolk, Va., restricted to delivery on eastbound shipments, and pickup on westbound shipments; and all other intermediate points on the above-specified routes without restriction; between Salisbury, N.C., and Charlotte, N.C., not serving between the terminal or to or from intermediate points; *petroleum products, roofing and roofing materials, lard, lard substitutes, and cooking and salad oils*, over irregular routes, from Norfolk, Va., to points in North Carolina; *General commodities*, with exceptions as specified above, between Richmond, Va., on the one hand, and, on the other, Ahsokle, N.C., and points in that part of North Carolina within 55 miles of Ahsokle, between points in South Carolina, on the one hand, and, on the other, Norfolk, Va., from Baltimore, Md., and places in Virginia, on and east of U.S.

Highway 1 to points in North Carolina on and east of U.S. Highway 15. ESTES EXPRESS LINES is authorized to operate under certificates of registration within the State of Virginia. Additional authority was granted by order dated October 19, 1966, as modified by order dated January 5, 1967, by the Commission, Finance Board No. 1, in MC-P-9292. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[P.R. Doc. 67-3107; Filed, Mar. 21, 1967;
8:47 a.m.]

[Notice 1040]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 17, 1967.

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

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

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and

the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 2900 (Sub-No. 150) (Amendment), filed October 3, 1966, published in FEDERAL REGISTER issue of October 27, 1966, amended March 3, 1967, and republished as amended, this issue. Applicant: RYDER TRUCK LINES, INC., Post Office Box 8418, Greensboro, N.C. 27410. Applicant's representatives: Reagan Sayers and Clayte Binion, Post Office Drawer 17007, Fort Worth, Tex. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals, petroleum, and petroleum products*, in bulk, in tank vehicles, from the plantsite of Monsanto Co. at or near Luling, La., to points in the United States (except Alaska and Hawaii). Restriction: The authority sought herein is restricted to traffic originating at Luling, La., and destined to the States named. NOTE: (1) The purpose of this republication is to re-describe the commodity description, (2) to add the restriction, and (3) to omit the tacking information as previously published, and (4) to reflect the hearing information.

HEARING: April 17, 1967, in Room 13003, Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner James J. Carr.

No. MC 107002 (Sub-No. 325) (Amendment), filed July 21, 1966, published FEDERAL REGISTER issue of August 18, 1966, amended March 7, 1967, and republished as amended, this issue. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, Jackson, Miss. Applicant's representative: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Acids and chemicals, including anhydrous ammonia, and petroleum and petroleum products*, in bulk, in tank vehicles, from the plantsite of Monsanto Chemical Co. at or near Luling, La., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at Luling, La. NOTE: Applicant states this proposed authority could be tacked at Luling, La., with other presently held authorized authority. The purpose of this republication is to change the commodity description, and add the hearing information.

HEARING: April 17, 1967, in Room 13003, Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner James I. Carr.

No. MC 111401 (Sub-No. 218) (Republication), filed February 21, 1967, published in the FEDERAL REGISTER of March 9, 1967, and republished this issue. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Authority sought to operate as a common carrier, by motor ve-

hicle, over irregular routes, transporting: *Chemicals, petroleum, and petroleum products*, from Luling, La., to points in the United States (excluding Alaska and Hawaii). Note: Applicant states it intends to tack Luling, La. with its present authority. The purpose of this republication to reflect the hearing information.

HEARING: April 17, 1967, in Room 13003, Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner James I. Carr.

No. MC 116077 (Sub-No. 203) (Amendment), filed July 21, 1966, published in the FEDERAL REGISTER issue of August 18, 1966, amended February 15, 1967, and republished this issue. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 9527, Houston, Tex. 77011. Applicant's representative: Thomas E. James, 721 Brown Building, Austin, Tex. 78701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Acids and chemicals, including anhydrous ammonia and petroleum and petroleum products*, in bulk, in tank vehicles, from the plantsite of Monsanto Co. at or near Luling, La., to points in the United States except Alaska and Hawaii. Restriction: The authority is restricted to traffic originating at Luling, La., and destined to the states named. Note: The purpose of this republication is to change the scope of the application, and add hearing information.

HEARING: April 17, 1967, in Room 13003, Federal Office Building, 701 Loyola Avenue, New Orleans, La., before Examiner James I. Carr.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[P.R. Doc. 67-3108; Filed, Mar. 21, 1967;
8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MARCH 17, 1967.

