FEDERAL REGISTER

VOLUME 32 • NUMBER 134

Thursday, July 13, 1967 • Washington, D.C.

Pages 10289–10336

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FEDERAL REGISTER

Area Code 202 Phone 962-8626

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

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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.

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Export-Import Bank of Washington

Section 213.3242 is added to show that not to exceed three positions of Loan Specialist are excepted under Schedule B when occupied by persons selected jointly by commercial banks and the agency for participation in the Eximbank-Commercial Bank Orientation Program. Appointments under this authority may not exceed 15 months. Effective on publication in the FEDERAL REGISTER, § 213.3242 is added as set out below.

§ 213.3242 Export-Import Bank of Washington.

(a) Not to exceed three positions of Loan Specialist GS–11 through GS–13 when occupied by persons selected jointly by commercial banks and the agency for participation in the Eximbank-Commercial Bank Orientation Program. Appointments under this authority may not exceed 15 months.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

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

[F.R. Doc. 67-8061; Filed, July 12, 1967; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that one of two positions of Special Assistant to the Administrator no longer is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (3) of paragraph (a) of § 213.3337 is amended as set out below.

§ 213.3337 General Services Administration.

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

(3) One Special Assistant to the Administrator.

* * * * *

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

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

[F.R. Doc. 67-8062; Filed, July 12, 1967; 8:48 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM ACREAGE ALLOTMENTS AND MARKETING QUOTAS

[Amdt. 15]

PART 717—HOLDING OF REFERENDA ON MARKETING QUOTAS

Subpart—Regulations Governing the Holding of Referenda on Marketing Quotas

Place for Balloting

Correction

In F.R. Doc. 67–7731, appearing at page 9946 of the issue for Friday, July 7, 1967, the following corrections are made:

1. On page 9947, the State heading at the top of the left-hand column should read "Georgia" instead of "Alabama", and the State heading at the top of the right-hand column should read "North Carolina" instead of "Alabama".

2. On page 9948, the State heading at the top of the left-hand column should read "North Carolina" instead of "Alabama".

[Amdt. 1]

PART 725—FLUE-CURED TOBACCO

Subpart—Flue-Cured Tobacco, 1966–67 and Subsequent Marketing Years

MISCELLANEOUS AMENDMENTS

Basis and purpose. This amendment is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), and is made for the purpose of amending the Flue-Cured Tobacco Allotment and Marketing Quota Regulations for the 1966–67 and Subsequent Marketing Years. The amendment (1) provides that the tobacco allotment may be reduced if the farm has insufficient cropland, (2) expands provisions for preservation of history acreage where tobacco is regarded as planted under conservation programs and conservation practices pursuant to Part 719, (3) clarifies procedure for making mathematical determinations of effective farm acreage allotments and quotas, (4) authorizes the State executive director to omit showing data for 10 percent of quota on marketing cards when issued, (5) includes the rate of penalty applicable on marketings of excess tobacco during the 1967–68 marketing year, (6) includes provisions heretofore in administrative procedure which are required to be published in the FEDERAL REGISTER pursuant to Public Law 89–487, approved July 4, 1966, and (7) makes clarifying administrative changes of a procedural nature. A table of contents embodying the changes set forth is included in the amendment.

Tobacco farmers are engaged in the preparation for and production of flue-cured tobacco for 1967 and marketings of the crop will begin soon. Hence, it is essential that this amendment be made effective at the earliest possible date. Accordingly, it is hereby found and determined that compliance with the notice, public procedure, and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest, and the amendment contained herein shall become effective upon date of filing this document with the Director, Office of the Federal Register.

1. Section 725.56 is amended by revising paragraph (a) to read as follows:

§ 725.56 Determination of preliminary farm acreage allotments.

(a) *Farms with history acreage in base period.* A preliminary farm acreage allotment shall be determined for each farm which has tobacco history acreage, as defined and explained in § 725.73 of this part, in the base period, except that no preliminary farm acreage allotment shall be established in the current year under any one of the following conditions: (1) The only tobacco history acreage credited to the farm during the entire base period is history acreage restored because the allotment was reduced for violation of the marketing quota regulations, (2) a new farm allotment was established in any prior year but was canceled for the year preceding the current year, (3) an allotment was pooled under Part 719 of this chapter but was canceled, or (4) the county committee determines that the cropland in the farm has been retired from agricultural production and was not and could not have been acquired under the right of eminent domain by the person or agency that acquired it: *Provided*, That this paragraph shall not preclude the determination of a preliminary farm acreage allotment for (i) an old farm that is returned to agricultural production if the allotment for the retired land was not allocated to other land contained in the farm of which the retired land was a part, or (ii) a farm for which an acreage allotment may be determined under the provisions of § 725.68.

* * * * *

2. Section 725.58 is amended to read as follows:

§ 725.58 Determination of farm acreage allotments and effective farm acreage allotments.

(a) *Farm acreage allotments.* The farm acreage allotment shall be determined by multiplying the current year's

preliminary farm acreage allotment by the national acreage factor for the current year.

(b) *Effective farm acreage allotment.* The effective farm acreage allotment for the current year shall be determined by adjusting the farm acreage allotment for the current year as follows:

(1) *Upward adjustment.* (i) Add the farm marketing quota and the pounds undermarketed in the preceding marketing year (not tc exceed 100 per centum of the preceding year farm marketing quota plus pounds leased to the farm for such year) and divide the result by the current year's farm yield.

(ii) Add to the acreage computed under subdivision (i) of this subparagraph the acreage obtained by dividing the pounds leased and transferred to the farm for the current year by the current year's farm yield for the lessee farm.

(2) *Downward adjustment.* The farm acreage allotment, after adjustment under subparagraph (1) of this paragraph, if any, shall be adjusted downward as follows:

(i) Subtract from the farm marketing quota the pounds overmarketed in the preceding marketing year (plus additional pounds overmarketed in any prior marketing year for which a reduction in quotas has not been made) and divide the result by the current year's farm yield.

(ii) Subtract from the acreage computed under (i) of this subparagraph the (*a*) acreage obtained by dividing the pounds leased and transferred from the farm for the current year by the current year's farm yield for the lessor farm, (*b*) acreage reduced because of insufficient cropland, and (c) acreage reduced because of a violation of the marketing quota regulations.

3. Section 725.60 is amended by revising paragraph (b) to read as follows:

§ 725.60 Determination of effective farm marketing quotas.

* * * * *

(b) *Downward adjustment.* The farm marketing quota, after adjustment, if any, under paragraph (a) of this section shall be adjusted dc wnward by subtracting (1) the pounds overmarketed in the preceding marketing year plus additional pounds overmarketed in any prior marketing year for which a reduction in quota has not been made, (2) the pounds reduced for violation of the tobacco marketing quota regulations for a prior year, (3) the pounds leased and transferred from the farm for the current year, and (4) the pounds computed for allotment reduction because of insufficient cropland acreage on the farm.

4. Section 725.66 is amended by adding to the end of paragraphs (a) and (b) the following:

§ 725.66 Correction of errors and adjusting inequities in acreage allotments for old farms.

(a) *General.* * * * The reserve acreage for adjusting allotments under this paragraph will be held at the national level. The national office will advise State offices of the amount. Correction of errors shall be made out of the reserve acreage before allotments are adjusted for inequities. Any reserve acreage used in adjusting old farm allotments for inequities shall be approved by the Deputy Administrator.

(b) *Basis for adjustment.* * * * The total of all adjustments in old farm allotments under this paragraph shall not exceed the acreage apportioned the county for such purpose. The sum of adjustments for farms in the county owned, operated, or controlled by the State, county and community committeemen and the county office manager, shall not be larger in relation to the sum of the preceding year's allotments for such farm than the sum of the adjustments for other farms in the county in relation to the preceding year's allotments for such farms.

* * * * *

5. Section 725.68 is amended by adding to the end of pargraph (d) the following:

§ 725.68 Allotments and yields for farms acquired under right of eminent domain.

* * * * *

(d) *Release and reapportionment* * * * No release and reapportionment of allotment acreage hereunder shall be the result of any private negotiations between individuals. Any acreage released shall be released to the county committee and such acreage shall be reapportioned only by the county committee.

6. Section 725.73 is amended by revising paragraphs (a), (b), and (c) to read as follows:

§ 725.73 Determining tobacco history acreages.

Tobacco history acreage shall be determined for each farm for which a tobacco farm acreage allotment has been established for the current year.

(a) *Farm acreage allotment fully preserved.* The farm acreage allotment is fully preserved as tobacco history acreage for the current year if:

(1) (i) In the current year or either of the two preceding years the sum of (*a*) the final tobacco acreage as determined under Part 718 of this chapter, (*b*) the acreage computed for pounds leased and transferred from the farm under lease and transfer provisions, (c) acreage reduced because of insufficient cropland acreage, (*d*) and the acreage regarded as planted to tobacco under the conservation programs and practices determined pursuant to Part 719 of this chapter, was as much as 75 per centum of the farm acreage allotment (after adjustment for overmarketings and reduction for violation of marketing quota regulations). If an erroneous notice of allotment is issued, the smaller of the correct or the erroneous notice shall be used to determine whether 75 percent planting provision has been met; or (ii) in the current year or either of the two preceding years the farm acreage allotment is or was in the eminent domain allotment pool; or

(2) The farm consists of federally owned land for which a restrictive lease is in effect prohibiting the production of tobacco.

(b) *Computed history acreage.* If the farm acreage allotment is not fully preserved as tobacco history acreage under paragraph (a) of this section, the tobacco history acreage shall be the sum of the acreage (not to exceed the farm acreage allotment) as follows:

(1) Final tobacco acreage.

(2) Acreage computed for pounds leased and transferred from the farm.

(3) Acreage reduced because of insufficient cropland acreage.

(4) Acreage regarded as planted to tobacco under the conservation programs and practices.

(c) *Adjustment of tobacco history acreage for abnormal weather or disease.* If the county committee determines (with the approval of a representative of the State committee) that for any year the sum of (1) the final tobacco acreage, (2) the acreage computed for pounds leased and transferred from the farm under the lease and transfer provisions, (3) acreage reduced because of insufficient cropland acreage, and (4) the acreage regarded as planted to tobacco under the conservation programs and practices is less than 75 per centum of the farm acreage allotment (after any reduction for violation of the marketing quota regulations and adjustment for overmarketings) because of abnormal weather or disease, the tobacco history acreage for such year shall be adjusted to become the smaller of (5) the farm acreage allotment, or (6) the sum of the (i) final tobacco acreage for the farm, (ii) the acreage computed for pounds leased and transferred from the farm, (iii) acreage reduced because of insufficient cropland acreage, (iv) the acreage regarded as planted to tobacco under the conservation programs and practices, and (v) if the farm operator makes a written request of the county committee not later than October 1 of the crop year involved, the additional acreage which the county committee determines (with the approval of a representative of the State committee) would have been included in the final acreage if the weather had been normal, or there had been no disease. Any adjustment in tobacco history acreages because of abnormal weather or disease shall not be considered as acreage devoted to tobacco in determining whether or not 75 percent of the farm acreage allotment is planted.

7. A new § 725.75 is added to read as follows:

§ 725.75 Reduction in farm allotment because of cropland limitation.

The allotment determined for any farm under these regulations may be reduced for the current year if the sum of the feed grain base, total allotments, and sugar proportionate shares exceeds the cropland for the farm for the current year and the farm operator requests in writing to reduce the tobacco allotment in lieu of the feed grain base: *Provided,*

That such reduction shall not exceed the acreage by which the sum of the feed grain base, total allotments, and sugar proportionate shares exceeds the cropland for the farm: *Provided further*, That such reduction shall be effective for the current year only. For purposes of establishing future farm allotments, the acreage not planted under the farm allotment because of reduction under this paragraph shall be regarded as planted on the farm.

8. Section 725.87 is amended by adding two sentences to the end of paragraph (a) and changing paragraph (f) to read as follows:

§ 725.87 Issuance of marketing card.

(a) *General.* * * * The face of the marketing card may show the name of other interested producers. For cards issued in North Carolina, South Carolina, and Virginia, the card shall show the harvested acreage on the face of the card.

* * * * *

(f) *Farm quota data entered on marketing card and supplemental card.* (1) Any marketing card issued to market tobacco shall show when issued, in the space provided on the reverse side, (i) the pounds computed by multiplying 10 percent times the effective farm marketing quota (unless no entry is authorized by the State executive director) and (ii) the pounds computed by multiplying 110 percent times the effective farm marketing quota.

(2) Where the farm operator requests it, a supplemental marketing card bearing the same name and identification as shown on the original marketing card may be issued for a farm upon return to the county office of an original marketing card or a supplemental marketing card. The pounds computed as 10 percent of the effective farm marketing quota shall be entered in the space provided on reverse side of the marketing card (unless no entry is authorized by the State executive director) and the balance of 110 percent of quota from prior marketing card shall be shown in the first space on the card.

(3) Two or more marketing cards may be issued for a farm if the farm operator so requests in writing and specifies in writing the number of pounds to be assigned to each card. In such cases (i) each marketing card shall show 10 percent of the assigned quota in the space "10 percent of quota" (unless no entry is authorized by the State executive director), and (ii) each marketing card shall show the assigned quota in the space "110 percent of quota."

9. Section 725.88 is amended by adding a new sentence at the end of subparagraph (1) of paragraph (a) as follows:

§ 725.88 Debt stamping and replacing marketing cards.

(a) *Stamping to show indebtedness.* (1) * * * Issue a debt-free marketing card when the debt has been paid.

* * * * *

10. Section 725.91 is amended by revising paragraph (a) to read as follows:

§ 725.91 Identification of marketings.

(a) *Identification of producer marketings.* Each auction and nonauction marketing of tobacco from a farm in the current year shall be identified by a marketing card, Form MQ–76, issued for the farm. The reverse side of the marketing card shall show in pounds (1) 10 percent of quota (unless no entry is authorized by the State executive director), (2) 110 percent of quota (3) balance of 110 percent of quota after each sale, and (4) date of sale. Also, each producer sale, auction or nonauction, shall be recorded on a uniform tobacco sale bill.

* * * * *

11. Section 725.92 is amended by adding paragraphs (d) and (e) as follows:

§ 725.92 Rate of penalty.

* * * * *

(d) *Average market price.* The average market price as determined by the Crop Reporting Board for the marketing years specified was:

AVERAGE MARKET PRICE

Marketing year:	Cents per pound
1966–67	66.9

(e) *Rate of penalty per pound.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the marketing years specified shall be:

RATE OF PENALTY

Marketing year:	Cents per pound
1967–68	50

12. Section 725.98 is amended by adding paragraphs (k) and (l) at the end thereof to read as follows:

§ 725.98 Producers' records and reports.

* * * * *

(k) *Unauthorized erasure on marketing card.* Any unauthorized erasure of any information or data on a marketing card shall be considered a violation and may, subject to rebuttal, be cause for an allotment reduction and assessment of marketing quota penalty.

(l) *County administrative hearings in connection with violations.* Except for the failure to return a marketing card to the county office, the allotment for any farm shall not be reduced for a violation under this section until after the operator of the farm has been notified in writing by the county office manager of the time and place of a hearing to determine the nature and extent of the violation. The notice of the hearing shall request the farm operator to bring to the hearing warehouse bills (floor sheets) and other relevant supporting documents. At least two members of the county committee shall be present at the hearing. The hearing shall be held at the time and place named in the notice and any action taken on the violation shall be taken after the hearing. If the farm operator does not attend the hearing, or is not represented, the county committee may take whatever action it deems proper.

13. Section 725.99 is amended by changing the first sentence in subparagraph (3) of paragraph (a), adding item (11) to paragraph (g), and adding paragraph (h), to read as follows:

§ 725.99 Warehouseman's records and reports.

(a) *Record of marketing.* * * *

(3) *Buyers corrections account.* * * * Each warehouseman shall keep such records as will enable him to furnish a weekly report on Form MQ–71 to the ASCS State office showing the total pounds and amounts of the debits (for returned baskets, short baskets and short weights of tobacco) and the credits (for long baskets and long weights of tobacco) to the Buyers Corrections Account.

* * * * *

(g) *Daily warehouse sales summary.* * * *

(11) In balancing total sales (represented by marketing recorder's data for total pounds sold and identified plus pounds for suspended sales as reflected on sale bills) with computed total sales (bill-out totals, as reported by the warehouseman) the State executive director is authorized to approve reports with variances of 100 pounds or less.

(h) *Report to county office of long weights and long baskets.* Each warehouseman shall report to the ASCS county office or marketing recorder long weights and long baskets of producer tobacco (first sales) for which the farmer has been paid.

14. A new § 725.104a is added after § 725.104 to read as follows:

§ 725.104a Registration of warehousemen and dealers.

Any dealer or warehouseman dealing in flue-cured tobacco shall be registered with the U.S. Department of Agriculture. Such registration will be handled by the North Carolina ASCS State Office, Raleigh, N.C. Any person desiring to register as a dealer or warehouseman shall complete an "Application for Dealer Identification Card" and submit it to the State office. Warehousemen will be assigned a three-digit identification number and dealers will be assigned a four-digit identification number. Persons requesting it will be issued a dealer identification card, Form MQ–79–2.

15. Section 725.109 is amended by adding paragraph (j) to read as follows:

§ 725.109 Determination of discount varieties.

* * * * *

(j) *Estimate of production.* For any farm on which it has been determined discount variety tobacco is being grown, a Form MQ–92, Estimate of Production, shall be obtained. The form shall be executed jointly by a producer on the farm and a representative of the county or State committee.

(Secs. 313, 314, 316, 317, 363, 372-375, 377, 378, 52 Stat. 38, as amended, 45, as amended, 48, as amended, 75 Stat. 469, as amended, 79 Stat. 66, 52 Stat. 63, as amended, 65-66, as amended, sec. 401, 63 Stat. 1054, as amended, secs. 106, 112, 125, 70 Stat. 191, 195, 198, as amended, sec. 16(e), 76 Stat. 606, 80 Stat. 220; 7 U.S.C. 1301, 1313, 1314, 1314b, 1314c, 1363, 1372-1375, 1377, 1378, 1421, 1813, 1824, 1836; 16 U.S.C. 590p(e))

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on July 7, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-8090; Filed, July 12, 1967; 8:51 a.m.]

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

[Pear Reg. 1]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Minimum Standards

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Pear Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of pears, as hereinafter provided, will establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will tend to effectuate such orderly marketing of pears as will be in the public interest, will tend to effectuate the declared policy of the act, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Pear Commodity Committee on June 30, 1967, but not received until July 5 due to the holiday; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information concerning the committee's recommendation for regulation, including the effective time recommended, has been disseminated among handlers of such pears; the provisions of the act and this regulatory program authorize minimum standards of quality and maturity, as set forth herein, during periods when the seasonal average price to growers of the particular fruit will exceed the parity level specified in section 2(1) of the act; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth and at the commencement thereof, so as not to permit unrestricted shipment hereinafter of pears, as such unrestricted shipments would not be conducive to the orderly marketing of such fruit as will be in the public interest and would not tend to effectuate the declared policy of the act; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

§ 917.404 Pear Regulation 1.

(a) *Order.* (1) During the period July 13, 1967, through December 31, 1967, no handler shall ship any box or container of Bartlett, Max-Red, or Rosired varieties of pears unless:

(i) All such pears grade not less than U.S. No. 2;

(ii) At least 75 percent, by count, of the pears contained in any box or container grade at least U.S. No. 1, except that (*a*) the percentage of such pears required to grade at least U.S. No. 1 may be reduced not more than 10 percentage points below 75 percent for pears which are damaged but not seriously damaged by russeting, and (*b*) such pears may fail to be fairly well formed only because of short shape but shall not be seriously misshapen; and

(iii) Such pears are of a size not smaller than the size known commercially as size 180.

(2) During the effective period of this regulation no handler shall ship any box or other container of pears of any variety unless such box or other container is stamped or otherwise marked, in plain sight and in plain letters, on one outside and with the name of the variety, if known, or when the variety is not known, the words "unknown variety."

(b) *Definitions.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(2) "Size known commercially as size 180" means a size Bartlett, Max-Red or Rosired varieties of pears that will pack a standard pear box, packed in accordance with the specifications of a standard pack, with five tiers, each tier having six rows with six pears in each row, and with the 21 smallest pears weighing not less than 5 pounds.

(3) "Standard pear box" means the container so designated in section 828.3 of the Agricultural Code of California.

(4) "U.S. No. 1," "U.S. No. 2," "fairly well formed," "seriously misshapen," and "standard pack" shall have the same meaning as when used in the U.S. Standards of Pears (Summer and Fall), 7 CFR 51.1260-51.1280.

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

Dated: July 12, 1967.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-8174; Filed, July 12, 1967; 11:36 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 67-CE-33]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On April 28, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 6582) stating that the Federal Aviation Administration was considering an amendment to Part 73 of the Federal Aviation Regulations that would alter the Manhattan, Kans., Restricted Area R-3602.