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 matter shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MC 993 Sub 1, filed March 6, 1967. Applicant: MT. PLEASANT TRANSFER, INC., Mt. Pleasant,

Tenn. 38474. Applicant's representative: Clarence Evans, 710 Third National Bank Building, Nashville, Tenn. Certificate of public convenience and necessity sought to operate a property service as follows: Transportation of *general commodities* between Nashville and Columbia, Tenn., via Tennessee Highway 6 (U.S. Highway 31), serving no intermediate points, with this authority to be used in conjunction with applicant's existing authority, applicant seeks no duplicating authority, and the issuance of the above authority may be accomplished by amending applicant's present intrastate certificate, by changing the limitations thereon from reading "does not authorize the transportation of local freight between Columbia and Nashville and intermediate points" to read "does not authorize and service at any point between Nashville and Columbia, but not including Nashville or Columbia. Applicant also seeks authority between Nashville and Columbia over the following described alternate route. From Nashville via Interstate Highway 65 to its junction with Tennessee Highway 99, and thence via Tennessee Highway 99 to Columbia, and return over the same route. No service would be authorized at any intermediate point on this route. Both intrastate and interstate authority sought.

HEARING: Wednesday, May 10, 1967, at the Commission's Court Room C-1, Cordell Hull Building, Nashville, Tenn., at 9:30 a.m. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. CC-6995, filed January 3, 1967. Applicant: JAMES BEN-TON MOORE, Trading As J. B. MOORE, 525 Alleghany Avenue, Lynchburg, Va. Applicant's representative: William B. Smith, 903 Court Street, Lynchburg, Va. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *property*, having a prior or subsequent movement by air between Lynchburg Municipal Airport (Preston Glenn Airport) in Campbell County, Va., and the following places over routes as described: Lynchburg via U.S. Route 29, and return, Bedford via State Route 297 or U.S. Route 460, and return, Hurt via U.S. Route 29, and return, Altavista via U.S. Route 29, and return, Big Island via U.S. Routes 29 and 501, and return, Appomattox via U.S. Routes 29 and 460, and return, Glasgow via U.S. Routes 29 and 501, and return, Buena Vista via U.S. Routes 29 and 501, and return, Lexington via U.S. Routes 29, 501, and 60, and return, Piney River via U.S. Route 29 and State Route 151, and return, Amherst via U.S. Route 29, and return, Gretna via U.S. Route 29, and return, Brookneal via U.S. Routes 29 and 501, and return, Dulles International Airport (Emergency Route) via U.S. Route 29, State Route 28, and U.S. Route 50, and return, National Airport, Alexandria, Va.

(Emergency Route) via U.S. Route 29, and return. Both intrastate and interstate authority sought.

HEARING: Monday, April 17, 1967, at 10 a.m., Virginia State Corporation Commission, Courtroom, Blanton Building, Richmond, Va. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Commonwealth of Virginia, State Corporation Commission, Post Office Box 1158, Richmond, Va., 23209, and should not be directed to the Interstate Commerce Commission.

State Docket No. 10001, filed March 3, 1967. Applicant: ASWELL P. PITRE AND RONALD F. STORY, a partnership, doing business as SOUTHEASTERN MOTOR FREIGHT, 4320 Hessmer Street, Post Office Box 786, Metairie, La. 70004. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, (1) between New Orleans, La., and the intersection of Louisiana Highway 48 with U.S. Highway 61, near Norco, La., as follows: From New Orleans, La., over Louisiana Highway 48 to its intersection with U.S. Highway 81, near Norco, La., in both directions, serving all intermediate points, (2) between the intersection of Louisiana Highway 628 with the intersection of U.S. Highway 61 at or near the Bonnet Carre Spillway, and Laplace, La., as follows: From the intersection of Louisiana Highway 628 with U.S. Highway 61 at or near the Bonnet Carre Spillway, over Louisiana Highway 628 to its intersection with Louisiana Highway 44, at or near Laplace, La., thence over Louisiana Highway 44 to Burnside, La., thence over Louisiana Highway 142 to its intersection with Louisiana Highway 22 to Sorrento, La., thence over U.S. Highway 61 to Laplace, La., in both directions, serving all intermediate points, (3) between Union, La., and Sorrento, La., over Louisiana Highway 22, in both directions, serving all intermediate points, and (4) between New Orleans, La., and a point on Louisiana Highway 18, 5 miles beyond Taft, La., as follows: From New Orleans, La. over U.S. Highway 90, to Boutte, La., thence over Louisiana Highway 52 to Luling, La., thence over Louisiana Highway 18 to a point 5 miles beyond Taft, La., in both directions, serving all intermediate points. Both intrastate and interstate authority sought.