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

The Aircraft Owners and Pilots Association objected to the proposal on the basis that adequate justification was not presented to support a requirement for additional restricted airspace. As stated in the NPRM, the expanded area will be used by the Army for troop training in the use of such weapons as artillery, small arms, machine guns, mortars, and rockets. The proposed additional restricted area is presently contained within controlled firing areas which are inadequate for accomplishment of the missions assigned to Fort Riley. Controlled firing areas will not support a regularly scheduled firing program since all firing operations must cease when an aircraft approaches the area.

In consideration of the foregoing, the Federal Aviation Administration has determined that the alteration of the

Manhattan, Kans., restricted area, as proposed, is fully justified. Accordingly, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., September 14, 1967, as hereinafter set forth.

In § 73.36 (32 F.R. 2310, 5769) Restricted Area R-3602 at Manhattan, Kans., is amended as follows:

R-3602 MANHATTAN, KANS.

SUBAREA A

Boundaries: Beginning at latitude 39°17'-45" N., longitude 96°49'50" W.; thence along the southern edge of the Chicago, Rock Island and Pacific Railroad right-of-way to latitude 39°18'33" N., longitude 96°57'39" W.; thence south to the shoreline of the main body of Milford Reservoir at latitude 39°12'27" N., longitude 96°57'39" W.; thence along the shoreline of the main body of Milford Reservoir to latitude 39°10'58" N., longitude 96°55'00" W.; to latitude 39°10'-58" N., longitude 96°53'13" W.; to latitude 39°08'22" N., longitude 96°53'13" W.; to latitude 39°08'22" N., longitude 96°49'52" W.; thence north along U.S. Highway No. 77 to the point of beginning.

Designated altitudes: Surface to 29,000 feet MSL.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Kansas City ARTC Center.

Using agency: Commanding General, Fort Riley, Kans.

SUBAREA B

Boundaries: Beginning at latitude 39° 17'-45" N., longitude 96°49'50" W.; thence south along U.S. Highway No. 77 to latitude 39°07'-54" N., longitude 96°49'52" W.; to latitude 39°04'24" N., longitude 96°52'22" W.; to latitude 39°04'24" N., longitude 96°51'15" W.; thence clockwise along the arc of a 4 nautical mile radius circle centered on the Marshall Army Air Field RBN at latitude 39°01'34" N., longitude 96°47'40" W.; to latitude 39°05'17" N., longitude 96°45'40" W.; to latitude 39°08'20" N., longitude 96°-43'00" W.; to latitude 39°09'23" N., longitude 96°43'00" W.; to latitude 39°10'43" N., longitude 96°40'55" W.; to latitude 39°12'17" N., longitude 96°40'55" W.; to latitude 39°-13'00" N., longitude 96°42'35" W.; to latitude 39°13'16" N., longitude 96°42'35" W.; thence along the southerly edge of the Chicago, Rock Island and Pacific Railroad right-of-way to the point of beginning.

Designated altitudes: Surface to 29,000 feet MSL.

Time of designation: Continuous.

Controlling agency: Federal Aviation Administration, Kansas City ARTC Center.

Using agency: Commanding General, Fort Riley, Kans.

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

Issued in Washington, D.C., on July 5, 1967.

H. B. HELSTROM,
Acting Director,
Air Traffic Service.

[F.R. Doc. 67-8048; Filed, July 12, 1967; 8:47 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Trade, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[10 Gen. Rev. of Export Regs., Amdt. 35]

EXPORTS OF NICKEL

Subject. Exports of Nickel.[1]

Purpose and effect. In view of the tight supply situation in nickel, certain special provisions are established for the export of these commodities.

The commodities affected by the new special provisions are as follows:

Export Control Commodity Number and Commodity Description	
28200	Alloy steel scrap containing 5 percent or more nickel by weight.
28401	Nickel bearing residues and dross.
28403	Other nickel or nickel alloy waste and scrap.
67160	Ferronickel containing 90 percent or less nickel.
68310	Nickel based magnetic materials, unwrought.
68310	Other nickel or nickel alloys, unwrought.
68324	Nickel or nickel alloy electroplating anodes.

The special provisions for the above-listed commodities provide that:

(1) Each application for an export license shall be accompanied by a copy of the export order or contract;

(2) Any newly issued validated license will be valid for a period of 90 days;

(3) Any outstanding validated license issued on or before June 9, 1967, will automatically expire on September 6, 1967, unless an earlier expiration date is shown on the license;

(4) An additional copy of the Shipper's Export Declaration shall be filed with the Customs Office for each shipment authorized by a validated license and such Declaration shall bear in the upper right corner the notation "862";

(5) The permissible shipping tolerance is reduced from 10 percent to 5 percent of the unshipped balance specified on a validated export license.

Applications for licenses presently on file in the Office of Export Control will be returned to applicants for compliance with the above applicable special provisions.

Accordingly, the Export Regulations are amended as set forth above. The particular Export Regulations effected by this General Notice are being revised to reflect the changes and will be published in regulatory form in the near future.

(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: July 10, 1967.

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

[F.R. Doc. 67-8030; Filed, July 12, 1967; 8:45 a.m.]

[1] The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Agreement Among Members of Trade Association to Comply with Government Ruling

§ 15.133 **Agreement among members of trade association to comply with government ruling.**

(a) A trade association requested an advisory opinion as to its proposal to hold joint discussions among its members as to the proper description of the industry's product looking toward a possible agreement among all concerned to comply with the ruling of a government agency as to how the product should be labeled. The Association assured the Commission that the discussion would be for this limited purpose only and that there would be no price fixing, monopoly or other antitrust question involved.

(b) The Commission advised that there could be no objection to a discussion among the members looking toward a limited agreement to comply with this ruling on a voluntary basis. The members were further advised, however, that nothing in this opinion was to be construed as approval of any steps which might be taken by the members, acting in their private capacity, to enforce this ruling themselves as to any members who might not be inclined to agree. Such approval as was given was limited to the simple agreement in principle to comply with the ruling, with enforcement being left to the properly constituted government authorities.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: July 12, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-8088; Filed, July 12, 1967; 8:51 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Proposed Lease of Patented Industrial Machine

§ 15.134 Proposed lease of patented industrial machine.

(a) A manufacturer of a patented industrial machine designed to produce a nonpatented end product requested an advisory opinion as to the legality of its proposed form of lease.

(b) The manufacturer posed two specific questions pertaining to the lease and requested an opinion as to any other phase which the Commission might feel should be covered. The first question related to the lease term and royalty provisions, which provide that the lease shall continue in effect for three years with the lessee having the right to terminate upon 90 days notice during the second and third years and that the rental shall be 2.2 percent of the gross sales of products produced on the machine by the lessee. The Commission stated that it viewed the patent grant as conveying to the patentee the right to charge whatever royalty was satisfactory to the parties, measured by whatever patented or unpatented royalty base he desired for as long a period of time as he elects, so long as there is no attempt thereby to extend the patent monopoly beyond its intended scope. Therefore, it could see no objection to three provisions as written.

(c) The second question related to the paragraph providing that the lessor will not make any sales of the equipment and will not enter into a lease agreement for such equipment with anyone else whose place of business is located within the lessee's trading area as defined in the lease. The Commission noted that this provision did not grant the licensee an exclusive territory, although it had been advised that the nature of the end product would make it difficult for anyone else to compete within that area because of the freight factor. Be that as it may, the Commission was of the opinion that the owner or holder of exclusive patent rights to make, use and sell may carve out of his grant a limited monopoly for a licensee and, therefore, it could see no objection to this provision.

(d) The Commission further noted that following discussions with the staff the manufacturer authorized deletion of one sentence in the lease for editorial purposes and that in the paragraph dealing with alterations, the manufacturer requested deletion of the sentence requiring that any alterations, improvements, or changes, which are or may be patentable, shall, upon request, be assigned to the lessor. Thus the manufacturer did not request an opinion as to the required grant-back of improvement patents incorporated in the original submittal.

(e) While the Commission did not purport to pass upon the purely contractual aspects of the lease, it did state that it had reviewed the other provisions of the lease and expressed no objections thereto from the standpoint of the laws it administers, particularly in view of the fact that it had been advised that there were other competitive machines which the lessees are free to rent or purchase and in view of the fact that there were no tie-ins requiring the purchase of auxiliary or other equipment or supplies from the lessor.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Issued: July 12, 1967.

By direction of the Commission.

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

[F.R. Doc. 67-8087; Filed, July 12, 1967; 8:50 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Tetracycline Phosphate Complex

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), the antibiotic drug regulations providing for the certification of tetracycline phosphate complex are amended to establish a definite limit for the chloride content of the drug by revising § 141c.232(b)(2) and § 146c.-232(a)(6) to read as follows:

§ 141c.232 Tetracycline phosphate complex.

* * * * *

(b) * * *

(2) *Chloride content.* To 1 milliliter of the filtrate prepared as directed in the first sentence of subparagraph (1) of this paragraph, add 1 drop of silver nitrate test solution and 1 drop of nitric acid. Any turbidity produced is not greater than that obtained by similarly treating 1 milliliter of 0.057*N* hydrochloric acid.

* * * * *

§ 146c.232 Tetracycline phosphate complex.

(a) * * *

(6) It passes identity tests showing a presence of phosphate, a content of not more than 0.2 percent chloride, and a content of not more than 1 percent tetracycline base.

* * * * *

This order effects a technical improvement in the regulations providing for certification of the subject drug without raising any points of controversy; therefore, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

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

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

Dated: July 5, 1967.

WINTON B. RANKIN, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 67-8091; Filed, July 12, 1967; 8:51 a.m.]

Title 29—LABOR

Chapter XIV—Equal Employment Opportunity Commission

PART 1605—GUIDELINES ON DISCRIMINATION BECAUSE OF RELIGION

Observance of the Sabbath and Other Religious Holidays

By virtue of its authority under section 713 of the Civil Rights Act of 1964, 42 U.S.C. 2000e–12(b), the Equal Employment Opportunity Commission hereby amends § 1605.1, Guidelines on Discrimination Because of Religion. This amendment becomes effective immediately and shall be applicable with respect to cases presently before or hereafter filed with the Commission. Section 1605.1 as amended shall read as follows:

§ 1605.1 Observation of the Sabbath and other religious holidays.

(a) Several complaints filed with the Commission have raised the question whether it is discrimination on account of religion to discharge or refuse to hire employes who regularly observe Friday evening and Saturday, or some other day of the week, as the Sabbath or who observe certain special religious holidays during the year and, as a consequence, do not work on such days.

(b) The Commission believes that the duty not to discriminate on religious grounds, required by section 703(a)(1) of the Civil Rights Act of 1964, includes an obligation on the part of the employer to make reasonable accommodations to the religious needs of employees and prospective employees where such accommodations can be made without undue hardship on the conduct of the employer's business. Such undue hardship, for example, may exist where the employee's needed work cannot be performed by another employee of substantially similar qualifications during the period of absence of the Sabbath observer.

(c) Because of the particularly sensitive nature of discharging or refusing to hire an employee or applicant on account of his religious beliefs, the employer has

the burden of proving that an undue hardship renders the required accommodations to the religious needs of the employee unreasonable.

(d) The Commission will review each case on an individual basis in an effort to seek an equitable application of these guidelines to the variety of situations which arise due to the varied religious practices of the American people.

Signed at Washington, D.C., this 10th day of July 1967.

[SEAL] LUTHER HOLCOMB,
Acting Chairman.

[F.R. Doc. 67-8066; Filed, July 12, 1967; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1455—PERMISSIVE EXEMPTIONS FROM RENEGOTIATION

"Stock Item" Exemption

Section 1455.6; *Subcontracts as to which it is not administratively feasible to segregate profits* is amended as follows:

1. Paragraph (b) is amended by deleting from the caption "July 1, 1967" and inserting in lieu thereof "July 1, 1968".

2. Paragraph (b) is further amended by deleting "July 1, 1967" and inserting in lieu thereof "July 1, 1968".

(Sec. 109, 65 Stat. 22; 50 U.S.C. App., 1219)

Dated: July 10, 1967.

LAWRENCE E. HARTWIG,
Chairman.

[F.R. Doc. 67-8089; Filed, July 12, 1967; 8:51 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Severn River, Md.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.117 is hereby prescribed establishing and governing the use and navigation of a restricted area in Severn River, Annapolis, Md., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.117 Severn River, at U.S. Naval Academy Santee Basin, Annapolis, Md.; naval restricted area.

(a) *The area.* The waters within the U.S. Naval Academy Santee Basin and adjacent waters of Severn River inclosed by a line beginning at the northeast corner of Dewey Field seawall; thence to latitude 38°59'03", longitude 76°28'-47.5"; thence to latitude 38°58'58", longitude 76°28'40"; and thence to the northwest corner of Farragut Field seawall.

(b) *The regulations.* (1) No person in the water, vessel or other craft shall enter or remain in the restricted area at any time except as authorized by the enforcing agency.

(2) The regulations in this section shall be enforced by the Superintendent, U.S. Naval Academy, Annapolis, Md., and such agencies as he may designate.

[Regs., June 16, 1967, 1507-32 (Severn River, Md.)-ENGCW-ON]
(Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

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

[F.R. Doc. 67-8031; Filed, July 12, 1967; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 21—OCCUPANCY OF CABIN SITES ON PUBLIC CONSERVATION AND RECREATION AREAS

Appeals; Correction

Section 21.8 of the regulations published in the June 10, 1967, issue of the FEDERAL REGISTER at 32 F.R. 8361, contained an error of reference to § 21.3(h) of the same document.

The reference appearing on page 8363 in § 21.8 at line five and continuing to line six, should read as follows: "* * * (see § 21.3(i)) * * *".

FRANK J. BARRY,
Solicitor.

JULY 7, 1967.

[F.R. Doc. 67-8042; Filed, July 12, 1967; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER B—ARCHIVES AND RECORDS

PART 101-12—CURRENT RECORDS OF THE GENERAL SERVICES ADMINISTRATION

Deletion

The following regulation deletes Part 101-12 from Chapter 101. The subject matter formerly covered under Part 101-12 has now been issued in Part 105-60 of Chapter 105 (General Services Administration) of Title 41, Code of Federal Regulations.

1. The table of contents for Subchapter B is amended by deleting all entries for Part 101-12 and by substituting therefor the new entry "Reserved," as follows:

Part 101-12—[Reserved]

2. Part 101-12 of Chapter 101 is deleted.

PART 101-12—[RESERVED]

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective July 4, 1967.

Dated: July 7, 1967.

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

[F.R. Doc. 67-8065; Filed, July 12, 1967; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 17177; FCC 67-796]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

PART 87—AVIATION SERVICES

Available Frequencies

In the matter of amendment of Parts 2 and 87—Aviation Services—to reassign frequencies in the 122-123 Mc/s band to other aviation functions, RM 1033.

1. The Commission on February 8, 1967, adopted a notice of proposed rule making in the above-entitled matter (FCC 67-179) which made provision for the filing of comments. The notice was published in the FEDERAL REGISTER on February 15, 1967 (32 F.R. 2899). The time for filing comments and reply comments has passed.

2. The notice of proposed rule making was issued in response to a petition filed by the Federal Aviation Agency (FAA). The primary purpose of the proposal is to relieve congestion and improve air/ground communications with flight service stations (FS) by reassignment of frequencies in the 122-123 Mc/s band to other aviation functions.

3. Comments were filed by the Aeronautical Radio, Inc. (ARINC), Aircraft Owners and Pilots Association (AOPA), Federal Aviation Administration (FAA), National Business Aircraft Association (NBAA) and the National Pilots Association (NPA). A late filing was submitted by the State of Minnesota, Department of Aeronautics. It was accepted and made part of this proceeding. Reply comments were filed by FAA directed to the AOPA, NPA, and State of Minnesota comments.

4. The amendments requested by FAA and adopted herein make the frequencies in the so-called private aircraft band (122-123 Mc/s) available to aeronautical stations of the Federal Aviation Administration for communicating flight service information to private aircraft. Heretofore, this band was used by pri-

vate aircraft stations for talking to FAA flight service stations with FAA responding on air traffic control (ATC) channels outside this band. The present amendment will free those ATC channels heretofore used to respond to private aircraft calls to flight service stations for ATC communications, thus, helping to relieve the present congestion in ATC without any detriment to the private aircraft stations as the 122–123 Mc/s band is not heavily used. In addition, the frequency 122.0 Mc/s is made available to air carrier aircraft for communications concerning weather information. The foregoing matters were the main portion of the rule making and were supported by all commentators. The question of utilizing 50 kc/s channels and certain suggested revisions are treated in the following paragraphs.

5. The notice raised the question of fuller utilization of the 122–123 Mc/s band by using 50 kc/s channels. This was supported by the State of Minnesota, Department of Aeronautics, and NBAA. NPA did not oppose 50 kc/s but cautioned that owners of older receivers will encounter interference. AOPA concurred with the desire to utilize 50 kc/s channels. They expressed concern about interference problems where adjacent channels were activated on the same airport that currently have either adjacent tower guard channels or adjacent FSS channels. AOPA suggested the possibility of some temporary or developmental assignments on a carefully selected basis. The FAA in its reply comments expressed a concern similar to NPA and AOPA with respect to utilization of 50 kc/s channels. FAA recommended that 50 kc/s channel usage not be considered at this time.

6. The question of utilizing 50 kc/s channels in the band 122–123 Mc/s was raised as an ancillary matter. Comments were solicited with respect to possible use of these channels. No information was received in this proceeding which could form the basis for assigning a new type of service to these 50 kc/s channels. In view of this and the concern expressed about possible interference problems, the Commission feels that utilization of the 50 kc/s channels on a regular basis should not be implemented at this time.

7. The State of Minnesota expressed a desire to establish and maintain communication transmitters on the frequencies used by FAA flight service stations. Minnesota's plan is to establish communications outlets, where none now exist, to be remotely controlled by the nearest FAA FSS. These locations would be where the FAA has found it economically or operationally impractical to install its own stations. FAA in its reply comments states that those air traffic control services not operated by the FAA are arranged in close cooperation and coordination with the Federal Communications Commission on a case-by-case basis where the services to be provided are extensions of the common air traffic control system. It takes the position that this procedure has been quite satisfactory in the past and favors seeing it continue in the same manner for FSS frequencies. Further, FAA feels that since these situations, which are expected to be relatively few, will normally require a negotiated communications agreement between the FAA and the licensee and this lends itself to case-by-case treatment rather than a rule providing for such operation.

8. The State of Minnesota proposal to utilize remote controlled operations in conjunction with flight service stations is not considered within the scope of this rule making. To provide for such an operation in the rules would appear to require the establishment of a new class of station. However, this is a matter outside of this rule making and, therefore, no provision is made for the establishment of such a service in the rules at this time.

9. As an editorial matter, Note B to §§ 87.183 and 87.401 is deleted because protection to the Government is no longer necessary on the frequency 126.18 Mc/s.

10. In view of the foregoing: *It is ordered*, Pursuant to the authority contained in sections 4(i) and 303 (b), (c), (g), and (r) of the Communications Act of 1934, as amended, that effective August 14, 1967, Parts 2 and 87 of the Commission's rules are amended as set forth below. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: July 5, 1967.

Released: July 10, 1967.

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

§ 2.106 [Amended]

1. Footnote US 31 to the Table of Frequency Allocations, § 2.106 is amended to read as follows:

US 31 The band 121.975–123.075 Mc/s is for use by private aircraft stations. In addition, the frequencies 122.80, 122.85, 122.95, 123.00 and 123.05 Mc/s may be used by aeronautical advisory stations and the frequency 122.90 Mc/s may be used by aeronautical multicom stations.

Frequencies in the band 121.975–122.625 Mc/s may be used by aeronautical stations of the Federal Aviation Administration for communications with private aircraft stations only except that the frequency 122.0 Mc/s may also be used for communications with air carrier aircraft stations concerning weather information.

2. In paragraph (i) of § 87.183 delete notes B and C to the table as follows:

§ 87.183 Frequencies available.

* * * * *

(i) * * *

B—[Reserved]

C—[Reserved]

* * * * *

3. A new paragraph (e) is added to § 87.195 to read as follows:

§ 87.195 Frequencies available.

* * * * *

(e) The frequency 122.0 Mc/s is available to air carrier aircraft for communications with Flight Service Stations for the purpose of obtaining weather information.

4. In paragraph (a) of § 87.401 add the frequency 126.7 in numerical order and delete note B to the table as follows:

§ 87.401 Frequencies available.

* * * * *

(a) * * *

B—[Reserved]

* * * * *

[F.R. Doc. 67-8074; Filed, July 12, 1967; 8:49 a.m.]

[1] Concurring statement of Commissioner Cox filed as part of original document; Commissioner Wadsworth absent.

[Docket No. 17282; FCC 67-804]

PART 73—RADIO BROADCAST SERVICES

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations. (Rockmart, Ga., De Witt, Ark., Dover-Foxcroft, Maine, Lenoir City, Tenn., Horseheads, N.Y., Jeffersonville, Ind., Donelson, Tenn., Madisonville, Greenville, Russellville, and Columbia, Ky., Denver, Colo., Mount Sterling, Ky., Stephenville and Eastland, Tex., and Redding, Calif.).

1. The Commission has before it for consideration its notice of proposed rule making, issued in this proceeding on March 10, 1967 (FCC 67-313), and published in the FEDERAL REGISTER on March 15, 1967 (32 F.R. 4078), proposing a number of changes in the FM Table of Assignments as advanced by interested parties and upon its own motion. In a previously issued report and order all petitions except for RM-1097 and RM-1109 were disposed of. The subject decision concerns the remaining two petitions. Except as noted, the proposals were unopposed. All population figures, unless otherwise stated, are those shown in the 1960 U.S. census. All duly filed comments and data were considered in making the following determinations.

2. RM-1097 and RM-1109. Donelson, Tenn., and Columbia, Ky. In a joint petition for rule making filed on January 19, 1967, and a Supplement filed on January 25, 1967, South Kentucky Broadcasters, licensee of Station WRUS-FM, Russellville, Ky., and William O. Barry (Joint), prospective applicants for a new FM station in Donelson, Tenn., request the assignment of Channel 266 to Russellville, Ky., and 221A to Donelson, Tenn., by making two other necessary changes in the table as follows:

City	Channel No.	
	Present	Proposed
Madisonville, Ky	230, 292A	230
Greenville, Ky	266	292A
Russellville, Ky	221A	266
Donelson, Tenn	----------	221A

3. In essence, the proposal is designed to get a first FM channel at Donelson

(221A), and a wide-coverage Class C channel at Russellville instead of the present Class A (266 for 221A), by replacing 266 at Greenville with 292A, which would be moved there from Madisonville. Madisonville, Ky., is a community of 13,110 persons. It has in operation a Class C FM station on Channel 230 and two AM stations, one of which is an unlimited time operation. Greenville has a population of 3,198. Station WKYF–FM operates on Class C Channel 266 with a power of 2.6 kilowatts and an antenna height of 90 feet, much less than the minimum facilities which would be required for a new Class C station. The community also has a daytime-only AM station. Russellville, with a population of 5,861, has an FM station (WRUS–FM) operating on Channel 221A. It too has a daytime-only AM station. All three communities are located in the southwestern portion of Kentucky. Donelson has a population of 17,195 and is located about 7 miles east of Nashville and in its Urbanized Area. It has no radio stations but an application is on file for a daytime-only AM station in the community.

4. Our notice invited comments on the Joint proposal and stated that, in the event it is adopted, appropriate action will have to be taken with respect to the WKYF–FM and WRUS–FM authorizations. We further stated (see footnote 3 of the notice, FCC 67–313) that since the payment of costs to WKYF–FM for the changeover contained in the agreement submitted, appeared to be larger than that usually considered to be allowed for reasonable costs incident to such changes, a justification for these costs should be filed in the forthcoming comments.

5. Comments were also invited on a conflicting proposal contained in a petition filed on February 9, 1967 (RM–1109) by Tricounty Radio Broadcasting Corp., licensee of Station WAIN(AM), Columbia, Ky., seeking the assignment of Channel 265A as a first assignment in Columbia, Ky. Columbia is a community of 2,255 persons, and is the county seat and largest community in Adair County, which has a population of 14,699. WAIN, a daytime-only AM station, is the only radio outlet in Columbia. This proposal is mutually exclusive with the Joint proposal since Channel 265A at Columbia would be less than the required separation from Channel 266, proposed for Russellville. In its comments, Joint proposes a solution to this conflict by suggesting that Channel 228A be assigned to Columbia by substituting Channel 292A for 228A at Elizabethtown, Ky. There is no application on file for Channel 228A at Elizabethtown and the proposed amendments meet the spacing requirements of the rules.

6. A third conflicting request was filed on April 10, 1967, in comments submitted by the Daily News Broadcasting Co., Inc. (Daily News), licensee of Station WKCT(AM), Bowling Green, Ky.[1] Daily News requests that Channel 266 be assigned to Bowling Green instead of Russellville, as proposed by Joint. It submits that this assignment could be made by deleting Channel 292A at Madisonville and by substituting 292A for 266 at Greenville (as also proposed by Joint) and would meet all the required spacings at a site about 1 mile west of Bowling Green. Bowling Green has a population of 28,338 persons, and Warren County, of which it is the seat and largest community, has a population of 45,491. It has three unlimited time AM stations and one Class A FM station. In this case Joint has also suggested a means to remove the conflict by proposing that Channel 252A be assigned to Bowling Green as a second Class A assignment. This assignment would have to be used at a site about 5 miles east of the community. However, as will be discussed below, Daily News disputes the technical feasibility of the proposal for Channel 252A. As to the required change for WKYF–FM from Channel 266 to 292A, Daily News states it is willing to reimburse this station up to $5,000 for expenses incurred in the change: *Provided*, Channel 266 is assigned to Bowling Green and Daily News receives a construction permit on it.

7. Before going into a discussion of the contentions of the parties, it may be helpful to tabulate the communities involved in the various requests, their populations, and aural facilities. These are as follows:

Community	Population		AM stations	FM stations
	City	County		
Madisonville, Ky	13,110	38,458	1 unlimited 1 daytime	1 Class C. 1 Class A (Assignment only).
Greenville, Ky	3,198	27,791	1 daytime	1 Class C.
Russellville, Ky	5,861	26,896	1 daytime	1 Class A.
Donelson, Tenn	17,195	399,743 (Near Nashville)	Application for AM-daytime.	
Columbia, Ky	2,255	14,699	1 daytime	
Bowling Green, Ky	28,338	45,491	2 unlimited 1 Class IV	Do.

All of the communities except Donelson and Greenville are their respective county seats and largest communities. Thus, the Joint proposal would assign a first Class A channel to Donelson by deleting one from Madisonville, and would switch the Class C and A between Greenville and Russellville, the Columbia proposal would assign a first Class A to Columbia (as would the Joint counterproposal), and the Daily News proposal would assign a Class C to Bowling Green (Joint would make this community a two Class A location).

8. In support of its proposal Joint states that the Greenville licensee wishes to continue with a low power facility and that the Russellville licensee wishes to utilize the proposed Class C assignment with a power of no less than 50 kilowatts. In its reply comments, Joint states that South Kentucky Broadcasters is prepared to accept a modification of its license to specify a power of 100 kw and such antenna height as the Commission deems appropriate. Also, Mr. Barry proposes to operate a station on Channel 221A at Donelson, in the event the proposal is adopted. A copy of an agreement among the licensees in Greenville and Russellville and Mr. Barry is attached, agreeing to the proposed changes and the necessary modification of licenses involved, as is a list of expected costs and the necessary equipment for the change in the WKYF–FM change, totaling $4,465.00. It is urged that the proposed changes will result in a more effective use of Channel 266 and that it would provide the community of Donelson with a first FM assignment. Petitioners submit that all the assignments would conform to the spacing requirements of the rules. With respect to the move of Channel 221A from Russellville to Donelson, a showing is included which demonstrates that no assignments on the top three educational channels (218, 219, 220) will be precluded because of existing educational stations in the general area. Petitioners further assert that within the area in which Channel 266 is technically feasible there are only two communities of over 3,000 population in addition to Russellville and Greenville (Hopkinsville and Central City), that these have been assigned Class C channels, and that the use of Channel 266 at Russellville will provide a first 1 mv/m contour to areas not now receiving such a signal.[2] Finally, it is pointed out that Russellville is the center of a relatively large rural area and urged that this fact plus the greater efficiency of the use of Channel 266 at Russellville compared to Greenville justifies the move of this channel.

9. In support of its request for Channel 266 at Bowling Green, Daily News submits that the present estimated population of Bowling Green is 35,000, that it has only a Class A assignment, that nearby communities such as Central City, Hopkinsville, and Greenville are all smaller than Bowling Green yet have Class C assignments[3], and that section 307(b) requires a wide-area assignment to Bowling Green. Statistics are given to show that this community is an important industrial, agricultural, and educational center. Daily News makes a comparison of the expected coverage of a station on Channel 266 at Russellville and at two sites at Bowling Green. The coverage at Russellville is given as 2,229 square miles with an assumed 50 kw power and antenna height of 300 feet

[1] Daily News also filed a petition for rule making requesting the same changes as contained in the comments on the same day but this will be considered herein as a comment and counterproposal.

[2] See below as to use of the channel at Bowling Green.

[3] These were all in existence before the FM Table was adopted in 1963.

AAT (said to be the Russellville proposal) and that at Bowling Green is given as 6,251 or 4,333 square miles depending on the site to be used, the former with 100 kw and 800 feet AAT and the latter with 100 kw and 500 feet AAT.[4] In a reply comment Joint states that in the event Channel 266 is assigned to Russellville an application will be filed for its use proposing 100 kilowatts power and that South Kentucky Broadcasters is prepared to accept a modification of its license specifying a power of 100 kw and such antenna height above average terrain as the Commission deems appropriate. Daily News urges that the need for a Class C in Bowling Green is not weakened by the operation of the three AM stations since these have restricted nighttime coverage due to power and directional antenna limitations. Daily News takes issue with the contention of Joint that Russellville is the center of a large rural area submitting that Hopkinsville is the center of the area in question, and that Russellville is one of four communities with over 3,000 persons where Channel 266 can work since it can also work in Bowling Green. As to the need of Donelson for a Class A assignment, Daily News urges that there is no justification for the assignment for such a channel to a suburb such as this community, that Class C assignments were made to the large cities in order to cover suburban areas, and that the policy of the Commission used in AM, i.e., to treat suburbs as part of the major city for section 307(b) purposes, should also apply to FM. In reply to the proposal that Channel 252A could be assigned to Bowling Green, Daily News notes that the site would have to be located from 4 to 5 miles east of the city and urges that marginal service would be provided to several areas of Bowling Green proper and that it would not place a minimum city service signal to future areas of urbanized growth to the west of the city. It also submits that a separate site for a Class A channel may not be economically feasible and so it can make no representation that it will apply for such an operation. Daily News also questions the conclusion of Joint that the assignment of Channel 221A to Donelson will not preclude any educational assignments on the three top educational FM channels but does not supply any data to contradict the Joint engineering showing.

10. In view of the removal of the conflict between the Joint proposal and that of Tricounty (for the assignment of a first Class A to Columbia) there is no need to choose between them and we are of the view that we should assign Channel 228A to Columbia instead of 265A as requested by Tricounty. This would provide the community with its first FM assignment and its first local nighttime radio service and would thus serve the public interest. As between the Joint proposal and that of Daily News, the former would provide Russellville with a wide-coverage channel and Donelson with a first FM outlet, whereas the latter would provide Bowling Green with its first wide-coverage channel. In both cases the move of Channel 266 from Greenville, where it is utilized with very small facilities and where there is little prospect that increased facilities will be sought, would represent a more efficient use of this frequency. A good portion of the area served would be covered by either assignment. Both also require the deletion of the second assignment in Madisonville, but this community does have a Class C FM station and two AM stations, one of which is unlimited.

11. Thus, the question (a rather close one) is which of the conflicting Russellville-Donelson and Bowling Green proposals is the more meritorious. Despite Joint's claim, it does not appear that either the Russellville or Bowling Green assignment would serve substantial unserved areas. Much of the same area would receive service from either assignment since the two places are only 25 miles apart. The assignment of Channel 266 to Bowling Green, not only would preclude the assignment of the channel to Russellville, but also the assignment of a first Class A channel to Donelson, and would create a mixture of a Class A and C assignment in Bowling Green. We have tried to avoid mixing assignments in the same community in order to have as much technical parity between stations as possible. As Daily News points out, Donelson is within the Nashville urbanized area but this does not preclude it from having a local outlet, especially since it would not deprive any other community of a needed assignment. Nor do we believe that the "suburban" argument raised by Daily News is relevant to this matter since the channel involved is a Class A channel which we have designated for use by the smaller communities. While Daily News questions the showing that the assignment of Channel 221A would not preclude educational assignments on the top three channels, it does not show that Joint erred in any way. Another factor weighing in favor of Russellville is the fact that Bowling Green has three AM stations, all of which operate unlimited time, whereas Russellville has a daytime-only AM station. On balance, we are of the view that the Joint proposal is to be preferred over that of Daily News. With respect to the proposal to assign Channel 252A to Bowling Green as a second Class A assignment, we are of the view that this also would serve the public interest in spite of the problem of finding a suitable site. Daily News submits that from an assumed site, a small portion of the city would not be covered by the required 70 dbu signal, a point with which Joint takes issue. Joint submits a showing based upon the actual terrain from the site assumed by both parties which establishes that the assignment of Channel 252A is technically feasible and would provide the required signal over all of Bowling Green for maximum facilities. We are, therefore, adopting the Joint modified proposal which would shift Channel 266 from Greenville to Russellville, 221A from Russellville to Donelson, Tenn., Channel 292A from Madisonville to Elizabethtown, 228A from Elizabethtown to Columbia, and add Channel 252A to Bowling Green with the limitation on the site as discussed above. Finally, we find that the amount agreed upon by the parties for the WKYF-FM change in frequency appears reasonable.

12. Authority for the adoption of the amendments contained herein is contained in sections 4(i), 303, 307(b) and 316 of the Communications Act of 1934, as amended.

13. In accordance with the determinations made above: *It is ordered*, That effective August 15, 1967, § 73.202 of the Commission's rules, the FM Table of Assignments, is amended to read, insofar as the communities named are concerned, as follows:

City	Channel No.
Kentucky:	
Bowling Green	244A, 252A.
Columbia	228A.
Elizabethtown	292A.
Greenville	292A.
Madisonville	230.
Russellville	266.
Tennessee:	
Donelson	221A.

14. *It is further ordered*, That effective August 15, 1967, the outstanding authorization of Greenville Broadcasting Co., for the operation of Station WKYF-FM on Channel 266 at Greenville, Ky., is modified, to specify operation on Channel 292A in lieu of 266 subject to the following conditions:

(a) The licensee shall submit to the Commission by August 1, 1967, the technical information normally required for the issuance of a construction permit on Channel 292A, including any changes in antenna and transmission line.

(b) The licensee may continue to operate on Channel 266 until, upon its request, the Commission authorizes interim operation on Channel 292A, following which the licensee shall submit (within 30 days) the measurement data normally required of an applicant for an FM broadcast station license.

15. *It is further ordered*, That, effective August 15, 1967, the outstanding authorization of South Kentucky Broadcasters, for the operation of Station WRUS-FM on Channel 221A at Russellville, Ky., is modified to specify operation on Channel 266 in lieu of 221A subject to the following conditions:

(a) The licensee shall submit to the Commission by August 1, 1967, the technical information normally required for the issuance of a construction permit on Channel 266, subject to any changes in antenna and transmission line.

(b) The licensee may continue to operate on Channel 221A until, upon its request, the Commission authorizes interim operation on Channel 266, follow-

[4] The proposal is to use the TV tower of educational station WLTV, giving an 800-foot height AAT, which would meet mileage separation requirements, or, if space is not available, to construct an antenna giving at least 500-foot, AAT.

ing which the licensee shall submit (within 30 days) the measurement date normally required of an applicant for an FM broadcast station license.

(c) The licensee shall operate with 100 kilowatts ERP and 500 feet antenna height AAT on Channel 266.

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

(Secs. 4, 303, 307, 48 Stat. 1066, 1082, 1083, as amended, sec. 316, 66 Stat. 717; 47 U.S.C. 154, 303, 307, 316)

Adopted: July 5, 1967.

Released: July 10, 1967.

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

[F.R. Doc. 67-8077; Filed, July 12, 1967; 8:49 a.m.]

[Docket No. 16574; FCC 67-795]

PART 73—RADIO BROADCAST SERVICES

Personal Attacks; Political Editorials

In the matter of amendment of Part 73 of the rules to provide procedures in the event of a personal attack or where a station editorializes as to political candidates.

1. On April 6, 1966, the Commission adopted a notice of proposed rule making (FCC 66-291) to provide procedures in the event of certain personal attacks and where a station editorializes as to political candidates. This notice was published in the FEDERAL REGISTER of April 13, 1966 (31 F.R. 5710). Upon the request of the National Association of Broadcasters, the time for filing comments and reply comments was extended to June 20 and July 5, 1966, respectively (31 F.R. 6838, May 7, 1966).

2. Comments were timely filed by Carrol M. Barringer (WLCO), Bedford Broadcasting Corp. (WBIW), et al.,[1] Cape Fear Telecasting, Inc., Colorado Broadcasters Association, Columbia Broadcasting System, Inc., Corinthian Television Corp., et al., Golden Empire Broadcasting Co., Griffin-Leake TV, Inc., Interstate Broadcasting Co., Meridith Broadcasting Co., Mutual Broadcasting System, Inc., Mission Broadcasting Co., National Association of Broadcasters, National Broadcasting Co., Inc., Storer Broadcasting Co., Trigg-Vaughn Stations, Inc., WIBC, Inc., and WPSD-TV, generally in opposition to the rules. Comments favoring the rules were received from the American Civil Liberties Union,[2] Joseph H. Chislow, International Typographical Union (AFL-CIO), Laborers' International Union of North America (AFL-CIO), National Council of the Churches of Christ, National Rifle Association of America, The Pacifica Foundation, and the United Steel Workers of America, AFL-CIO.

3. The purpose of embodying the procedural aspects of the Commission's long-adhered-to personal attack principle and political editorial policy in its rules is twofold. It will clarify and make more precise the obligations of broadcast licensees where they have aired personal attacks and editorials regarding political candidates. Further, in the event of failure to comply with these rules, the Commission will be in a position to impose appropriate forefeitures (section 503(b) of the Act) in cases of clear violations by licensees which would not warrant designating their applications for hearing at renewal time or instituting revocation proceedings but on the other hand do warrant more than a mere letter of reprimand. Of course, pursuant to section 503(b) of the Act, only the willful or repeated violation, of these rules can result in forfeiture. We stress that the personal attack principle is applicable only in the context of the discussion of a controversial issue of public importance. See paragraph 10, infra.

4. These rules will serve to effectuate important aspects of the well established Fairness Doctrine; they do not alter or add to the substance of the Doctrine.[3] As set forth in the 1949 Report of the Commission in the Matter of Editorialization by Broadcast Licensees, 13 FCC 1246 at 1249 (1949), "the development of an informed public opinion through the public dissemination of news and ideas concerning the vital public issues of the day" is the keystone of the Fairness Doctrine. "It is this right of the public to be informed, rather than the right on the part of the government, any broadcast licensee or any individual member of the public to broadcast his own particular views on any matter, which is the foundation stone of the American system of broadcasting." Ibid. The Fairness Doctrine as a basic delineation of a standard of public interest in broadcasting was given specific Congressional approval in the 1959 amendment of section 315(a) of the Communications Act, 73 Stat. 557, 47 U.S.C. 315(a). The personal attack principle is simply a particular aspect of the Fairness Doctrine. The principle stems from the Commission's language in the 1949 Report that "elementary considerations of fairness may dictate that time be allocated to a person or group which has been specifically attacked over the station * * *" 13 FCC 1252. The standard of fairness similarly dictates that where a licensee editorializes for or against a candidate the appropriate spokesman for the conflicting point of view is the opposed candidate's representative, or, if the licensee so chooses, the candidate himself. "These concepts, of course, do restrict the licensee's freedom to utilize his station in whatever manner he chooses but they do so in order to make possible the maintenance of radio as a medium of freedom of speech for the general public." 1949 Report, supra, 13 FCC 1250.

5. Several of the parties contend that the Fairness Doctrine and the personal attack principle are unconstitutional infringements of broadcasters' rights of free speech and free press under the First Amendment. We believe these contentions are without merit. We have discussed the constitutionality of the fairness doctrine generally in the Report on Editorialization, 13 FCC 1246-1270. "We adhere fully to that discussion, and particularly the considerations set out in paragraphs 19 and 20 of the report." Letter to John H. Norris (WGCB), 1 FCC 2d 1587, 1588 (1965). The court in reviewing the constitutionality of the personal attack principle of the Fairness Doctrine in Red Lion,[4] concluded "that there is no abrogation of the petitioners' [licensees'] free speech right. * * * I find in the Fairness Doctrine a vehicle completely legal in its origin which implements by use of modern technology the 'free and general discussion of public matters [which] seems absolutely essential for an intelligent exercise of their rights as citizens,' Grosjean v. American Public Press, supra at 249." Red Lion, supra, at 41. As to these particular rules, we stress again that they do not proscribe in any way the presentation by a licensee of personal attacks or editorials on political candidates. They simply provide that where he chooses to make such presentations, he must take appropriate notification steps and make an offer for reasonable opportunity for response by those vitally affected and best able to inform the public of the contrasting viewpoint. That such rules are reasonably related to the public interest is shown by consideration of the converse of the rules—namely, operation by a licensee limited to informing the public of only one side of these issues; i.e., the personal attack or the licensee's editorial.[5]

6. The addition of § 73.123 (a), (b) (and also 73.300-FM; 73.598—Educational FM; 73.679-TV of identical language) to the rules serves to codify what

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[1] On July 8, 1966, Bedford Broadcasting Corp., et al., submitted, together with a motion to accept the Addendum, an Addendum to their comments, consisting of excerpts from an "Economic Analysis of Competition in the Daily Newspaper Business," prepared by Jesse Markham, Professor of Economics, Princeton University. No reason was given for the failure to submit the material in a timely fashion. The motion to accept the addendum is denied. (47 CFR 1.415(d).)