HEARING: Not known at this time. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Louisiana Public Service Commission, Baton Rouge, La., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[P.R. Doc. 67-3109; Filed, Mar. 21, 1967;
8:47 a.m.]

[Notice 1493]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 17, 1967.

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-69397. By order of March 9, 1967, the Transfer Board approved the transfer to Glenwood Transit Line, Inc., 403 North Chestnut Street, Glenwood, Iowa 51534; of certificates in Nos. MC-2729 and MC-2729 (Sub-No. 1), issued July 19, 1960, and December 19, 1963, respectively, to Clarence Boles, Sr. and Clarence Boles, Jr., a partnership, doing business as Glenwood Transit Line, 403 North Chestnut Street, Glenwood, Iowa; authorizing the transportation of: General commodities, with the usual exceptions, between Glenwood, Iowa; and Omaha, Nebr., and, from Omaha, Nebr., to Tabor, Iowa; and milk and cream from Tabor, Iowa to Omaha, Nebr.

No. MC-FC-69415. By order of March 16, 1967, the Transfer Board approved the transfer to Raymond David Meiggs, Murfreesboro, N.C., of the operating rights in certificate No. MC-23473, issued May 10, 1956, to Junius Elias Flythe, doing business as Flythe's Truck Line, Conway, N.C., authorizing the transportation, over irregular routes, of cotton from points in Northampton County, N.C., to Danville and Norfolk, Va.; fruit and vegetable packages from points in Northampton County, N.C., to points in Maryland and Delaware; agricultural commodities and livestock from Woodland, N.C., and points in North Carolina within 75 miles of Woodland, to specified points in Vir-

ginia, and Washington, D.C., and Baltimore, Md.; and caskets and empty casket containers between Woodland, N.C., and points within 10 miles thereof, on the one hand, and, on the other, points in 11 eastern States and the District of Columbia. Robert M. Martin, North Carolina National Bank Building, Post Office Box 569, High Point, N.C., attorney for applicants.

No. MC-FC-69447. By order of March 14, 1967, the Transfer Board approved the transfer to Andrew Lella and Frank Lella, a partnership, doing business as Lella Bros., Brooklyn, N.Y., of the operating rights in certificate No. MC-112324, issued November 25, 1960, to Rex Moving Van Service, Inc., Brooklyn, N.Y., authorizing the transportation of: Household goods, as defined by the Commission, from points in the New York, N.Y., commercial zone, to points in Connecticut, New Jersey, New York, and Pennsylvania, which are within 100 miles of New York, N.Y. Morris Honig, 150 Broadway, New York, N.Y. 10038, attorney for applicants.

No. MC-FC-69463. By order of March 13, 1967, the Transfer Board approved the transfer to Arlen W. Rude, doing business as Rude Transportation Co., 416 East Second Street, Redfield, S. Dak. 57469, of the operating rights in certificate No. MC-64732 and certificate of registration No. MC-64732 (Sub-No. 4), issued May 26, 1955, and May 5, 1965, respectively to Agnes H. Rude, Arlen W. Rude, and Freeman B. Rude, Jr., a minor, Agnes H. Rude, guardian, a partnership, doing business as Rude Transportation Co., 416 East Second Street, Redfield, S. Dak. 57469, covering the transportation of general commodities, with exceptions, between specified points in South Dakota.

No. MC-FC-69484. By order of March 16, 1967, the Transfer Board approved the transfer to George O. Slater, Inc., Stoughton, Mass., of certificate No. MC-91997, issued November 30, 1949, to Pepin Moving & Storage Co., a corporation, Sharon, Mass., authorizing the transportation of household goods, over irregular routes, between points and places in Massachusetts, on the one hand, and, on the other, points and places in Connecticut, Delaware, Maryland, New Hampshire, New Jersey, New York, Maine, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. Robert J.