[2] The informal comments submitted by the A.C.L.U. reflect an apparent misreading of the proposed rules in that the comments state the "rule-making specifically exempts personal attacks in the context of the discussion of controversial issues * * *" In fact this is the situation expressly covered by the proposed rules.

[3] The only new requirement in these rules are the time limits, discussed in paragraphs 12 and 15, infra, within which licensees must act to fulfill their substantive obligations when they have broadcast personal attacks or political editorials.

[4] Affirmed sub. nom., Red Lion Broadcasting Co., Inc. v. F.C.C., Case No. 19,938, D.C. Cir. (June 13, 1967).

[5] In situations not involving a personal attack or an editorial on a political candidate, the licensee may of course exercise his good faith reasonable judgment as to the appropriate spokesman for a contrasting point of view which the licensee determines should be presented. 1949 Report, supra, 13 FCC at 1251.

has long been the Commission's interpretation of the personal attack aspect of the Fairness Doctrine. Report on Editorialization by Broadcast Licensees, 13 FCC 1246, 1258 (1949); Clayton W. Mapoles, 23 Pike & Fischer, R.R. 586 (1962); Billings Broadcasting Co., 23 Pike & Fischer, R.R. 951 (1962). "Thus, we have repeatedly stated that when a licensee, in connection with its coverage of a controversial issue, broadcasts a personal attack on an individual or organization, it must 'transmit the text of the broadcast to the person or group attacked * * * either prior to or at the time of the broadcast, with a specific offer of his station's facilities for an adequate response.' Public Notice of July 26, 1963; Controversial Issue Programing, FCC 63-734 (emphasis supplied)." Springfield Television Broadcasting Corp., 4 Pike & Fischer, R.R. 2d 681, 685 (1965). This duty devolves upon the licensee, because other than in the case of a broadcast by political candidates, the licensee is responsible for all material broadcast over his facilities.

7. As the notice pointed out, the Commission has set forth the obligation of a licensee when a personal attack occurs during the discussion of a controversial issue of public importance, i.e., the licensee must notify the individual or group attacked of the facts, forward a tape, transcript or accurate summary of the personal attack, and extend to the individual or group attacked an offer of time for the broadcast of an adequate response. See Clayton W. Mapoles, 23 Pike & Fischer, R.R. 586 (1962); Billings Broadcasting Co., 23 Pike & Fischer, R.R. 951 (1962); Times-Mirror, 24 Pike & Fischer, R.R. 404 and 407 (1962); and Springfield Television Broadcasting Corp., 4 Pike and Fischer, R.R. 2d 681, 685 (1965); Radio De Land, Inc. (WJBS), 1 FCC 2d 935 (1965). We notified all licensees of their responsibility in this respect, by transmitting to them the July 26, 1963 Public Notice (FCC 63-734) and the 1964 Fairness Primer, supra. Despite such notification and the Commission's rulings, the procedures specified have not always been followed, even when flagrant personal attacks have occurred in the context of a program dealing with a controversial issue. It is for this reason that we now codify the procedures which licensees are required to follow in personal attack situations. These rules will in no way lessen the force and effect of the Fairness Doctrine as it obliges licensees who permit their facilities to be used for the discussion of controversial issue of public importance to afford a reasonable opportunity for the presentation of conflicting views. Nor do they detract in any manner from a licensee's duty not to "withhold from expression over his facilities relevant news or facts concerning a controversy or * * * slant or distort the presentation of such news." Report on Editorialization, supra.

8. The obligation for compliance with these rules is on each individual licensee as it is for compliance with the Fairness Doctrine generally. Capitol Broadcasting Co., 2 Pike & Fischer, R.R. 2d 1104 (1964). Where a personal attack or editorial as to a candidate on a network program is carried by the licensee, the licensee may not avoid compliance with the rules merely because the attack or editorial occurred on a network program. Of course, if the network provides appropriate notice and opportunity for response and the licensee carries such response, its obligation would be satisfied.

9. A major purpose of the rules is to clarify and make more precise the procedures which licensees are required to follow in personal attack situations. The long-applied standard of what constitutes a personal attack remains unaffected by this codification:

[T]he personal attack principle is applicable where there are statements, in connection with a controversial issue of public importance, attacking an individual's or group's integrity, character, or honesty or like personal qualities, and not when an individual or group is simply named or referred to. Applicability of the Fairness Doctrine in the Handling of Controversial Issues of Public Importance, Public Notice of July 1, 1964, footnote 6.

Thus, no matter how strong the disagreement as to views may be, the personal attack principle is not applicable (See Letter to Pennsylvania Community Antenna Television Association, Inc., 1 FCC 2d 1610); it becomes applicable only where in the context of the discussion of a controversial issue of public importance, there is an attack on an individual's or group's integrity, etc., as noted above. As stated in the notice of proposed rule making, we recognize that in some circumstances there may be uncertainty or legitimate dispute concerning some aspects of the personal attack principle, such as whether a personal attack has occurred in the context of a discussion of a controversial issue of public importance, or whether the group or person attacked is "identified" sufficiently in the context to come within the rule. The rules are not designed to answer such questions. When they arise, licensees will have to continue making good faith judgments based on all of the relevant facts and the applicable Commission interpretations.* As we stated in the notice of proposed rule making, the rule will not be used as a basis for sanctions against those licensees who in good faith seek to comply with the personal attack principle. We point out that in the analogous case of the equal opportunities provision of section 315, we have not employed sanctions in the situation where a licensee has a good faith, reasonable doubt as to the provision's applicability. The rules here are thus directed to situations where the licensees do not comply with the requirements of the personal attack principle as to notification and offer of time to respond, even though there can be no reasonable doubt under the facts that a personal attack has taken place (e.g., a statement in a controversial issue broadcast that a public official or other person is an embezzler or a Communist). Statements that the rules will discourage, rather than encourage, controversial programing ignore the fact that the rules do no more than restate existing substantive policy—a policy designed to encourage controversial programing by insuring that more than one viewpoint on issues of public importance are carried over licensees' facilities. See footnote 3, supra. Further we do not perceive any discouragement to controversial issue programing, except for a licensee who wished to present only one side of such programing—namely, the personal attack and not the response by the individual attacked.

10. Several of the comments in this proceeding indicate the mistaken impression that an attack on a specific person or group constitutes, itself, a controversial issue of public importance requiring the invocation of the Fairness Doctrine. This misconceives the principle, based on the right of the public to be informed as to the vital issues of the day, which requires that an attack must occur within the context of a discussion of a controversial issue of public importance in order to invoke the personal attack principle. The use of broadcast facilities for the airing of mere private disputes and attacks would raise serious public interest issues, but such issues are not the focus of the Fairness Doctrine.

11. Under the principle it has always been the duty of a licensee to forward to a person or group attacked notification of the attack and an offer of an opportunity to respond, rather than to await a request or complaint from the person attacked. The notification requirement is of the utmost importance, since our experience indicates that otherwise the person or group attacked may be unaware of the attack, and thus the public may not have a meaningful opportunity to hear the other side. Again the rule adds no new burden in this respect to the obligations of a broadcast licensee. If an unawareness of this obligation presently exists among licensees despite the Commission's language in Mapoles, Billings, Times-Mirror, Springfield Television, the public notice of July 25, 1963, and the 1964 Fairness Primer, this only highlights the need for the rule.

12. Paragraph (a) of the rule places specific procedural responsibilities on the licensee over whose facilities a personal attack has been broadcast. A licensee is required to send the attacked person or group, within a reasonable time and in no event later than 1 week after the attack, a notice of the attack which states when the attack occurred and contains

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*In appropriate cases, licensees can and should promptly consult the Commission for interpretation of our rules and policies. This would be the appropriate procedure should there arise a question of the applicability of the principle to a factual situation, such as the hypothetical one posed by the National Broadcasting Co.'s comments, of an attack made in the context of a discussion of controversial issue of public importance, which does not itself constitute such an issue. We note that in our experience thus far, the attack made in the context of the controversial issue has been germane to the issue.

an offer of a reasonable opportunity to respond. Along with the notice, he is required to send a tape, transcript or accurate summary of the attack to the attacked person or group. This time limit should be sufficient to allow a licensee to confer with counsel or with the Commission if there is doubt as to its obligation. In any event, in the doubtful situation, if the person who possibly has been attacked is notified promptly within the time limit and the licensee seeks clarification of his obligation from his counsel or the Commission, no sanctions would be imposed, because the matter is not finally resolved within the 1-week period. See paragraph 9, supra.[7] This 1 week outer time limit does not mean that such a copy should not be sent earlier or indeed, before the attack occurs, particularly where time is of the essence.

Other matters are left to the reasonable judgment of the licensee, good faith negotiations, and the Commission's interpretive rulings based on specific factual situations.[8]

13. As we pointed out in the notice, following present policy (public notice of July 1, 1964 (Fairness Primer), FCC 64-611, 29 F.R. 10415, footnote 6) personal attacks on foreign groups or foreign public figures are excluded from coverage by the rule. Also excluded from coverage are personal attacks made by political candidates, their authorized spokesmen, or those associated with them in the campaign against other candidates, spokesmen, or persons associated with them in the campaign. The exclusion of attacks by candidates against other candidates recognizes that the "equal opportunities" provision of section 315—and not the personal attack principle—is usually applicable to this situation. The Fairness Doctrine may, of course, be applicable to particular factual situations in the political broadcast field. See, section 315(a) of the Communications Act of 1934, as amended, 47 U.S.C. 315 (a); public notice of July 1, 1964, Applicability of the Fairness Doctrine in the Handling of Controversial Issues of Public Importance, 29 F.R. 10415 (1964).

14. Finally, subsection (c) of the rule clarifies licensee's obligations in regard to station editorials endorsing or opposing political candidates. The appropriate candidate (or candidates) must be informed of a station's editorial opposing his (or their) candidacy or supporting the candidacy of a rival, and must be offered a reasonable opportunity to respond through a spokesman of his choice including, if the licensee so agrees, himself. The language of subsection (c) has been altered from that appearing in the notice of proposed rule making (FCC 66-291) to make clear that where an editorial endorses a candidate notice and offer of an opportunity to respond must be sent to his opponent, and where an editorial opposes a candidate such notice and offer must be sent to the opposed candidate.

15. The phrase "reasonable opportunity" to respond is used here and in the personal attack subsection because such an opportunity may vary with the circumstances. In many instances a comparable opportunity in time and scheduling will be clearly appropriate; in others such as where the endorsement of a candidate is one of many and involves just a few seconds, a "reasonable opportunity" may require more than a few seconds if there is to be a meaningful response. See, Final Report of the Senate Committee on Commerce, S. Rep. No. 944, 87th Cong., second sess., Part 6, page 7. Notification shall be within 24 hours of the editorial, since time is of the essence in this area and there appears to be no reason why the licensee cannot immediately inform a candidate of an editorial. In most cases licensees will be able to give notice prior to the editorial. Indeed such prior notice is required in instances of editorials broadcast close to the election date; i.e., less than 72 hours before the day of the election. For while such last-minute editorials are not prohibited, we wish to emphasize as strongly as possible that such editorials would be patently contrary to the public interest and the personal attack principle unless the licensee insures that the appropriate candidate (or candidates) is informed of the proposed broadcast and its contents sufficiently far in advance to have a reasonable opportunity to prepare a response and to have it presented in a timely fashion. We have accordingly made this requirement explicit in a proviso to subsection (c).

16. As in the case of the personal attack subsection, the licensee may impose reasonable limitations on the reply, such as requiring the appearance of a spokesman for the candidate to avoid any section 315 "equal opportunities" cycle.[9] The matter of scheduling responses is left to reasonable judgment and negotiation. Subsection (c) is directed only to station editorials endorsing, or opposing, political candidates. Situations containing aspects of both personal attacks and political endorsements or oppositions may arise, and in such cases rulings on the particular factual settings may be necessary. Times-Mirror, 24 Pike & Fischer, R.R. 404 and 407 (1962).

17. Authority for the rules herein adopted is contained in section 4 (i) and (j), 303(r) and 315 of the Communications Act of 1934, as amended.

18. *Accordingly, it is ordered*, That the rules contained below are adopted, effective August 14, 1967.

(Secs. 4, 303, 315, 48 Stat. as amended 1066, 1082, 1088; 47 U.S.C. 154, 303, 315)

Adopted: July 5, 1967.

Released: July 10, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[10]
[SEAL] BEN F. WAPLE,
Secretary.

In Part 73, §§ 73.123, 73.300, 73.598, and 73.679 all to read identically are added to read as follows:

§ 73.____ Personal attacks; political editorials.

(a) When, during the presentation of views on a controversial issue of public importance, an attack is made upon the honesty, character, integrity or like personal qualities of an identified person or group, the licensee shall, within a reasonable time and in no event later than 1 week after the attack, transmit to the person or group attacked (1) notification of the date, time and identification of the broadcast; (2) a script or tape (or an accurate summary if a script or tape is not available) of the attack; and (3) an offer of a reasonable opportunity to respond over the licensee's facilities.

(b) The provisions of paragraph (a) of this section shall be inapplicable to attacks on foreign groups or foreign public figures or where personal attacks are made by legally qualified candidates, their authorized spokesmen, or those associated with them in the campaign, on other such candidates, their authorized spokesman, or persons associated with the candidates in the campaign.

NOTE: In a specific factual situation, the fairness doctrine may be applicable in this general area of political broadcasts. See, section 315(a) of the Act (47 U.S.C. 315(a)); public notice: Applicability of the Fairness Doctrine in the Handling of Controversial Issues of Public Importance. 29 Fed. Reg. 10415.

(c) Where a licensee, in an editorial, (i) endorses or (ii) opposes a legally qualified candidate or candidates, the licensee shall, within 24 hours after the editorial, transmit to respectively (i) the other qualified candidate or candidates for the same office or (ii) the candidate opposed in the editorial (1) notification of the date and the time of the editorial; (2) a script or tape of the editorial; and (3) an offer of a reasonable opportunity for a candidate or a spokesman of the candidate to respond over the licensee's facilities: *Provided, however*, That where such editorials are broadcast within 72 hours prior to the day of the election, the licensee shall comply with the provisions of this subsection sufficiently far in advance of the broadcast to enable the candidate or candidates to have a rea-

[7] As we stated in the notice of proposed rule making, where a licensee determines that a personal attack has not occurred but recognizes that there may be some dispute concerning this conclusion, he should keep available for public inspection, for a reasonable period of time, a tape, transcript or summary of the broadcast in question.

[8] Where the attack occurs on paid time, a question has arisen as to whether the response can also be required to be on paid time. We have ruled on this matter in Letter to John H. Norris (WGCB), aff'd sub nom., Red Lion Broadcasting Co., Inc. v. FCC, *supra*. In view of our ruling, this is a matter not covered by the rule.

[9] Barring extraordinary circumstances, the choice of the spokesman is, of course, a matter for the candidate involved.

[10] Dissenting statement of Commissioner Bartley and concurring statement of Commissioner Loevinger filed as part of original document; Commissioner Wadsworth absent.

sonable opportunity to prepare a response and to present it in a timely fashion.

[F.R. Doc. 67-8076; Filed, July 12, 1967; 8:49 a.m.]

[FCC 67-801]

PART 73—RADIO BROADCAST SERVICES

Frequency Monitors

In the matter of Amendment of § 73.49 (b)(4) and (b)(5) of the Commission rules and regulations governing Standard Broadcast Stations to eliminate the requirement that all frequency monitors must be equipped with automatic temperature control chambers.

1. Subparagraphs (4) and (5) of § 73.49(b) require that all frequency monitors approved for use at Standard Broadcast stations must be equipped with an automatic temperature control chamber to stabilize the oscillating frequency of the crystal and, where necessary, the associated tuned circuits. Modern technology has advanced to the point where such ovens may not always be necessary to insure the required stability of the instrument. Furthermore, frequency monitors submitted to the Commission for type approval are placed through a series of rigorous tests at the Commission's laboratory designed to reveal any unacceptable instability. Therefore, the requirements for a temperature control chamber and the associated indicating thermometers are no longer considered to be essential and may be eliminated as a prerequisite for type approval of frequency monitors.

2. Since the action taken herein is the removal of a restrictive requirement which is no longer considered to be necessary in the present state of the art, and since such action will not adversely affect the interest of any party, we find that prior rule making proceedings normally required by section 4 of the Administrative Procedure Act are not necessary, and the rule amendment may and should be made effective as soon as possible.

3. Accordingly, pursuant to the authority contained in sections 4(i) and 303(e) of the Communications Act of 1934, as amended: *It is ordered*, That, effective July 14, 1967, § 73.49(b) of the Commission rules is amended by deleting subparagraphs (4) and (5).

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: July 5, 1967.

Released: July 10, 1967.

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

[F.R. Doc. 67-8075; Filed, July 12, 1967; 8:49 a.m.]

[FCC 67-775]

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

Foreign Television Signals

In the matter of amendment to §§ 74.1105 and 74.1107 of the Commission's rules and regulations as they relate to foreign television signals.

1. The question has recently arisen whether §§ 74.1105 and 74.1107 of the Commission's rules are applicable to foreign television signals.[1] The rationale of the Second Report and Order requires that §§ 74.1105 and 74.1107 apply to foreign television signals, and we have consistently applied § 74.1107 to foreign signals. E.g., Fetzer Cable Vision, 6 FCC 2d 845, 848–849. Consequently, we have held that § 74.1107 of the rules applies to foreign television signals. Colorcable, Inc., FCC 67-774, —— FCC 2d ——. In view of the prior administrative history of this matter and the clarifying or interpretative nature of this revision, we believe that the notice and related provisions of section 4 of the Administrative Procedure Act are both inapplicable and unnecessary.[2]

2. We are therefore adding footnotes to §§ 74.1105 and 74.1107 to make clear that they apply to foreign television signals. Authority for this amendment is contained in sections 4 (i) and (j) and 303(r) of the Communications Act of 1934, as amended.

In view of the foregoing: *It is ordered*, Effective July 14, 1967, that §§ 74.1105 and 74.1107 of the rules and regulations are amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: July 3, 1967.

Released: July 6, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

1. In Part 74 of Chapter I of Title 47 of the Code of Federal Regulations, a footnote is added to § 74.1105, to read as follows:

§ 74.1105 **Notification prior to the commencement of new service.**

* * * * *

NOTE 2: As used in § 74.1105, the term "television broadcast station" includes foreign television broadcast stations.

2. In Part 74 of Chapter I of Title 47 of the Code of Federal Regulations, a footnote is added to the end of § 74.1107 to read as follows:

§ 74.1107 **Requirement for showing in evidentiary hearing and Commission approval in top 100 television markets; other procedures.**

* * * * *

NOTE 1: As used in § 74.1107, the term "television broadcast station" includes foreign television broadcast stations.

[F.R. Doc. 67-8078; Filed, July 12, 1967; 8:50 a.m.]

[1] It has been argued that they are not applicable because sec. 74.1107 provides that a CATV system "shall not extend the signal of a television broadcast station," and sec. 74.1101(b) defines a television broadcast station as a station "operating on a channel * * * assigned * * * by § 73.606," which provides channels for the "United States, its Territories and Possessions."

[2] As a further matter, we also point out that since carriage of foreign television signals by CATV systems in the top 100 television markets without our prior approval given pursuant to sec. 74.1107 of the rules, could disrupt our overall CATV regulatory program, observance of the notice and effective date provisions of sec. 4 would be contrary to the public interest.

[3] Commissioners Bartley, Wadsworth, and Johnson absent; Commissioner Loevinger concurring in result.

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission and Department of Transportation

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLES

PART 292—DRIVING OF MOTOR VEHICLES

Carriers of Hazardous Materials; Stopping at Railroad Grade Crossings

These amendments are issued pursuant to the authority delegated in 49 CFR Part 1, and in accordance with the provisions of section 12(a) of the Department of Transportation Act, P.L. 89-670 (80 Stat. 931).

These amendments concern only the driving rules for motor vehicles transporting hazardous materials, and are necessary to conform to the placarding requirements of § 177.823, Title 49 CFR, Parts 171–190, 18 U.S.C. 834 (62 Stat. 738, 74 Stat. 808) effective June 1, 1967; and is an agency procedure and therefore, pursuant to the requirements of 5 U.S.C. 553 (80 Stat. 383), for good cause it is found that notice of proposed rulemaking and 30-day effective date requirements are unnecessary.

Accordingly, Title 49 CFR, § 292.10 (formerly § 192.10) be, and it is hereby amended to read as follows:

§ 292.10 **Railroad grade crossings; stopping required.**

(a) Except as provided in paragraph (b) of this section, the driver of any motor vehicle described in subparagraphs (1) through (6) of this paragraph, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet, but not less than 15 feet from the nearest rail of such railroad, and while so stopped shall listen and look in both directions along such track for any approaching train, and shall not proceed until such precautions have been taken and until he has ascertained that the course is clear.