Gallagher, 111 State Street, Boston, Mass. 02109, attorney for transferee; and Albert Pepin, 8 Beach Road, Sharon, Mass. 02067, representative for transferor.

No. MC-FC-69500. By order of March 14, 1967, the Transfer Board approved the transfer to Tennyson Transfer & Storage, Inc., Boise, Idaho, of the operating rights in certificate No. MC-105334 (Sub-No. 1), issued December 27, 1963, and authority to engage as a broker in License No. MC-12376, issued May 28, 1948, to Howard Tennyson, doing business as Tennyson Transfer & Storage Co., Boise, Idaho, covering the transportation of: General commodities, including household goods, excluding classes A and B explosives, and livestock, between points in Idaho, and hay, baled, between points in Oregon and Idaho, and arranging for the transportation of: Household goods, as defined by the Commission, between points in Idaho and Oregon, on the one hand, and on the other, points in the United States. Maurice H. Greene, 334 First Security Bank Building, Boise, Idaho, attorney for applicants.

No. MC-FC-69504. By order of March 16, 1967, the Transfer Board approved the transfer to City Delivery Service, Inc., Wilkes-Barre, Pa., of certificates Nos. MC-90315, MC-90315 (Sub-No. 1), and MC-90315 (Sub-No. 4), issued March 22, 1949, August 23, 1946, and March 10, 1950, respectively, to Anthony Caruso, Wilkes-Barre, Pa., and authorizing the transportation over irregular routes of household goods, between Wilkes-Barre and Kingston, Pa., on the one hand, and, on the other, points and places in New York and New Jersey; second-hand furniture, except household goods, between Wilkes-Barre and Kingston, Pa., on the one hand, and, on the other, points and places in New York and New Jersey; and household goods, between Wilkes-Barre and points within 10 miles thereof, on the one hand, and, on the other, points in Connecticut, New York, New Jersey, Delaware, Maryland, Ohio, Indiana, and the District of Columbia. Charles J. Williams, 1060 Broad Street, Newark, N.J. 07102, attorney for applicants.

[SEAL]

H. NEIL GARSON,
Secretary.

[P.R. Doc. 67-3110; Filed, Mar. 21, 1967; 8:47 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—MARCH

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during March.

1 CFR	Page	7 CFR—Continued	Page	12 CFR—Continued	Page
APPENDIX A	3602	907	3729, 3968, 4277	PROPOSED RULES:	
APPENDIX B	4015	908	3688, 3729, 3968, 4277	206	4316
3 CFR		910	3383, 3730, 3969, 4278	215	4124
PROCLAMATIONS:		912	3730, 3969, 4278	545	3999
3769	3809	913	3384	13 CFR	
3770	4111	917	3384	123	3813
EXECUTIVE ORDERS:		944	3437	PROPOSED RULES:	
Dec. 11, 1912 (revoked in part by PLO 4175)	3991	991	3763	121	4079
Apr. 21, 1913 (revoked in part by PLO 4178)	4282	1002	3384	14 CFR	
Feb. 27, 1914 (revoked in part by PLO 4178)	4282	1004	3813	1	3735
June 6, 1914 (revoked in part by PLO 4175)	3991	1015	4113	21	3735
Aug. 17, 1915 (revoked in part by PLO 4178)	4282	1134	4016	33	3736
May 22, 1917 (revoked in part by PLO 4178)	4282	1138	3385	35	3737
July 17, 1917 (revoked in part by PLO 4166)	3744	1425	3688	39	3386, 3387, 3437, 3690, 3691, 3738, 3764, 3882, 3937, 3970, 3971, 4306, 4307
May 4, 1919 (revoked in part by PLO 4178)	4282	PROPOSED RULES:		71	3438, 3738, 3764-3768, 3882, 3938, 3971, 3972, 4056, 4307
June 17, 1920 (revoked in part by PLO 4175)	3991	777	4123	73	3438, 3691, 3739, 3740, 3768
Nov. 26, 1921 (revoked in part by PLO 4167)	3744	822	3946	75	3740, 3882, 3972, 4307
6143 (revoked in part by PLO 4165)	3744	917	4026	97	3692, 3938, 4163
6276 (revoked in part by PLO 4165)	3744	932	3992	302	4343
11248 (amended by EO 11335)	3965	991	3399	399	3817
11269 (amended by EO 11334)	3933	1001	4071	1204	3883
11329	3811	1002	4071	PROPOSED RULES:	
11330	3871	1006	3399	39	3997, 4124, 4314
11331	3875	1012	4313	61	3749
11332	3877	1013	4313	65	3946
11333	3879	1015	4071	71	3400- 3402, 3470, 3750, 3779, 3780, 3946, 3947, 3997, 4026, 4315
11334	3933	1047	3992	73	3402, 3751, 3998, 4316
11335	3965	1063	3776	77	3887
PRESIDENTIAL FINDINGS:		1070	3776	121	3946
Presidential Finding of Feb. 27, 1967	4051	1078	3776	208	3399
Presidential Finding of Feb. 28, 1967	4053	1079	3776	221	4076
5 CFR		1125	3834	296a	3752
213	3383, 3689, 3729, 3763, 4015, 4158, 4275, 4341	1134	3469	399	4076
330	3967	1137	4362	15 CFR	
332	3967	1201	4314	2	3769
550	3689, 3763	8 CFR		204	3816
733	4275	212	3731, 3970	230	3741, 4056
7 CFR		214	3731	370	4343
15	3967	245	4341	371	4343
17	3935	253	4341	372	4343
27	4157	9 CFR		373	4343
58	4157	78	4169	374	4343
215	4204	202	4113	376	4343
354	4341	312	4306	377	4343
401	3383	10 CFR		379	4159
722	4275, 4276	14	3731	380	4343
724	3935	30	4241	382	4159
730	4055, 4305	32	4241	385	4160
775	3881	50	4055	399	4160, 4343
777	3968	70	4055	16 CFR	
811	4305	PROPOSED RULES:		13	3439, 3771, 3973-3975, 4017, 4018, 4057
814	4015	30	3995	15	3387, 3818, 4308
	3687	40	3995	PROPOSED RULES:	
		50	3995	153	3711
		70	3995	17 CFR	
		170	3995	200	3741
		12 CFR		PROPOSED RULES:	
		1	3687, 4342	1	4026
		204	3763		
		222	3813		
		531	3970		
		555	4113		
		563	4114		
		610	4157		
		611	4157		
		619	4158		
		650	3740		