(1) Every bus transporting passengers,

(2) Every motor vehicle transporting any quantity of chlorine,

(3) Every motor vehicle which, in accordance with the regulations of the Department of Transportation, is required to be marked or placarded with one of the following markings:

(i) Explosives A.
(ii) Explosives B.
(iii) Poison.
(iv) Flammable.
(v) Oxidizers.
(vi) Compressed Gas.
(vii) Corrosives.
(viii) Flammable Gas.
(ix) Radioactive.
(x) Dangerous.

(4) Every cargo tank motor vehicle, whether loaded or empty, used for the transportation of any dangerous article as defined in the regulations of the Department of Transportation or for the transportation of any liquid having a flashpoint below 200° Fahrenheit, as determined by the Standard Method of Test for Flash Point of the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103, as set forth in ASTM D–56–61, ASTM D–92–57, or ASTM D–93–62, and referenced by the National Fire Protection Association, 60 Batterymarch Street, Boston, Mass. 02110, in Pamphlet No. 385, 1964 edition.

(5) Every cargo tank motor vehicle transporting a commodity which at the time of loading has a temperature above its flashpoint as determined by the same standard method of testing as prescribed in subparagraph (4) of this paragraph.

(6) Every cargo tank motor vehicle, whether loaded or empty, transporting any commodity under special permit in accordance with the provisions of § 173.22 of this chapter.

(b) A stop need not be made at:

(1) A streetcar crossing, or railroad tracks used exclusively for industrial switching purposes, within a business district as defined in § 290.12 of this chapter,

(2) A railroad grade crossing when a police officer or crossing flagman directs traffic to proceed,

(3) A railroad grade crossing where a stop and go traffic light controls movement of traffic,

(4) An abandoned railroad grade crossing which is marked with a sign indicating that the rail line is abandoned,

(5) An industrial or spur line railroad grade crossing marked with a sign reading "Exempt Crossing." Such "Exempt Crossing" signs shall be erected only by or with the consent of the appropriate State or local authority.

This order is effective July 13, 1967.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

[F.R. Doc. 67-8025; Filed, July 12, 1967; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1006]

[Docket No. AO-356-A2]

MILK IN UPPER FLORIDA MARKETING AREA

Notice of Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to 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 that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Upper Florida marketing area, which was issued June 22, 1967 (32 F.R. 9096), is hereby extended to July 22, 1967.

Signed at Washington, D.C., on July 7, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-8054; Filed, July 12, 1967; 8:47 a.m.]

Established name	*Some trade and other names*
Bufotenine and its salts	3-(β-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; *N,N*-dimethylserotonin; 5-hydroxy-*N*-dimethyltryptamine; mappine.
DET and its salts	*N,N*-diethyltryptamine.
* * *	* * *
Ibogaine and its salts	7-Ethyl-6,6a,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido [1',2':1,2] azepino [4,5-b] indole; tabernanthe iboga.

* * *

All interested persons are invited to submit their views in writing regarding the proposal published herein. Comments concerning any additional trade or other names that may be properly listed for the subject drugs are also invited. Views and comments should be submitted, preferably in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, within 30 days following the date of publication of this notice in the FEDERAL REGISTER.

Dated: July 5, 1967.

JAMES L. GODDARD,
Commisioner of Food and Drugs.

[F.R. Doc. 67-8092; Filed, July 12, 1967; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 166]

DEPRESSANT AND STIMULANT DRUGS

Proposed Listing of Additional Drugs Subject to Control

The Commissioner of Food and Drugs proposes, on the basis of his investigations and the recommendations of an advisory committee appointed pursuant to section 511(g)(1) of the Federal Food, Drug, and Cosmetic Act, that the drugs set forth below be listed as depressant or stimulant drugs within the meaning of section 201(v) of the act because of their hallucinogenic effect. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371) and under the authority delegated by the Secretary of Health, Education, and Welfare to the Commissioner (21 CFR 2.120), it is proposed that § 166.3(c)(3) be amended by alphabetically inserting in the list of drugs three new items, as follows:

§ 166.3 Listing of drugs defined in section 201(v) of the act.

* * * * *

(c) * * *
(3) * * *

Established name	*Some trade and other names*
Bufotenine and its salts	3-(β-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; *N,N*-dimethylserotonin; 5-hydroxy-*N*-dimethyltryptamine; mappine.
DET and its salts	*N,N*-diethyltryptamine.
* * *	* * *
Ibogaine and its salts	7-Ethyl-6,6a,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido [1',2':1,2] azepino [4,5-b] indole; tabernanthe iboga.

* * *

POST OFFICE DEPARTMENT

[39 CFR Part 143]

METERED STAMPS

Inspection of Postage Meters

Notice is hereby given of proposed rule making consisting of a revision of paragraph (f)(2) in § 143.8 of Title 39, Code of Federal Regulations. The proposed revision to paragraph (f)(2) would require postage meter manufacturers to specifically determine whether any indications of tampering are noted during their required on site inspections of postage meters leased to mailers. In addition, the revision would require that meter register readings be compared with the control figure last recorded by the postal setting employee in the meter user's Form 3602-A, Daily Record of Meter Register Readings, to confirm the accuracy of registers.

Although the procedures in 39 CFR Part 143 relate to a proprietary function of the Government, it is the desire of the Postmaster General voluntarily to observe the rule making requirements of the Administrative Procedure Act (5 U.S.C. 553) in order that patrons of the Postal Service may have an opportunity to submit written data, views, and arguments concerning the proposed revisions. Such written comments may be submitted to the Director, Classification and Special Services Division, Bureau of Operations, Post Office Department, Washington, D.C. 20260 at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

Accordingly, it is proposed that paragraph (f)(2) of § 143.8 read as follows:

§ 143.8 Manufacture and distribution of postage meters.

* * * * *

(f) *Maintenance* * * *

(2) *Inspection of Meters in use.* The manufacturer must have all of his meters in service with mailers inspected at least twice annually at approximate 6-month intervals. Inspection must be sufficiently thorough to determine that each meter is clean, in proper operating condition, is recording its operations correctly and accurately, that neither the post office seal nor any seal placed by the manufacturer to prevent access to the mechanism has been removed or tampered with, and that there are no other indications of tampering. The meter register readings must be compared with the control figure last recorded by the postal setting employee in the meter user's Form 3602-A, Daily Record of Meter Register Readings, to confirm the accuracy of the registers. If the post office control figure has not been recorded, obtain such figure immediately from post office to confirm accuracy of registers.

Any irregularities found in the operation of a meter at any time or any improper usage of a meter must be reported immediately to the mailer's postmaster, and appropriate steps must be taken to have the meter discontinued.

* * * * *

NOTE: The corresponding Postal Manual section is 143.862.

(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

JULY 7, 1967.

[F.R. Doc. 67-8043; Filed, July 12, 1967; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67-SO-36]

CONTROL ZONES AND TRANSITION AREAS

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Albany, Ga., and Tallahassee, Fla., control zones and transition areas and the Valdosta, Ga., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications pertaining to the Albany and Valdosta, Ga., portions of this docket should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. Communications pertaining to the Tallahassee, Fla., portion of this docket should be submitted in triplicate to the Area Manager, Miami Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 2014, AMF Branch, Miami, Fla. 33159. All communications received within 20 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The Albany, Ga., VOR and Tallahassee, Fla., VORTAC are scheduled for relocation to latitude 31°39'19" N., longitude 84°17'33" W. and latitude 30°33'22" N., longitude 84°22'26" W., respectively, during or following September 1967. The Albany VOR will be converted to a VORTAC in conjunction with the relocation and the VOR instrument approach procedures for the Albany and Tallahassee Municipal Airports are being revised and a VOR instrument approach procedure is proposed for the Tallahassee Commercial Airport. Additionally, the proposed realignment of associated airways and jet routes necessitated by the relocation of these navigation aids is described in Airspace Docket No. 67-SO-13. In consideration of the foregoing, it is necessary to alter the following control zones and transition areas.

The Albany, Ga. (Municipal Airport) control zone as described in § 71.171 (32 F.R. 2071 and 8708) would be redesignated as follows:

Within a 5-mile radius of the Albany Municipal Airport (latitude 31°32'08" N., longitude 84°11'34" W.); within 2 miles each side of the Albany VORTAC 145° radial, extending from the 5-mile radius zone to 1 mile SE of the VORTAC.

The Tallahassee, Fla., control zone as designated in § 71.171 (32 F.R. 2071) would be redesignated as follows:

Within a 5-mile radius of Tallahassee Municipal Airport (latitude 30°23'59" N., longitude 84°21'22" W.); within 2 miles each side of the Tallahassee VORTAC 173° radial, extending from the 5-mile radius zone to 2 miles S of the VORTAC; within 2 miles each side of the Tallahassee ILS localizer N course, extending from the 5-mile radius zone to 9 miles N of the airport.

The Albany, Ga., transition area as described in § 71.181 (32 F.R. 2148) would be redesignated as follows:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Albany Municipal Airport (latitude 31°32'08" N., longitude 84°11'34" W.); within a 10-mile radius of NAS Albany (latitude 31°35'50" N., longitude 84°05'05" W.); within 2 miles each side of the Albany VORTAC 145° radial, extending from the 9-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning NE of Albany at the INT of the S boundary of V-70 and the arc of a 40-mile radius circle centered at NAS, Albany, thence clockwise along this arc to latitude 31°35'30" N., thence W along this latitude to the arc of a 30-mile radius circle centered at the Albany Municipal Airport, thence clockwise along this arc to a line 5 miles S of and parallel to the direct radials between the Dothan and Albany VORTACs, thence W along this line to a line extending through latitude 31°16'30" N., longitude 84°51'30" W., and latitude 31°37'30" N., longitude 84°46'00" W., thence N along this line to latitude 31°37'30" N., longitude 84°46'00" W., thence to latitude 31°41'20" N., longitude 84°56'55" W., thence to latitude 31°47'20" N., longitude 84°58'20" W., thence W along latitude 31°47'20" N., to the E boundary of V-241, thence N along this boundary to the INT of the S boundary of V-70, thence E along this boundary to point of beginning; and that airspace extending upward from 3,700 feet MSL beginning at the INT of the NE boundary of V-7 and a line extending from latitude 31°16'30" N., longitude 84°51'30" W. through latitude 31°14'35" N., longitude 85°10'45" W.; thence to latitude 31°16'30" N., longitude 84°51'30" W.; thence N along a line extending from latitude 31°16'30" N., longitude 84°51'30" W. through latitude 31°37'30" N., longitude 84°46'00" W., to the intersection of a line 5 miles S of and parallel to the direct radials between the Albany and Dothan VORTACs; thence E along this line to the arc of a 30-mile radius circle centered at the Albany Municipal Airport; thence counterclockwise along this arc to the W boundary of V-97/V-35W; thence S along this boundary to the NE boundary of V-7; thence NW along this boundary to point of beginning.

The Tallahassee, Fla., transition area as described in § 71.181 (32 F.R. 2148) would be redesignated as follows:

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Tallahassee Municipal Airport (latitude 30°23'59" N., longitude 84°21'22" W.); within a 5-mile radius of the Tallahassee Commercial Airport (latitude 30°33'00" N., longitude 84°22'30" W.); within 8 miles E and 5 miles W of the ILS localizer S course, extending from the 10-mile radius area to 12 miles S of the LOM; within 2 miles each side of the Tallahassee VORTAC 353° radial extending from the 5-mile radius area to 8 miles N of the VORTAC.

The 1,200-foot portion of this transition area will be revoked (airspace Docket No. 67-SO-58) in conjunction with these airspace actions. The controlled airspace with a floor of 1,200 feet associated with the airways in the Tallahassee area makes the 1,200-foot portion of this transition area unnecessary.

The Valdosta, Ga., transition area as described in § 71.181 (32 F.R. 2148) would be amended as follows: The portion "* * * on the W by V-35/97 * * *" would be deleted and "* * * on the W by V-35/159 * * *" would be substituted therefor.

Turbojet aircraft are currently using the Albany Municipal Airport, NAS Albany and the Tallahassee Municipal Airport. The proposed control zone and transition areas would provide the controlled airspace necessary for the protection of IFR aircraft operating in these terminal areas.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

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

Issued in East Point, Ga., on July 3, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-8047; Filed, July 12, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-AL-21]

FEDERAL AIRWAYS, TRANSITION AREAS AND REPORTING POINTS

Proposed Revocation, Alteration, and Designation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would realign colored Federal airways Green 8, Red 40, Red 99, and Blue 27; revoke Blue 65; revoke Rocky Point, Alaska, and Kukaklek, Alaska, transition areas; designate Big Mountain, Alaska, transition area; revoke Rocky Point, Kukaklek, and Anchor Point, Alaska, low altitude reporting points and designate Big Mountain low altitude reporting point.

As parts of these proposals relate to navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which

pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

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

The Federal Aviation Administration has under consideration the following airspace actions:

1. Realign G–8 airway segment from King Salmon, Alaska, radio range; direct Big Mountain radio beacon; direct Homer, Alaska, radio range; direct to Kenai, Alaska, radio range.

2. Realign R–40 airway segment from Kodiak, Alaska, radio range; direct Homer radio range.

3. Realign R–99 airway from Big Mountain radio beacon; direct Iliamna, Alaska, radio beacon; to the intersection of the Iliamna radio beacon 145° T (123° M) and Big Mountain radio beacon 080° T (058° M) bearings.

4. Revoke B–65 airway.

5. Realign B–27 airway segment from Kodiak radio range; via the intersection of Kodiak radio range 270° T (247° M) and the southeast course of the King Salmon radio range; direct to King Salmon radio range.

6. Designate the Big Mountain transition area as that airspace extending upward from 1,200 feet above the surface within 5 miles northwest and 7.5 miles southeast of the 049° T (027° M) and 229° T (207° M) bearings from the Big Mountain radio beacon extending from 7 miles northeast to 13 miles southwest of the radio beacon.

7. Revoke the Rocky Point and Kukaklek transition areas.

8. Designate the Big Mountain radio beacon as a low altitude reporting point.

9. Delete the Kukaklek, Rocky Point, and Anchor Point low altitude reporting points.

The proposed airway realignments would provide more direct routes between the terminal areas served. Blue 65 airway, Rocky Point and Kukaklek transition areas are proposed for revocation as they are no longer required for air traffic purposes. The proposed Big Mountain transition area would provide controlled airspace for air traffic conducting holding procedures utilizing the Big Mountain radio beacon.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510) and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on July 6, 1967.

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

[F.R. Doc. 67-8050; Filed, July 12, 1967; 8:47 a.m.]

[14 CFR Part 91]

[Docket No. 8270; Notice 67-28]

FOREIGN CIVIL AIRCRAFT

Special Rules for VFR Flight Operations

The Federal Aviation Administration is considering amending Part 91 of the Federal Aviation Regulations to delete the requirement of § 91.43(b) that no person may operate a foreign civil aircraft in the United States in VFR flight unless a VFR flight plan has been filed with an FAA communications station.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC–24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before September 11, 1967, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The VFR flight plan requirement for foreign civil aircraft navigation contained in § 91.43(b) and its predecessor regulation CAR § 190.22(a) was originally adopted primarily for administrative purposes to enable the FAA to keep track of foreign civil aircraft navigation within the United States.

It now appears evident that any national security pupose which the regulation may fulfill can be adequately provided for by the provisions of Part 99–Security Control of Air Traffic. As a result, there is no longer an administrative need for the section for that purpose. For the purposes of safety, the considerations in requiring a VFR flight plan to be filed by the operator of a foreign civil aircraft appear to be no different than those considerations applicable to the operation of any civil aircraft. The VFR flight plan filed by an operator of a foreign civil aircraft is handled no differently from other VFR flight plans, and the services rendered by the FAA are the same as those furnished to an operator of a U.S. registered aircraft. Therefore, it appears that the obligation for filing a VFR flight plan upon the operator of a foreign civil aircraft should be no different than upon the operator of a U.S. registered aircraft.

As pointed out by a petition for rulemaking by the Canadian Owners and Pilots Association, the mandatory requirement upon operators of foreign civil aircraft to file a VFR flight plan, often creates a hardship on those pilots who wish to fly into remote areas where it is difficult, if not imposible, to file or close a flight plan. With the proposed change this difficulty will be eliminated. Furthermore, the operator of a foreign civil aircraft who desires the services of the FAA may still obtain them by filing a VFR flight plan.

In consideration of the foregoing, it is proposed that § 91.43 be amended by deleting paragraph (b). This proposal is made under the authority of sections 307(a), 313(a), and 601 of the Federal Aviation Regulations (49 U.S.C. 1348(a), 1354(a), and 1421).

Issued in Washington, D.C., on July 6, 1967.

EDWARD C. HODSON,
Acting Director, Flight Standards Service.

[F.R. Doc. 67-8051; Filed, July 12, 1967; 8:47 a.m.]

[14 CFR Part 121]

[Docket No. 8269; Notice 67-27]

TRAVEL CLUBS

Certification and Operations

The Federal Aviation Administration is considering amending Part 121 of the Federal Aviation Regulations to expressly include operations conducted by "travel clubs" with large airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before September 11, 1967, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examinations by interested persons.

A commercial operator using large aircraft must obtain a certificate from this agency and must conduct its operations under Part 121 of the Federal Aviation Regulations. Section 1.1 of the Federal Aviation Regulations defines a commercial operator as follows:

"Commercial operator" means a person who, for compensation or hire, engages in the carriage by aircraft in air commerce, of persons or property, other than as an air carrier or foreign air carrier or under the authority of Part 375 of this Title. Where it is doubtful that an operation is for "compensation or hire", the test applied is whether the carriage by air is merely incidental to the person's other business or is, in itself, a major enterprise for profit.

During the past few years, a number of travel clubs have been formed for the purpose of providing their members with long-distance travel usually on large (over 12,500 lbs. takeoff weight) aircraft. In most cases, these clubs operate on the basis that the members share the expenses of the travel by an assessment, dues, membership fee, or similar payment to the club. As long as there is truly a sharing of expenses by the members and no profit is made from the club's operation, such an operation has not been considered to be for "compensation or hire" and it could be conducted under Part 91 of the Federal Aviation Regulations. However, if a club allows nonmembers to travel for a fee or if the club, or some other person, makes a profit, in any manner, from the operation of the aircraft, the operation is considered to be for compensation or hire. In such case, an operator using large aircraft must be certificated and operate under the commercial operator rules of Part 121. Moreover, if the operations involve interstate, overseas, or foreign air transportation (common carriage) appropriate economic authority would be required from the Civil Aeronautics Board.

From a safety standpoint, when a passenger has, in any manner, paid for his carriage aboard a large aircraft the FAA believes that the applicable safety standards should not depend on a distinction as to whether that passenger is carried for "compensation or hire" or is "sharing expenses" with other passengers. The average passenger certainly is not aware that the method by which he pays for his carriage determines the level of safety that the operator of the aircraft is required to maintain. Except for the method of payment, the typical travel club operation is in all practical respects no different from a charter flight conducted by a commercial operator, and the FAA believes that the level of safety required by Part 121 should be maintained. Therefore, the FAA proposes to apply the commercial operator certification and safety standards of Part 121 to travel clubs by amending the applicability of that Part to include the carriage of persons in a large aircraft by any person, travel club, or group, if, as a condition to qualifying for that carriage, those persons pay to that person, travel club, or group, any assessment, dues, membership fee, or other thing of value.

In consideration of the foregoing, it is proposed to amend Part 121 of the Federal Aviation Regulations by amending the applicability provisions of subparagraph (a)(5) of § 121.1 to read as follows:

§ 121.1 Applicability.

(a) * * *

(5) Each commercial operator when it engages in the carriage of persons or property in air commerce for compensation or hire with large aircraft, including the carriage of persons in a large aircraft by any person, travel club, or group, if, as a condition to qualifying for that carriage, those persons pay to that person, travel club, or group, any assessment, dues, membership fee, or other thing of value.

* * * * *

This amendment is proposed under the authority of sections 313(a), 601, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1427).

Issued in Washington, D.C., on July 6, 1967.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[F.R. Doc. 67-8049; Filed, July 12, 1967; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Antidumping—ATS 643.3–b]

CERAMIC GLAZED WALL TILE FROM JAPAN

Notice of Intent To Discontinue Investigation and To Make Determination That No Sales Exist Below Fair Value

JULY 3, 1967.

Information was received on December 9, 1965, that ceramic glazed wall tile imported from Japan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.). This information was the subject of an "Antidumping Proceeding Notice" which was published pursuant to § 14.6(d), Customs Regulations (19 CFR 14.6(d)), in the FEDERAL REGISTER of December 30, 1965, on page 16272 thereof.

On July 15, 1966, the Acting Commissioner of Customs issued a withholding of appraisement notice with respect to such merchandise, which was published in the FEDERAL REGISTER dated July 19, 1966.

Purchase price was found to be lower than adjusted home market price in a majority of the comparisons made.

Promptly after the commencement of the antidumping investigation, price revisions were made which eliminated the likelihood of sales below fair value. Assurances were given that, regardless of the determination of this case, no future sales to the United States will be made at prices which could be construed as being at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). There appears to be no likelihood of a resumption of prices which prevailed before such price revision.

In view of the foregoing it appears that there are not, and are not likely to be, sales below fair value of ceramic glazed wall tile from Japan.

Unless persuasive evidence or argument to the contrary is presented within 30 days, a determination will be made that there are not, and are not likely to be, sales below fair value.

Any such evidence or argument should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice is published pursuant to § 14.7(b)(9) of the Customs Regulations (19 CFR 14.7(b)(9)).

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67–8059; Filed, July 12, 1967; 8:48 a.m.]

[Antidumping—ATS 643.3–b]

THIOUREA FROM WEST GERMANY

Notice of Intent To Discontinue Investigation and To Make Determination That No Sales Exist Below Fair Value

JULY 5, 1967.

Information was received on May 11, 1966, that thiourea imported from West Germany, exported by Degussa, A. G., Frankfurt/Main, West Germany, was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.). This information was the subject of an "Antidumping Proceeding Notice" which was published pursuant to § 14.6(d), Customs Regulations (19 CFR 14.6(d)), in the FEDERAL REGISTER of June 22, 1966, on page 8641 thereof.

On February 1, 1967, the Commissioner of Customs issued a withholding of appraisement notice with respect to such merchandise, which was published in the FEDERAL REGISTER dated February 7, 1967.

Thiourea is a chemical intermediate used in the manufacture of photographic chemicals, diazo-type coatings for office machine papers, pharmaceuticals, textile chemicals and dyes, and in the synthesis of various organic chemicals.

Promptly after being notified that its prices to the United States were lower than prices to third countries, the exporter made price revisions which eliminated the likelihood of sales below fair value. Assurances were given that, regardless of the determination of this case, no future sales to the United States will be made at prices which could be construed as being at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). There appears to be no likelihood of a resumption of prices which prevailed before such price revision. The complaint thereafter was withdrawn.

In view of the foregoing, it appears that there are not, and are not likely to be, sales below fair value of thiourea from West Germany, exported by Degussa, A. G. Frankfurt/Main, West Germany.

Unless persuasive evidence or argument to the contrary is presented within 30 days, a determination will be made that there are not, and are not likely to be, sales below fair value.

Any such evidence or argument should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice is published pursuant to § 14.7(b)(9) of the Customs Regulations (19 CFR 14.7(b)(9)).

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67–8060; Filed, July 12, 1967; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 5, 1967.

The Bureau of Indian Affairs has filed an application Anchorage Serial No. AA–671 for the withdrawal of the lands described below from all forms of appropriation. The applicant desires the land for use as a site for construction of a new dormitory in connection with the Kodiak-Aleutian Vocational School. The land is a portion of an area reserved for use of the Department of the Army as a radio station site by Executive Order No. 6039 dated February 20, 1933. The Department of the Army has indicated it has no objections to the subject proposed withdrawal.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska 99501.

The Department's regulations, 43 CFR 2311.1–3(c), provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secre-

tary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

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

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

The lands involved in the application are:

IN KODIAK TOWNSITE, ALASKA

Beginning at Corner No. 1 from which Corner No. 4, U.S. Survey 562 as accepted by the Commissioner of the General Land Office, September 11, 1941, bears West 425.00 feet, and S. 47°30' W., 228.57 feet; thence S. 0°16'50" W., a distance of 463.93 feet to Corner No. 2; thence N. 55°16'20" E. a distance of 139.78 feet to Corner No. 3; thence N. 34°43'40" W., a distance of 40 feet to Corner No. 4; thence N. 55°16'20" E., a distance of 350 feet to Corner No. 5; thence S. 34°43'40" E., a distance of 30 feet to Corner No. 6; thence N. 55°16'20" E., a distance of 119.37 feet to Corner No. 7; thence N. 34°43' W., a distance of 440.69 feet to Corner No. 8; thence S. 43°38' W., a distance of 350.30 feet to Corner No. 1, the point of beginning.

The area described aggregates approximately 177,849 square feet or approximately 4.08 acres.

LYLE F. JONES,
Acting State Director.

[F.R. Doc. 67-8070; Filed, July 12, 1967; 8:49 a.m.]

[Serial No. N-815]

NEVADA

Notice of Classification of Public Lands; Correction

JULY 7, 1967.

1. Notice of classification, serial number N-815, for multiple use management, was published as F.R. Doc. 67-7344 of the issue for Thursday, June 29, 1967.

2. The legal description of the lands described in paragraph 3, should be corrected, in part, to read as follows:

MOUNT DIABLO MERIDIAN, NEVADA

LYON COUNTY

T. 8 N., R. 27 E.,
Sec. 6, Lots 2 to 7, inclusive, S½NE¼, SE¼NW¼, W½SW¼, SE¼;
Sec. 22, N½NE¼, NW¼, N½SW¼, SW¼SW¼.

MINERAL COUNTY

T. 6 N., R. 27 E.,
Sec. 26, N½, N½SW¼, SE¼SW¼, SE¼.

NOLAN F. KEIL,
State Director, Nevada.

[F.R. Doc. 67-8037; Filed, July 12, 1967; 8:46 a.m.]

[Serial No. N-815]

NEVADA

Notice of Proposed Classification of Public Lands; Correction

JULY 7, 1967.

Notice of proposed classification, serial number N-815, for multiple use management, was published as F.R. Doc. 67-4328 on pages 6217 and 6218 of the issue for Thursday, April 20, 1967.

The proposed classification should be corrected to include the following described land:

MOUNT DIABLO MERIDIAN, NEVADA

T. 5 N., R. 28 E.,
Sec. 7, N½, S½SW¼.

NOLAN F. KEIL,
State Director, Nevada.

[F.R. Doc. 67-8038; Filed, July 12, 1967; 8:46 a.m.]

[New Mexico 1218]

NEW MEXICO

Notice of Classification of Lands

JULY 7, 1967.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), the lands described below are hereby classified for disposal through exchange under section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended, for lands within the Cibola National Forest.

As a result of comments and further investigations following publication of notice of proposed classification (32 F.R. 6730-6731) the following described lands have been eliminated from this classification:

NEW MEXICO PRINCIPAL MERIDIAN

T. 20 N., R. 6 W.,
Sec. 23, W½ and SE¼;
Sec. 27, SE¼.
T. 21 N., R. 8 W.,
Sec. 5, lots 2, 3, 4, SW¼NE¼, S½NW¼, N½SW¼, and SW¼SW¼;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lots 1, 2, 3, 4, W½E½ and E½W½;
Sec. 18, lots 1, 2, 3, 4, W½E½ and E½W½.
T. 24 N., R. 12 W.,
Sec. 31, lot 17.
T. 24 N., R. 13 W.,
Sec. 36, S½SE¼.

The lands affected by this classification are located in San Juan and McKinley Counties, N. Mex., and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 17 N., R. 8 W.,
Sec. 32, SW¼.
T. 20 N., R. 9 W.,
Sec. 4, lots 1, 2, 3, 4, S½N½ and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼ and SE¼;
Sec. 8;
Sec. 18, NE¼.
T. 17 N., R. 11 W.,
Sec. 32, N½NW¼.
T. 25 N., R. 11 W.,
Sec. 5, SW¼;
Sec. 6, lots 1, 2, S½NE¼ and SE¼.
T. 24 N., R. 12 W.,
Sec. 3, lots 8, 9, 16, and 17;
Sec. 4, lots 5 to 20, inclusive;
Sec. 5, lots 5, 6, 11, 12, 13, 14, 19, and 20;
Sec. 8, lots 1, 2 and lots 7 to 16, inclusive;
Sec. 9, lots 3, 4, 5, 6, 12, and 13;
Sec. 17, lots 1 to 16, inclusive;
Sec. 18, lots 5, 6 and lots 11 to 20, inclusive;
Sec. 19, lots 5 to 19, inclusive;
Sec. 20, lots 2 to 6, inclusive;
Sec. 30, lots 6 to 11, inclusive, and lots 14 to 19, inclusive;
Sec. 31, lots 6 to 11, inclusive, and lots 14, 15, 16, 18, and 19.
T. 25 N., R. 12 W.,
Sec. 1, lots 1, 2, 3, 4, S½N½ and SE¼;
Sec. 3, lots 1, 2, 3, 4, S½N½ and SE¼;
Sec. 4, lots 1, 2 and S½NE¼;
Sec. 5, lots 3, 4 and S½NW¼;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼ and SE¼;
Sec. 7, lots 1, 2, E½ and E½NW¼;
Sec. 17;
Sec. 19, E½.
T. 24 N., R. 13 W.,
Sec. 13, S½;
Sec. 14, S½;
Secs. 23, 24, 25, 26, and 35;
Sec. 36, N½, SW¼ and N½SE¼.
T. 27 N., R. 13 W.,
Secs. 11, 13 and 14.
T. 14 N., R. 17 W.,
Sec. 16, W½ and SE¼;
Sec. 18, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 20, NW¼.
T. 13 N., R. 18 W.,
Sec. 4, lots 1, 2, 3, 4, S½N½ and SE¼;
Sec. 28, W½.

The areas described aggregate 19,498.89 acres.

For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.12(d)).

W. J. ANDERSON,
State Director.

[F.R. Doc. 67-8039; Filed, July 12, 1967; 8:46 a.m.]

National Park Service

LASSEN VOLCANIC NATIONAL PARK

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, Public Law 89-249, public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service proposes to negotiate a concession contract with the Lassen National Park Co., authorizing it to continue to provide concession facilities and services for the public at Lassen Volcanic National Park for a period of twenty (20) years.

The foregoing concessioner has performed its obligations under a prior contract to the satisfaction of the National Park Service and, therefore, pursuant to the act cited above, is entitled to be given preference in the negotiation of a new contract. However, pursuant to the act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice.

Interested parties should contact the Chief of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: July 7, 1967.

EDWARD A. HUMMEL,
Assistant Director,
National Park Service.

[F.R. Doc. 67-8040; Filed, July 12, 1967; 8:46 a.m.]

[Order 3]

BLUE RIDGE PARKWAY, VIRGINIA AND NORTH CAROLINA

Administrative Officer et al.; Delegations of Authority

SECTION 1. *Administrative Officer.* The Administrative Officer may execute, approve, and administer contracts not in excess of $100,000 for construction, supplies, equipment, and services; and may execute and approve revocable special use permits for use of Government-owned lands and facilities. This authority may be exercised by the Administrative Officer in behalf of any office or area administered by Blue Ridge Parkway.

SEC. 2. *General Supply Officer.* The General Supply Officer may execute, approve, and administer contracts not in excess of $25,000 for construction, supplies, equipment, and services. This authority may be exercised by the General Supply Officer in behalf of any office or area administered by Blue Ridge Parkway.

SEC. 3. *General Supply Assistant.* The General Supply Assistant may execute, approve, and administer contracts not in excess of $10,000 for construction, supplies, equipment, and services. This authority may be exercised by the General Supply Assistant in behalf of any office or area administered by Blue Ridge Parkway.

SEC. 4. *Construction and Maintenance Representative, Foreman III, and Clerk.* The Construction and Maintenance Representative, Foreman III, and Clerk of Districts 1, 2, 3, and 4 of the Blue Ridge Parkway may issue purchase orders not in excess of $500 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

SEC. 5. *Revocation.* This order supersedes Order No. 2 and Amendment No. 1 issued March 1, 1963, and April 22, 1963, respectively.

(National Park Service Order No. 34 (31 F.R. 4255) as amended; 39 Stat. 535, 16 U.S.C. Sec. 2; Southeast Region Order No. 4 (31 F.R. 3135))

Dated: June 26, 1967.

JAMES M. EDEN,
Superintendent, Blue Ridge Parkway.

[F.R. Doc. 67-8041; Filed, July 12, 1967; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MONTANA

Designation of Area for Emergency Loans

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

MONTANA

BEAVERHEAD

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 10th day of July 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-8055; Filed, July 12, 1967; 8:47 a.m.]

NEBRASKA

Designation of Areas for Emergency Loans

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

NEBRASKA

Adams.	Hayes.
Boone.	Hitchcock.
Buffalo.	Kearney.
Dundy.	Knox.
Frontier.	Red Willow.
Greeley.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 10th day of July 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-8056; Filed, July 12, 1967; 8:47 a.m.]

NEBRASKA, NORTH CAROLINA, AND NORTH DAKOTA

Designation of Areas for Emergency Loans

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

NEBRASKA
Banner

NORTH CAROLINA
Columbus

NORTH DAKOTA
Richland

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 10th day of July 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-8057; Filed, July 12, 1967; 8:47 a.m.]

SOUTH CAROLINA

Designation of Areas for Emergency Loans

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

SOUTH CAROLINA

Abbeville.	Jasper.
Anderson.	Kershaw.
Beaufort.	Lancaster.
Berkeley.	Marion.
Chester.	Sumter.
Clarendon.	York.
Horry.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 10th day of July 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-8058; Filed, July 12, 1967; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MONSANTO CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec

409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, has withdrawn its petition (FAP 7B2148), notice of which was published in the FEDERAL REGISTER of March 4, 1967 (32 F.R. 3753), proposing the amendment of §§ 121.2511 and 121.2526 with respect to use of butyl benzyl phthalate as a component of food-contact articles.

Dated: July 5, 1967.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[F.R. Doc. 67-8093; Filed, July 12, 1967; 8:51 a.m.]

Office of The Secretary

INTRASTATE AIR POLLUTION IN GARRISON AREA OF POWELL COUNTY, MONT.

Notice of Conference of Air Pollution Control Agencies

Whereas, the Board of County Commissioners of Powell County, Mont., has made a written request pursuant to section 105(c)(1)(B) of the Clean Air Act (42 U.S.C. 1857d(c)(1)(B)) that a conference be called regarding alleged air pollution originating in the Garrison area, Powell County, Mont., which endangers the health or welfare of persons only in the State of Montana, and

Whereas, the Governor of the State of Montana and the State air pollution control agency for the State of Montana have concurred in said request,

Now, therefore, pursuant to section 105(c)(1)(B) of the Clean Air Act, I hereby give formal notification of the air pollution described above to, and call a conference of, the air pollution control agencies of the following:

State of Montana (Montana State Board of Health), Powell County, Mont.

All municipalities, as defined in section 302(f) of the Clean Air Act (42 U.S.C. 1857h (f)) located in Powell County, Mont., alleged to be adversely affected by such air pollution.

Mr. S. Smith Griswold of the Department of Health, Education, and Welfare is hereby designated as Presiding Officer of the Conference, and Mr. William H. Megonnell is hereby designated as the official conference participant of the Department of Health, Education, and Welfare.

The Presiding Officer for the Conference will fix the date, time, and place for convening the Conference after consultation with officials of the State of Montana and Powell County.

Any municipality desiring to make a formal presentation at the conference should file 5 copies of a notice of such intention with S. Smith Griswold, Room 2432, South Building, Department of Health, Education, and Welfare, Washington, D.C. 20201 not later than 30 days after the publication of this notice.

The agencies called to attend such conference may bring such persons as they desire to the conference.

Dated: July 7, 1967.

[SEAL] JOHN W. GARDNER,
Secretary.

[F.R. Doc. 67-8094; Filed, July 12, 1967; 8:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-264]

DOW CHEMICAL CO.

Notice of Issuance of Amendment

The Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 1, set forth below, to Facility License No. R-108 to the Dow Chemical Co., Midland, Mich. The amendment changes the amount of contained uranium-235 that the licensee may receive, possess and use from 3.0 kilograms to 3.4 kilograms.

The Commission has found that this increase in the amount of contained uranium-235 does not involve significant hazards considerations different from those previously evaluated since the amount of fuel to be loaded into the reactor is limited by the specified excess reactivity limit in the technical specifications of the license, and the licensee has adequate facilities for safe storage of this amount of material.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's "Rules of Practice," (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see the licensee's application for license amendment dated June 19, 1967, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For the Atomic Energy Commission.

Dated at Bethesda, Md., this 3d day of July 1967.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[License No. R-108; Amdt. No. 1]

The Atomic Energy Commission has found that:

(1) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

(2) The receipt, possession, and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security, or to the health and safety of the public;

(3) Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Accordingly, License No. R-108 issued to The Dow Chemical Co., is hereby amended in the following respect:

1. Paragraph 3B. is amended to read as follows:

"B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material", to receive, possess and use up to 3.4 kilograms of contained uranium-235 in connection with operation of the reactor; and"

2. This amendment is effective as of the date of issuance.

Date of issuance: July 3, 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 67-8026; Filed, July 12, 1967; 8:45 a.m.]

[Docket No. 50-264]

DOW CHEMICAL CO.

Notice of Issuance of Facility License

No request for hearing of petition to intervene having been filed following publication of the Notice of Proposed Issuance of Facility License, the Atomic Energy Commission has issued Facility License No. R-108, effective as of the date of issuance, to The Dow Chemical Co. authorizing operation of the TRIGA Mark I type nuclear research reactor located in Midland, Mich.

The license was issued as set forth in the FEDERAL REGISTER dated June 13, 1967, 32 F.R. 8427, except that the strength of the polonium-210 beryllium neutron startup source was changed from 7 curies to 11 curies, to conform with the source received from the supplier. This change in source strength does not involve any safety considerations.

Dated at Bethesda, Md., this 3d day of July 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[F.R. Doc. 67-8027; Filed, July 12, 1967; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18332]

AEREO FLETES INTERNACIONALES, S.A. (AFISA)

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the

above-entitled proceeding is assigned to be held on July 18, 1967, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., July 6, 1967.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 67-8067; Filed, July 12, 1967; 8:48 a.m.]

[Docket No. 17913; Order No. E-25387]

ALLEGHENY AIRLINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 7th day of July 1967.

Application of Allegheny Airlines, Inc., under section 401 of the Federal Aviation Act of 1958, as amended, for amendment of its certificate of public convenience and necessity for Route 97.

Allegheny Airlines, Inc. (Allegheny), has filed a motion seeking expedited hearing on its application, Docket 17913, which requests an amendment of its existing segment 5 to redesignate the terminal point Huntington as an intermediate point and extend the segment to the coterminal points Nashville and Memphis via the intermediate point Lexington.[1]

In support of its motion, Allegheny alleges in pertinent part that: there is a need for new and improved air service between Memphis/Nashville/Lexington and Pittsburgh/Philadelphia and the Ohio Valley points; the authority sought by Allegheny will permit that carrier to provide Nashville and Memphis with single-plane service to Lexington, Huntington, and Parkersburg, single-plane service from Lexington to Parkersburg, Pittsburgh, and Philadelphia; and needed additional service between Nashville/Memphis, and Pittsburgh/Philadelphia; first single-plane service will be provided in nine markets conveniencing 38,000 passengers annually and first competitive service in five markets conveniencing 42,000 passengers annually; grant of the authority requested will permit a reduction in subsidy of $348,000 and it is willing to accept the route on a subsidy ineligible basis. Answers supporting Allegheny's motion were filed by the Lexington-Fayette County Airport Board; the City of Philadelphia and the Greater Philadelphia Chamber of Commerce; the County of Allegheny, Pa.; the City of Memphis and the Memphis Area Chamber of Commerce; the City of Parkersburg and the Greater Parkersburg Chamber of Commerce; the City of Marietta, Ohio and the Marietta Area Chamber of Commerce; the Metropolitan Government of Nashville; and the Tri-State Airport Authority and the Greater Huntington Area Chamber of Commerce.

Piedmont filed an answer indicating that it neither supports nor opposes the motion. However, Piedmont states that it presently participates by connection in some of the traffic involved and that it has on file certain applications which if granted would enable Piedmont to provide direct service in all of the markets which Allegheny proposes to serve, except the Pittsburgh and Philadelphia markets.

We have decided to handle this matter by show cause procedure; and we tentatively find and conclude that Allegheny's certificate of public convenience and necessity for route 97 should be amended in such a manner as to extend Allegheny's segment 5 from the present terminal point Huntington to the coterminal points Nashville and Memphis via Lexington, subject to a restriction prohibiting turnaround service between Memphis and Nashville. Interested persons will be given 20 days from the date of service of this order to show cause why the tentative findings and conclusions reached herein should not be made final.

We tentatively find that the total traffic to be benefited by Allegheny's proposal will be significant. Thus, Allegheny will provide first single-plane service in nine markets and will convenience approximately 27,000 passengers according to our estimate.[2] In addition, Allegheny will provide competitive service in five markets conveniencing approximately 35,000 passengers.[3] A comparison of Allegheny's proposed schedules with existing schedules in the competitive markets demonstrates that, with the possible exception of the Lexington-Huntington market, Allegheny's proposal will provide a useful public service.[4] Finally, it appears that the proposed route extension will strengthen Allegheny's segment 5 by extending that segment to Memphis, which is a stronger traffic generating point than Huntington.

In comparison to the apparent service benefits which would result from an award to Allegheny, the diversion from the services of the existing carriers in the markets at issue would appear to be insignificant. We tentatively find that Southern's revenues would be subject to diversion of about $23,000[5] and that Piedmont's revenues would be subject to diversion of about $19,000.[6] The figure for Southern includes no diversion in the Memphis-Nashville market, since in our view the effect of the restriction against turnaround service in this market which we will impose (and which Allegheny indicates it will accept) will be to reduce any such diversion to negligible proportions. The revenues of the trunkline carriers concerned would be subject to diversion of approximately $394,000.[7] This latter estimate of course, does not reflect cost savings to the trunkline carriers which will obtain if these carriers handle less traffic in these markets. Viewed in the aggregate for the trunkline carriers concerned the revenue loss does not appear to be a substantial figure.