18 CFR		Page	31 CFR		Page	41 CFR—Continued		Page
141	-----	4058	214	-----	3820	8-1	-----	3772
19 CFR			306	-----	3446	8-2	-----	3772
1	-----	3388, 4349	309	-----	3821	8-3	-----	3773
2	-----	3388, 4349	312	-----	3446	8-7	-----	3773
3	-----	3440, 4058, 4349	315	-----	3446	9-4	-----	3979
8	-----	4308	316	-----	3700	9-16	-----	3981
10	-----	4308	317	-----	3447	11-3	-----	4061
16	-----	4019	500	-----	3822	11-4	-----	4061
23	-----	4349	525	-----	3448, 4024	101-26	-----	3690
24	-----	3741	32 CFR			101-28	-----	4161
54	-----	4308	1	-----	4242	101-34	-----	4024
20 CFR			2	-----	4242	43 CFR		
395	-----	3975	3	-----	4242	20	-----	3701
PROPOSED RULES:			4	-----	4251	PUBLIC LAND ORDERS:		
602	-----	4123	5	-----	4251	2135 (revoked in part by PLO	-----	
21 CFR			6	-----	4252	4168)	-----	3744
3	-----	3440, 4058, 4350	7	-----	4258	4153 (corrected)	-----	4061
19	-----	4350	9	-----	4260	4163	-----	3743
31	-----	4350	12	-----	4260	4164	-----	3743
51	-----	4059	13	-----	4260	4165	-----	3744
53	-----	4350	15	-----	4260	4166	-----	3744
120	-----	3441, 4059, 4351, 4352	16	-----	4260	4167	-----	3744
121	-----	3442, 3819, 4019, 4020, 4059, 4060, 4170, 4352, 4353.	17	-----	4265	4168	-----	3744
131	-----	3440	18	-----	4266	4169	-----	3745
146a	-----	4060	23	-----	4268	4170	-----	3745
148e	-----	4355	30	-----	4272	4171	-----	3745
281	-----	4020	100	-----	3829	4172	-----	3746
PROPOSED RULES:			156	-----	4114	4173	-----	3747
1	-----	4172, 4363	505	-----	3391	4174	-----	3747
14	-----	4075	518	-----	3770, 4355	4175	-----	3991
17	-----	3710	519	-----	4114	4176	-----	4121
27	-----	3469	750	-----	3393	4177	-----	4122
130	-----	3994, 4284	753	-----	3393	4178	-----	4283
133	-----	3470	850	-----	4117	45 CFR		
22 CFR			888	-----	4117	141	-----	4162
11	-----	3443, 3444	902	-----	4356	142	-----	4162
31	-----	4020	1001	-----	3976	611	-----	4062
41	-----	3742, 3969	1003	-----	3976	Ch. VII	-----	4062
51	-----	4024, 4122	1004	-----	3977	PROPOSED RULES:		
123	-----	4241	1007	-----	3978	308	-----	3778
23 CFR			1013	-----	3978	46 CFR		
255	-----	3390	1016	-----	3978	221	-----	4122
24 CFR			1054	-----	3978	510	-----	3774
221	-----	4279	33 CFR			540	-----	3986
25 CFR			33	-----	3397	PROPOSED RULES:		
221	-----	4282	202	-----	3883	401	-----	3709
255	-----	3944	203	-----	3772	403	-----	3709
PROPOSED RULES:			204	-----	3883	47 CFR		
73	-----	3748	PROPOSED RULES:			0	-----	3831
221	-----	3469	401	-----	3888	1	-----	4358
26 CFR			35 CFR			2	-----	3832, 4067
1	-----	3446, 3819	117	-----	3830	73	-----	3832, 4358
301	-----	3819	119	-----	4061	87	-----	4067
PROPOSED RULES:			253	-----	4281	PROPOSED RULES:		
1	-----	3886	36 CFR			18	-----	3888
29 CFR			311	-----	3742	21	-----	3403
4	-----	3689	38 CFR			73	-----	3471
10	-----	4170	3	-----	3742	73	-----	3835, 3836, 3888, 4077, 4078, 4124, 4175, 4284, 4363.
505	-----	4309	21	-----	3452, 3979	49 CFR		
1515	-----	4170	39 CFR			1	-----	4070
PROPOSED RULES:			Ch. I	-----	3397	71-90	-----	3452, 3467
26	-----	3710	PROPOSED RULES:			77	-----	4360
31 CFR			132	-----	4027	91	-----	4360
1-12	-----	4311	143	-----	4027	170	-----	3884
6-3	-----	3936	531	-----	3778	190	-----	3467
6-75	-----	3936	41 CFR			193	-----	3774
32 CFR			1	-----	4242	50 CFR		
33 CFR			2	-----	4242	32	-----	3884
34 CFR			3	-----	4242	33	-----	3467, 3884
35 CFR			4	-----	4251			
36 CFR			5	-----	4251			
37 CFR			6	-----	4252			
38 CFR			7	-----	4258			
39 CFR			9	-----	4260			
40 CFR			12	-----	4260			
			13	-----	4260			
			15	-----	4260			
			16	-----	4260			
			17	-----	4265			
			18	-----	4266			
			23	-----	4268			
			30	-----	4272			
			100	-----	3829			
			156	-----	4114			
			505	-----	3391			
			518	-----	3770, 4355			
			519	-----	4114			
			750	-----	3393			
			753	-----	3393			
			850	-----	4117			
			888	-----	4117			
			902	-----	4356			
			1001	-----	3976			
			1003	-----	3976			
			1004	-----	3977			
			1007	-----	3978			
			1013	-----	3978			
			1016	-----	3978			
			1054	-----	3978			
			33 CFR					
			33	-----	3397			
			202	-----	3883			
			203	-----	3772			
			204	-----	3883			
			PROPOSED RULES:					
			401	-----	3888			
			35 CFR					
			117	-----	3830			
			119	-----	4061			
			253	-----	4281			
			36 CFR					
			311	-----	3742			
			38 CFR					
			3	-----	3742			
			21	-----	3452, 3979			
			39 CFR					
			Ch. I	-----	3397			
			PROPOSED RULES:					
			132	-----	4027			
			143	-----	4027			
			531	-----	3778			
			41 CFR					
			1-12	-----	4311			
			6-3	-----	3936			
			6-75	-----	3936			