We tentatively find that Allegheny's proposal will result in an operating profit for that carrier and that it shows future promise of reducing that carrier's subsidy. Attached as Appendix F is our estimate of Allegheny's proposed operation for the first year of service, which shows an operating profit for the carrier of $344,000 and a subsidy requirement, when return on investment and taxes are taken into consideration, of $149,000. Our financial estimate differs from Allegheny's in certain significant respects. Thus, Allegheny's costing method does not reflect the computation of full return and taxes as specified in Subpart K of Part 302 of the Board's Rules of Practice. Moreover, the growth rate employed by the carrier in its traffic estimates includes factors that, in our view, are duplicated by its estimate of stimulation due to improved service. Nonetheless, we tentatively find that Allegheny's proposal would convenience a significant number of passengers; and that the carrier's traffic estimate is attainable during the second year of operations. Under these circumstances, although we forecast a subsidy requirement for the first year of operations, we think that the proposed route has the potential strength to be operated at a subsidy reduction during the second year of operations. We note that Allegheny has offered to accept the new route authority on a subsidy ineligible basis and we would impose such a condition in the carrier's certificate.

The action which we propose to make herein is in harmony with our policy to act affirmatively in situations which hold promise for route strengthening for local service carriers where it appears that the public will benefit substantially.[8]

In granting interested persons the opportunity to show cause why our tentative findings and conclusions should not be adopted, we expect such persons to support their objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law supported by legal precedent or detailed economic analysis.

Accordingly, it is ordered, That:

1. A proceeding be and it hereby is instituted in Docket 17913 pursuant to section 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require, and the Board should order, the amendment of the certificate

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[1] Allegheny's segment 5 is presently described as follows: "Between the terminal point Pittsburgh, Pa., the intermediate points Wheeling and Parkersburg, W. Va., and the terminal point Huntington, W. Va."

[2] Appendix A, filed as part of original document.

[3] Appendix A.

[4] Appendix B, filed as part of original document.

[5] Appendix C, filed as part of original document.

[6] Appendix D, filed as part of original document.

[7] Appendix E, filed as part of original document.

[8] See Orders E-23897, July 5, 1966 and E-24871, Mar. 20, 1967.

of public convenience and necessity held by Allegheny Airlines, Inc., for route 97 so as to:

a. Amend existing segment 5 to read as follows: "Between the terminal point Pittsburgh, Pa., the intermediate points Wheeling, Parkersburg, and Huntington, W. Va., Lexington, Ky., and the coterminal points Nashville and Memphis, Tenn."

b. Add a new condition to read as follows: "Flights which serve both Memphis and Nashville, Tenn., shall originate or terminate at a point north and east of Nashville."

c. Amend existing condition (10) (a) by adding the order number and date of the Board's final order herein to the list of orders, operations conducted solely pursuant to which are ineligible for subsidy.

2. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue to Allegheny a certificate of public convenience and necessity amended in the manner set forth in ordering paragraph 1 above;

3. Any interested persons having objection to issuance of an order making final the proposed findings, conclusions and certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data and other evidence expected to be relied upon to support the stated objections;

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

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

6. A copy of this order should be served upon the following persons, who are hereby made parties to this proceeding: Allegheny Airlines, Inc.; American Airlines, Inc.; Eastern Air Lines, Inc.; Lake Central Airlines, Inc.; Piedmont Aviation, Inc.; Southern Airways, Inc.; United Air Lines, Inc.; Lexington-Fayette County Airport Board; the city of Philadelphia and the Greater Philadelphia Chamber of Commerce; the county of Allegheny, Pa.; the city of Memphis and the Memphis Area Chamber of Commerce; the city of Parkersburg, the Greater Parkersburg Chamber of Commerce, the city of Marietta, Ohio, and the Marietta Area Chamber of Commerce; the Metropolitan Government of Nashville; and the Tri-State Airport Authority and the Greater Huntington Area Chamber of Commerce.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-8068; Filed, July 12, 1967; 8:49 a.m.]

* All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests or petitions for reconsideration of this order will be entertained. Nor shall the filing of any such motions, requests or petitions for reconsideration operate to stay the effectiveness of par. 3.

[Docket No. 17727]

W.A.A.C. (NIGERIA) LIMITED

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding now assigned to be held July 17, 1967, is hereby indefinitely postponed.

Dated at Washington, D.C., July 6, 1967.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 67-8069; Filed, July 12, 1967; 8:49 a.m.]

CIVIL SERVICE COMMISSION

SOCIAL ADMINISTRATION ADVISER

Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found, effective June 20, 1967, that there is a manpower shortage for the position of Social Administration Adviser (VR) GS-102-13, Vocational Rehabilitation Administration, Department of Health, Education, and Welfare, Washington, D.C. This finding will terminate when the position is filled.

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

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

[F.R. Doc. 67-8063; Filed, July 12, 1967; 8:48 a.m.]

OPERATIONS RESEARCH SERIES

Notice of Establishment of Prescribed Minimum Educational Requirements

In accordance with section 3308 of title 5, United States Code, the Civil Service Commission has determined that minimum educational requirements should be established for positions in the Operations Research Series, GS-1515. The requirements, the duties of the positions, and the reasons for the Commission's decision that these requirements are necessary are set forth below.

The Operations Research Series, GS-1515 (All Grades).

Minimum educational requirements. Candidates must show successful completion of a full 4-year or longer curriculum in an accredited college or university leading to a bachelor's or higher degree with a course of study that included 24 semester hours of coursework in any combination of the following: operations research; mathematics; statistics; logic; and subject-matter courses which require substantial competence in mathematics or statistics.

Duties. Operations research analysts perform professional and scientific work requiring the design, development, and adaptation of mathematical, statistical, econometric, and other scientific methods to analyze operational problems of decision-makers. Operations research analysts develop and conduct analytic studies to provide advice and evaluations of the probable effects of alternative solutions to these problems.

Reasons for Establishing Requirements. The duties of these positions cannot be performed without a sound basic knowledge of the principles, theories and concepts of mathematical, statistical, econometric, and other rigorous methods and techniques for professional scientific research. The duties of the positions require the application of highly technical scientific information and skills which can only be acquired through the successful completion of a course of study in an accredited college or university which has scientific libraries, well-equipped laboratories and thoroughly trained instructors, gives expert guidance, and evaluates progress completely.

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

[F.R. Doc. 67-8064; Filed, July 12, 1967; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16706-16708; FCC 67M-1115]

ATLANTIC BROADCASTING CO. (WUST) AND BETHESDA-CHEVY CHASE BROADCASTERS, INC.

Order Scheduling Prehearing Conference

In re applications of Atlantic Broadcasting Co. (WUST), Bethesda, Md., Docket No. 16706, File No. BP-14357, for construction permit; Atlantic Broadcasting Co. (WUST), Bethesda, Md., Docket No. 16707, File No. BR-1513, for renewal of license; Bethesda-Chevy Chase Broadcasters, Inc., Bethesda, Md., Docket No. 16708, File No. BP-16319, for construction permit.

The Hearing Examiner having under consideration the Commission's Order (FCC 67-686), released June 20, 1967, denying petitions for review by the applicants in the above-entitled proceeding;

It appearing, that all interlocutory questions that stood in the way of hearing upon the applications have now been resolved;

It is ordered, That a further prehearing conference, for the purpose, among other things, of scheduling hearing dates, is hereby scheduled and will convene at 9:30 a.m., on Monday, July 31, 1967, at the Commission's offices, Washington, D.C.; and

It is ordered further, That counsel, in addition to being prepared to discuss their hearing commitments, are to be ready to enter into stipulation and to make commitments that will help to advance and expedite the hearing.

Issued: July 5, 1967.

Released: July 7, 1967.

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

[F.R. Doc. 67-8079; Filed, July 12, 1967; 8:50 a.m.]

[Docket No. 17159; RM-909]

LOW POWER FM BROADCAST TRANSLATOR STATIONS

Order Extending Time for Filing Comments and Reply Comments

In the matter of Amendment of Part 74 of the Commission's rules and regulations to permit the operation of low power FM broadcast translator stations.

1. In a notice of inquiry, released on February 6, 1967, in this proceeding (FCC 67-152), the Commission invited comments from interested parties on a proposal to permit the use of FM Broadcast Translators in a manner similar to the TV translators. The time for filing comments was given as April 5, 1967, and that for reply comments as April 20, 1967. In an order issued on April 12, 1967, these dates were extended until July 5, 1967, and July 20, 1967, respectively.

2. On June 28, 1967, Booth and Lovett, on behalf of various clients, filed a petition of time in this proceeding from July 5, 1967, to November 2, 1967 (120 days). Petitioner submits that they have been informed by their consulting engineers that they will not have sufficient time to complete the detailed engineering studies which are expected to be made, that the Commission desires as many comments as possible, and that no parties will be injured by the requested extension of time. We are of the view that good cause has been shown for an extension. However, we believe that an extension until September 5, 1967, should be sufficient time to prepare the contemplated submissions in view of the time alloted previously. *Accordingly, it is ordered*, That the time for filing comments in this proceeding is extended from July 5, 1967, to September 5, 1967, and that the time for filing reply comments is extended from July 20, 1967, to September 20, 1967.

3. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: July 5, 1967.

Released: July 7, 1967.

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

[F.R. Doc. 67-8080; Filed, July 12, 1967; 8:50 a.m.]

[Docket Nos. 17345, 17346; FCC 67M-1120]

LEE BROADCASTING CORP. AND MID AMERICA BROADCASTING, INC.

Order Continuing Hearing

In re applications of Lee Broadcasting Corp., Moline, Ill., Docket No. 17345, File No. BPH-5470; Mid America Broadcasting, Inc., Moline, Ill., Docket No. 17346, File No. BPH-5569, for construction permits.

With the informal consent of all counsel: *It is ordered*, On the Hearing Examiner's own motion, that commencement of hearing on the originally specified issues heretofore scheduled for July 11, 1967, is postponed to July 25, 1967, at 10 a.m., in the offices of the Commission at Washington, D.C.

It is further ordered, Pursuant to arrangements made with the informal consent of counsel for the parties, that the following schedule of procedural dates will govern the future hearing with respect to the two new issues specified by the Review Board in its memorandum opinion and order (FCC 67R-261) released June 26, 1967:

Procedure	*Date*
(a) Exchange of exhibits	Sept. 8, 1967
(b) Notification re cross-examination of witnesses	Sept. 22, 1967
(c) Further hearing	Oct. 17, 1967

Issued: July 6, 1967.

Released: July 7, 1967.

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

[F.R. Doc. 67-8081; Filed, July 12, 1967; 8:50 a.m.]

[Docket No. 17559; FCC 67-757]

NORTH SHORE BROADCASTING CORP. (WESX)

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of North Shore Broadcasting Corp. (WESX), Salem, Mass., Docket No. 17559, File No. BP-16938; Has: 1230 kc, 250w, 1 kw-LS, DA-D, U, Class IV; Requests: 1230 kc, 250w, 1 kw-LS, U, Class IV; for construction permit.

1. The Commission has before it for consideration (a) the application of North Shore Broadcasting Corp., licensee of Station WESX, Salem, Mass., filed on September 24, 1965, for a construction permit to change from directional to omnidirectional operation; (b) a Petition to Deny, filed by Ottaway Stations, Inc., licensee of Class IV standard broadcast Station WOCB, West Yarmouth, Mass. (1240 kc, 250w, 1 kw-LS, U), on August 15, 1966; and (c) pleadings in opposition and reply thereto.

2. Presently, WESX causes interference to WOCB in an area situated 100 miles from West Yarmouth. Although the proposal would eliminate the aforementioned interference and result in a net decrease in interference, it would at the same time cause new interference to be received by WOCB approximately 7 or 8 miles from WOCB's transmitter site, an area in which it previously received no interference.

3. The petitioner contends that the creation of new interference constitutes a modification of its license within the purview of section 316 of the Communications Act of 1934, as amended.

4. The applicant argues that the petitioner is without standing as a party in interest since the intereference resulting from the proposal is not in contravention of the Commission's rules. It is North Shore's contention that § 73.37(d) of the Commission's rules stands for the proposition that the interference otherwise prohibited by § 73.37 of the rules will be tolerated when it is the result of a Class IV power increase, and stations receiving such interference are without standing to oppose a grant of such a request.

5. The applicant's contentions are without merit. Section 73.37 of the rules establishes acceptability criteria and was not intended to abrogate the substantive rights of interested parties. Contrary to the applicant's argument, § 73.37(d) includes within its body the phrase "if otherwise consistent with the public interest and subject to section 316 of the Communications Act * * *." It is quite evident from the foregoing that the Commission, in adopting the above rule, intends to preserve any rights a party might have under section 316 of the Act. Accordingly, the Commission finds that since a grant of the proposal would effect a modification of the WOCB license, the petitioner must be afforded the opportunity of showing why the modification should not take place. FCC v. National Broadcasting Co. (KOA), 319 U.S. 239 (1943).

6. The petitioner also points out that the majority stockholder of WESX (James D. Asher) is also the majority stockholder in Station WJDA, Quincy, Mass.,[1] and that a grant of the proposal would increase the area of existing 1 mv/m overlap between the two stations in contravention of § 73.35(a). However, Note 3 of § 73.35 specifically exempts applications for increased power for Class IV stations from the applicability of the overlap rule. Although this application is not, strictly speaking, one for increased power, we believe that the policy reason

[1] Actually, the licensees of both stations are controlled by Mr. Asher through a holding company.

for the exception should also apply here, and that § 73.35(a) should be waived in this case.

7. Except as indicated by the issues specified below, the applicant is qualified to construct, own and operate as proposed, however, in view of the foregoing the Commission is unable to find that a grant of the application would serve the public interest, convenience, and necessity and is of the opinion that it must be designated for hearing on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WESX and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal would cause objectionable interference to Station WOCB, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That § 73.35 of the Commission's rules is hereby waived.

It is further ordered, That the petition to deny by Ottaway Stations, Inc., is granted to the extent indicated above and is denied in all other respects.

It is further ordered, That Ottaway Stations, Inc., licensee of Station WOCB, West Yarmouth, Mass., is made a party to the proceeding.

It is further ordered, That, in the event of a grant of the application, the construction permit shall contain the following condition: Permittee shall accept such interference as may be imposed by other existing 250 watt Class IV stations in the event they are subsequently authorized to increase power to 1000 watts.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: June 28, 1967.

Released: July 6, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-8082; Filed, July 12, 1967; 8:50 a.m.]

[Docket No. 11081 etc.; FCC 67R-284]

ORANGE NINE, INC., ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Orange Nine, Inc., Orlando, Fla., Docket No. 11081, File No. BPCT-1153; Mid-Florida Television Corp., Orlando, Fla., Docket No. 11083., File No. BPCT-1801; Central Nine Corp., Orlando, Fla., Docket No. 17339, File No. BPCT-3697; Florida Heartland Television, Inc., Orlando, Fla., Docket No. 17341, File No. BPCT-3737; Comint Corp., Orlando, Fla., Docket No. 17342, File No. BPCT-3738; TV 9, Inc., Orlando, Fla., Docket No. 17344, File No. BPCT-3740; for construction permit for new television broadcast station.

1. The above captioned mutually exclusive applications for a television station utilizing Channel 9 at Orlando, Fla., were designated for consolidated hearing by Commission order, FCC 67-416, released April 7, 1967, published in the FEDERAL REGISTER April 12, 1967.[1] The issues set forth in that order include among others a standard comparative issue. However, no provision was made for inquiry into the efforts made by each applicant to ascertain the programing needs and interests of the community nor was a comparative issue concerning proposed programing specified. Mid-Florida Television Corp. is presently operating a station on Channel 9 in Orlando, Fla., pursuant to temporary authority issued by the Commission in its order, FCC 65-1020, released November 19, 1965.[2] The Commission in that order provided an opportunity for the filing of other applications for the facility and spelled out that "this authorization shall be without prejudice to and constitutes no preference in any aspect of the proceeding to be held with respect to Channel 9 in Orlando, Fla." The other applicants in this proceeding filed their applications pursuant to the provisions of that order. On April 27, 1967, Mid-Florida and Central Nine Corp. filed petitions seeking to enlarge the issues to include issues with respect to ascertainment of programing needs and comparative programing.[3] These petitions are in each instance supported by the affidavit of a principal of the applicant who purports to have knowledge of the facts. Since the questions raised by both petitions are essentially the same, they will be treated jointly in this document.

ASCERTAINMENT OF NEED ISSUE

2. Mid-Florida in its petition argues that its 10 years' experience gives it a special knowledge of the needs of the community which it proposes to serve. Moreover, Mid-Florida argues that in 1966 it conducted an extensive survey which consisted of interviews with 150 area residents and civic leaders. It also notes that during the time its station has been on the air, it has had some 1,600 formal contacts with the public concerning the programing of its station. Mid-Florida further notes that it has examined the application files of all the other applicants in this proceeding and observed that, while some of them state that they have made surveys, they have not undertaken to specifically relate the results of the surveys to the proposed programing. Moreover, it notes that Orange Nine, Inc., Florida 9 Broadcasting Co., Howard A. Weiss, and Central Nine Corp. gave no indication in their applications that a survey to ascertain the programing needs of the community was made.[4]

3. Central Nine Corp. in its petition notes the absence of an ascertainment of need issue and points out that it conducted a survey utilizing the service of 22 persons who completed 1,749 telephonic interviews with persons residing in 14 different communities in the proposed service area. Furthermore, personal interviews were had with over 200 leaders of the various communities within the service area by Central Nine stockholders, and 10 luncheons which were attended by community leaders from 33 different communities within the service area were held by Central Nine to secure expressions of opinion concerning television programing for its proposed station. In addition to this, Central Nine monitored the existing stations in Orlando to ascertain the extent to which those stations are meeting

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[2] Commissioner Johnson absent.

[1] The applications of Howard A. Weiss and Florida 9 Broadcasting Co. which were included in the original designation order were dismissed by orders of the Examiner, FCC 67M-15, released May 17, 1967, and FCC 67M-995, released June 15, 1967.

[2] We need not detail the long history of litigation concerning the use of TV Channel 9 at Orlando, Fla. It is enough to say that this matter has been twice before the Circuit Court of Appeals for D.C. and once before the Supreme Court. The proceeding now before us stems from the most recent decision of the Court, WORZ v. FCC, 345 F. 2d 85 (1965).

[3] There are also before the Board, Comments of the Broadcast Bureau filed May 24, 1967; Oppositions filed by TV 9, Inc., and Comint Corp., May 10, 1967, and May 26, 1967, respectively; a partial opposition to the Mid-Florida petition filed by Central Nine Corp., May 26, 1967; and Replies filed by Mid-Florida and Central Nine Corp., June 6 and June 8, 1967, respectively.

[4] Weiss and Florida 9 Broadcasting have both dismissed their applications. Central Nine Corp. is a petitioner for an ascertainment of needs issue in this proceeding.

the needs of the community. Central Nine then observes that since the Commission has indicated that each applicant is expected to make an investigation of the needs of the community, such investigations must have been made by other applicants in the proceeding. It observes, however, that the extent of these investigations is not within its knowledge and that the extensive investigation which it had conducted is sufficient to warrant consideration in the comparative evaluation of the several applicants.

4. The applicants which opposed the Mid-Florida petition, including Central Nine Corp., all objected to consideration of any knowledge or experience which Mid-Florida might have acquired while operating Station WFTV in Orlando. They argue that its license to operate that station was terminated as a result of the Court's decision in WORZ, Inc. v. FCC, supra, and that because of dubious circumstances under which Mid-Florida acquired its license, no credit should accrue to it from that operation. This argument, we think, is beside the point.[5] Both Mid-Florida and Central Nine have shown that they have made extensive efforts to ascertain the needs of the community which they propose to serve and that there has been no comparable showing on the part of several other applicants. None of the other applicants used their opportunity to oppose the petition to amplify their showing concerning the effort they have made to ascertain community need. Thus, based on the showing before us, there appear to be significant differences among the several applicants as to the effort each has made to ascertain community needs. In view of these circumstances a comparative issue concerning the efforts each applicant has made to ascertain community need is warranted. See Chapman Radio and Television Co., FCC 67-234, released March 6, 1967, 7 FCC 2d 213.

THE COMPARATIVE PROGRAMING ISSUE

5. Mid-Florida has set forth with great care certain public interest programs which it believes meet the needs of Orlando. It has not, however, undertaken to show that those same needs will not be met by the proposals of the other applicants. It has also argued that there is a need for station editorialization. Mid-Florida observes that only it and three other applicants propose to editorialize daily, that one other applicant would editorialize once each week and the remaining three applicants have not proposed to editorialize at all. Two of the applications which did not reflect plans to editorialize have, since the instant petitions were filed, been dismissed. Thus only one of the remaining applications does not propose some editorialization.

6. Central Nine bases its request for a comparative programing issue largely upon differences in the time percentages shown in the applications for the various categories of programing. It argues that it made an extensive survey of the needs of the community and that to meet those needs, it divided its time among the various categories of programing as indicated in its application. It points out particularly that it proposes to utilize 7.33 percent of its broadcast time for educational programing. In contrast it observes that one other applicant proposed as little as 0.8 percent educational programing and another applicant proposes only 1.2 percent educational programing. It notes other disparities in percentages of time to be devoted to the various types of programing.

7. The petitioners have alleged sufficent facts to indicate that there are substantial differences in the programing proposed by the various applicants and that those differences reflect the result of the petitioners' efforts to ascertain the needs of the community. This is particularly so with respect to Mid-Florida's proposal concerning daily editorialization with ample opportunity for presentation of opposing views and Central Nine's educational proposal. The petitions contain showings of sufficient differences to warrant the inclusion of a comparative programing issue. For as the Commission said in the Chapman Radio case, supra:

> "* * * This showing need not approach the total evidentiary showing necessary at the hearing itself, nor need it be upon the basis of some absolute community need, but the petitioner should make such a showing as will indicate the relationship between his own ascertainment of community needs and interests and the reflection of those needs and interests in the substantially greater amount of time, effort and resources proposed to be devoted to certain of the categories of programing. In other words, a proponent of the programing issue should be required to make a prima facie showing that there are significant differences in the programing proposed and should relate his claimed substantial superiority in program planning to his ascertainment of community needs."

It is ordered, That the Petitions to Enlarge Issues, filed by Mid-Florida Television Corp. and Central Nine Corp., April 27, 1967, are granted, and the issues in the above-captioned proceeding are enlarged as follows:

(a) To determine on a comparative basis the significant differences among the applicants with respect to the efforts made by each applicant to ascertain the needs and interests of the community and area each proposes to serve; and

(b) To determine on a comparative basis the significant differences among the applicants with respect to their program proposals and the manner in which they propose to meet the needs and interests of the community and area each proposes to serve.

Adopted: July 5, 1967.

Released: July 10, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[6]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-8063; Filed, July 12, 1967; 8:50 a.m.]

[Docket No. 17561; FCC 67-760]

SANFORD SCHAFITZ

Order Designating Application for Hearing on Stated Issues

In re application of Sanford Schafitz, Farrell, Pa., Docket No. 17561, File No. BPH-5281; Requests: 103.9mc, No. 280; 3 kw; 85 ft.; for construction permit.

1. The Commission has under consideration the above captioned and described application.

2. Following a hearing on the renewal applications for stations WWIZ, Lorain, Ohio, and WFAR, Farrell, Pa., the Commission concluded[1] that Schafitz had permitted an unauthorized transfer of control of Station WWIZ, had submitted false and misleading information, had withheld other information regarding that station and had shown a lack of licensee responsibility, as evidenced by his inattention to the station, and its operation in violation of Commission regulations. Having reached this conclusion regarding Schafitz's qualifications, the Commission revised the Examiner's Initial Decision (25 RR 239; released Mar. 6, 1963) and denied the renewal application for Station WWIZ.

3. Although the Commission simultaneously renewed the license of Station WFAR, such action did not carry the implication that Schafitz would be considered qualified to achieve an additional broadcast station. Rather, in view of the adverse conclusions referred to, supra, serious questions obtain regarding Schafitz's qualifications to construct and operate the proposed FM station. Accordingly, the application will be designated for hearing on appropriate issues.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine in light of the adverse conclusions regarding his lack of candor and licensee qualifications in connection with station WWIZ whether Sanford Schafitz is qualified to construct and operate the proposed FM station.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, whether a grant of the application

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[5] Mid-Florida's past broadcast offerings are irrelevant to a determination of whether there are differences between the applicants' program proposals, and we are not relying upon such past broadcast offerings in reaching our determination herein.

[6] Board Member Kessler not participating.

[1] WWIZ, Inc. 36 FCC 561, 2 RR 2d 169 (1964); reconsideration denied 37 FCC 685, 3 RR 2d 316 (1964); aff'd sub nom. Lorain Journal Co. v. FCC 122 U.S. App. D.C. 127, 351 F. 2d 824, 5 RR 2d 2111 (1965); cert. denied 383 U.S. 967 (1966); rehearing denied 384 U.S. 947 (1966).

would serve the public interest, convenience, and necessity.

It is further ordered, That to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: June 28, 1967.

Released: July 6, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8084; Filed, July 12, 1967; 8:50 a.m.]

[Docket No. 17554; FCC 67-754]

WESTERN UNION TELEGRAPH CO.

Order Instituting Hearing and Investigation

In the matter of proposed revisions in the rates of The Western Union Telegraph Co. for Tieline domestic interstate telegraph services; Docket No. 17554.

1. The Commission has under consideration Transmittal Letter No. 6062 and revised tariff schedules filed therewith by The Western Union Telegraph Co. (Western Union) to become effective July 1, 1967, designated as follows:

a. 24th Revised Page 39 and 12th Revised Page 40 of Western Union Tariff FCC No. 176, amending certain schedules contained in the tariff applicable to the offering of Tieline facilities and establishing a fixed monthly charge of $7.50 for teleprinter Tielines and $5.00 for other Tielines, on an experimental basis for a period of 1 year expiring with June 31, 1968; and

b. 29th Revised Page 9 and 10th Revised Page 9A of Western Union Tariff FCC No. 232, changing the present Tieline discount plan, which is applied on a per-message basis, to a discount plan which applies as a percentage of the monthly dollar value of intra-U.S. sent paid revenue.

2. The above-cited schedules contain new and increased charges for certain interstate communications services and the Commission is unable to determine from an examination of the above-cited tariff schedules whether the charges contained therein will be lawful under the Communications Act of 1934, as amended. If the above-cited tariff schedules are permitted to become effective on the date specified therein, the rights and interests of the public may be adversely affected thereby.

3. *Accordingly, it is ordered*, That, pursuant to sections 201, 202, 204, 205, and 403 of the Communications Act of 1934, as amended, the Commission shall enter upon a hearing and investigation concerning the lawfulness of the charges set forth in the above-cited tariff schedules and any amendments, cancellations, or successive issues thereof effected during the pendency of the investigation; and

4. *It is further ordered*, That, pursuant to section 204 of the Communications Act of 1934, as amended, the operation of the above-described tariff schedules is hereby suspended, unless otherwise ordered by the Commission, until October 1, 1967, and that during said period of suspension no changes shall be made in said tariff schedules or in the charges sought to be altered thereby, unless authorized by special permission of the Commission; and

5. *It is further ordered*, That, without in any way limiting the scope of the investigation, it shall include consideration of the following matters:

(1) Whether the above-cited tariff schedules will subject any person or class of persons to unjust or unreasonable discrimination or give any undue or unreasonable preference or advantage to any person, class of persons or locality, or subject any person, class of persons or locality to any undue or unreasonable prejudice or disadvantage within the meaning of section 202(a) of the Communications Act of 1934, as amended; and

(2) Whether any of the charges, classifications, regulations or practices contained in the above-cited tariff schedules are or will be unjust and unreasonable within the meaning of section 201(b) of the Communications Act of 1934, as amended; and

(3) Whether the Commission should prescribe just and reasonable charges, classifications, regulations, and practices or the maximum or minimum or maximum and minimum charges to be hereafter followed with respect to the services governed by the tariff schedules herein suspended, and, if so, what charges, classifications, regulations, and practices should be prescribed.

6. *It is further ordered*, That, in the event a decision as to the lawfulness of the provisions suspended has not been made during the aforesaid suspension period, and said increased charges, practices, classifications, and regulations go into effect, The Western Union Telegraph Co. and its connecting and concurring carriers shall, until further ordered by the Commission, keep accurate account of all amounts received by reason of such increase specifying by whom and in whose behalf such amounts are paid, and upon completion of the hearing and decision therein the Commission may by further order require the refund thereof, with interest, pursuant to section 205 of the Communications Act of 1934, as amended and the carrier shall file with the Commission a report on or before the 10th day of each calendar month, commencing November 10, 1967, showing the amounts accounted for as aforesaid during the previous calendar month; and

7. *It is further ordered*, That , a copy of this order be filed in the offices of the Commission with said tariff schedules herein suspended; that The Western Union Telegraph Co. and all carriers listed in its Tariff FCC No. 211 as concurring carriers with respect to matters contained in said tariff schedules herein suspended are hereby made parties respondent to this proceeding; and that a copy hereof be served upon each such respondent; upon the agency of each State which has regulatory jurisdiction with respect to communications rates and services and the National Association of Railroad and Utilities Commissioners; and

8. *It is further ordered*, That a hearing be held in this proceeding at the Commission's offices in Washington, D.C., at a time to be specified, before a presiding officer to be designated hereafter who shall certify the record to the Commission, without preparation of an initial or recommended decision, and the Chief of the Common Carrier Bureau shall thereafter issue a recommended decision which shall be subject to the submittal of exceptions and requests for oral argument as provided in 47 CFR 1.276 and 1.277, after which the Commission shall issue its decision as provided in 47 CFR 1.282.

Adopted: June 28, 1967.

Released: June 30, 1967.

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

[F.R. Doc. 67-8085; Filed, July 12, 1967; 8:50 a.m.]

[Docket No. 17554; FCC 67M-1114]

WESTERN UNION TELEGRAPH CO.

Order Scheduling Hearing

In the matter of proposed revisions in the rates of the Western Union Telegraph Co. for tieline domestic interstate telegraph services; Docket No. 17554.

It is ordered, That Herbert Sharfman shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on September 25, 1967, at 10 a.m.; and that a prehearing conference shall be held on July 19, 1967, commencing at 10 a.m.: *And, it is further ordered*, That all proceedings shall take place in the Offices of the Commission, Washington, D.C.

[2] Commissioner Johnson absent.

[1] Commissioner Johnson absent.

Issued: June 30, 1967.

Released: July 6, 1967.

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

[F.R. Doc. 67-8086; Filed, July 12, 1967; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

CONTAINERSHIP LTD. AND CONTAINER MARINE LINES

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

Notice of agreement filed for approval by:

James N. Jacobi, Esq., Kurrus and Jacobi, 2000 K Street NW., Washington, D.C. 20006.

Agreement 9612-1, between Containerships, Ltd. and Container Marine Lines, a division of American Export Isbrandtsen Lines, Inc., amends the basic agreement by deleting the following provision: "Neither party shall enter into a transshipment agreement with any other party with respect to the transportation of cargo within the scope of this Agreement as defined in Article 2 hereof."

Dated: July 10, 1967.

By Order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-8033; Filed, July 12, 1967; 8:45 a.m.]

MEDITERRANEAN/CANADA & GREAT LAKES SERVICE

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

Notice of agreement filed for approval by:

Attorneys for the Parties:
Edwin Longcope, Esq., Hill, Betts, Yamaoka, Preehill & Longcope, 26 Broadway, New York, N.Y. 10004.
and
Thomas K. Roche, Esq., Haight, Gardner, Poor & Havens, 80 Broad Street, New York, N.Y. 10004.

Agreement 9639, between Concordia Line Great Lakes Service and Niagara Line, as one party, Fabre Line, and Montship Lines and Capo Line, as one party, provides for the establishment of a joint service, designated as the "Mediterranean/Canada & Great Lakes Service," to operate in the trades between United States and Canadian Great Lakes ports and ports of Eastern Canada, on the one hand, and Mediterranean ports (including Gibraltar and Black Sea ports) and Atlantic ports of Portugal, Spain and Morocco, on the other hand, under the terms and conditions set forth therein.

Dated: July 10, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-8034; Filed, July 12, 1967; 8:45 a.m.]

NIPPON YUSEN KAISHA AND PUSAN SHIPPING CO., LTD.

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

Notice of agreement filed for approval by:

Mr. H. Amano, NYK Line, 25 Broadway, New York, N.Y. 10004.

Agreement 9640 between Nippon Yusen Kaisha (NYK) and Pusan Shipping Co., Ltd. (PSC), covers the transportation of cargo on through bills of lading from ports in Korea served by PSC to ports in the United States, including Puerto Rico and Virgin Islands served by NYK with transshipment at Japan ports under terms and conditions as set forth in the agreement.

Dated: July 10, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-8035; Filed, July 12, 1967; 8:45 a.m.]

NORTH PACIFIC COAST—EUROPE PASSENGER CONFERENCE

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

Notice of agreement filed for approval by:

Mr. Lincoln S. Wilson, Secretary, North Pacific Coast—Europe Passenger Conference, 417 Montgomery Street, San Francisco, Calif. 94104.

Agreement 8460-5, between the member lines of the North Pacific Coast—Europe Passenger Conference, modifies the basic agreement to (1) conform to the requirements of General Order 9 and (2) amend Article XI to provide for settlement of any dispute arising under

this agreement in accordance with the procedures outlined therein.

Dated: July 7, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-8036; Filed, July 12, 1967; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

INTERAMERICAN INDUSTRIES, LTD.

Order Suspending Trading

JULY 7, 1967.

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

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in the United States in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 8, 1967, through July 17, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-8044; Filed, July 12, 1967; 8:46 a.m.]

[File No. 1-464]

JADE OIL & GAS CO.

Order Suspending Trading

JULY 7, 1967.

The 50 cents par value common stock and the 6½ percent convertible subordinated debentures due January 1, 1979, with or without warrants attached, listed and registered on the Pacific Coast Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Jade Oil & Gas Co., being traded otherwise than on a national securities exchange; and

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

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Pacific Coast Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 9, 1967, through July 18, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-8045; Filed, July 12, 1967; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 625]

MINNESOTA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of June 1967, because of the effects of certain disasters, damage resulted to residences and business property located in Dakota, Hennepin, Kandiyohi, Ramsey, Stearns, and Wright Counties in the State of Minnesota;

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

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

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

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid counties and areas adjacent thereto, suffered damage or destruction resulting from windstorm occurring on or about June 30, 1967.

Office: Small Business Administration Regional Office, 816 Second Avenue South, Minneapolis, Minn. 55402.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to January 31, 1968.

Dated: July 5, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-8046; Filed, July 12, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1083]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JULY 7, 1967.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

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

[1] Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 531 (Sub-No. 229), filed June 26, 1967. Applicant: YOUNGER BROTHERS, INC., Post Office Box 14287, 4904 Griggs Road, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pyridene*, in bulk, in tank vehicles, from Indianapolis, Ind., to Freeport, Tex. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 730 (Sub-No. 282), filed June 23, 1967. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, Calif. 94612. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those requiring armored vehicles or armed guards, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the plantsite and warehouse facilities of Rockwell-Standard Corp. located at or near Winchester, Ky., on the one hand, and, on the other, points in California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Utah, Washington, Wyoming, and the District of Columbia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Columbus, Ohio.

No. MC 2202 (Sub-No. 323), filed June 23, 1967. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Douglas Faris, Post Office Box 471, Akron, Ohio 44309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsites and warehouses of Rockwell-Standard Corp. located at or near Winchester, Ky., as off-route points in connection with applicant's presently authorized authority between Cincinnati, Ohio, and Chattanooga, Tenn. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Frankfort, Ky., or Washington, D.C.

No. MC 2860 (Sub-No. 9) (Amendment), filed June 5, 1967, published FEDERAL REGISTER Issue of June 22, 1967, amended June 21, 1967, and republished as amended this issue. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and materials, insulating products and materials, building wall and insulating board, calcium silicate and asbestos combined, asphalt and asbestos, asphalt and asbestos products, and materials, plastic products, and materials, and materials, supplies, and equipment* used in connection with the production, distribution, and installation of the above commodities (except commodities in bulk), between Barrington, Berlin, Lawnside, and Vineland, N.J., on the one hand, and, on the other, points in Florida, Georgia, Maine, New Hampshire, North Carolina, Ohio, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: The purpose of this republication is to broaden the application. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Philadelphia, Pa., or Washington, D.C.

No. MC 2860 (Sub-No. 13), filed June 26, 1967. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and materials, insulating products and materials, building wall and insulating board, asphalt and asbestos, asphalt and asbestos products, and materials, plastic products and materials, and materials, supplies, and equipment* used in connection with the production, distribution, and installation of the above commodities (except commodities in bulk), between Jamesburg, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 3151 (Sub-No. 17), filed June 25, 1967. Applicant: BENDER & LOUDON MOTOR FREIGHT, INC., West Richfield, Ohio. Applicant's representative: Robert D. Schuler, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plantsite of Ford Motor Co., Van Dyke and 18 Mile Road, Sterling Township, Macomb County, Mich., as an off-route point in connection with authorized service at Detroit, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 3874 (Sub-No. 11), filed June 23, 1967. Applicant: L. C. CORP., doing business as GREY LINES, 1137 Statler Office Building, Boston, Mass. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Parts of Magazines*, (a) Between Boston, Mass., and Old Saybrook, Conn., on the one hand, and, on the other, points in Rhode Island, that part of Connecticut east of Alternate U.S. Highway 5, that part of Massachusetts, on, north, and west of a line beginning at the western boundary line of Plymouth County at Massachusetts Bay, thence along the Plymouth County line to junction Massachusetts Highway 24, thence along Massachusetts Highway 24 to junction Massachusetts Highway 138, and thence along Massachusetts Highway 138 to the Massachusetts-Rhode Island State line, points in New Hampshire on U.S. Highway 202, south of East Jaffrey, N.H., and those in New Hampshire on and within 15 miles of U.S. Highway 3 south of Laconia, N.H. (b) from Boston, Mass., to points in Maine, and points in that part of New Hampshire, on, east and south of a line beginning at the New Hampshire-Massachusetts State line and extending along New Hampshire Highway 125 to Rochester, N.H., thence along U.S. Highway 202 to the New Hampshire-Maine State line, (c) from New York, N.Y., and Jersey City and South Kearney, N.J., to Norwich and Putnam, Conn., and Westerly and Woonsocket, R.I.

(d) Between New York and Long Island City, N.Y., Jersey City and South Kearney, N.J., on the one hand, and, on the other, points in New London and Middlesex Counties, Conn. 2. *Parts of Newspapers*, and *newspaper inserts and supplements*, (a) between Boston, Mass., on the one hand, and, on the other, points in Rhode Island, that part of Connecticut east of Alternate U.S. Highway 5, that part of Massachusetts on and north, and west of a line beginning at the western boundary line of Plymouth County at Massachusetts Bay, thence along the Plymouth County line to junction Massachusetts Highway 24, thence along Massachusetts Highway 24 to junction Massachusetts Highway 138, and thence along Massachusetts Highway 138 to the Massachusetts-Rhode Island State line, points in New Hampshire on U.S. Highway 202 south of East Jaffrey, N.H., and those in New Hampshire on and within 15 miles of U.S. Highway 3 south of Laconia, N.H.; (b) between Boston, Mass., on the one hand, and, on the other, Dixfield and Veazie, Maine, and points in that part of Maine on and south of a line beginning at the Maine-New Hampshire State line and extending along U.S. Highway 202 to Augusta, Maine, thence along Interstate Highway 95 to Bangor, Maine, thence along Alternate U.S. Highway 1, to Ellsworth, Maine, and thence along Maine Highway 3 to the Atlantic Ocean, and points in that part of New Hampshire on and east of a line beginning at the Massachusetts-New Hampshire State line and extending along New Hampshire Highway 125 to Rochester, N.H.,

and thence along U.S. Highway 202 to the Maine-New Hampshire State line.

(c) From New York, N.Y., and Jersey City and South Kearney, N.J., to Norwich and Putnam, Conn., and Westerly and Woonsocket, R.I. (d) between New York and Long Island City, N.Y., Jersey City and South Kearney, N.J., on the one hand, and, on the other, points in New London and Middlesex Counties, Conn. NOTE: Applicant now holds authority to transport "magazines" and "newspapers, and newspaper inserts, and supplements" from, to and between the points described above. The purpose of this application is to secure authority to transport "parts" of these same commodities from, to and between the same points. Applicant desires to combine together the requested authorities to the same extent that it can combine together its present authorities. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Boston, Mass.

No. MC 8973 (Sub-No. 10), filed June 23, 1967. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fiberboard, wallboard, and accessories and supplies used in the manufacture thereof*, on flat bed equipment, from Deposit, N.Y., to points in Maine, New Hampshire, Vermont, North Carolina, South Carolina, and Tennessee, and (2) *returned or rejected shipments* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 10761 (Sub-No. 216), filed June 26, 1967. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48309. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, materials and supplies* used in the manufacture of processing of iron and steel articles, between Louisiana, Mo., Clarksville, Ohio, Carlinville, Centralia, Irvington, and Sparta, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, South Carolina, South Dakota, Texas, Vermont, Virginia, West Virginia, Wisconsin, and District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis.

No. MC 10761 (Sub-No. 217), filed June 26, 1967. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving East Bloomfield, N.Y., as an off-route point in connection with applicants present authority (1) between Buffalo, and Rochester, N.Y., and (2) between Buffalo and Syracuse, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester or Buffalo, N.Y.

No. MC 11207 (Sub-No. 263), filed June 27, 1967. Applicant: DEATON, INC., 3409 10th Avenue North, Birmingham, Ala. 35234. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, plastic or iron connections, fittings and accessories*, from the plantsite and warehouse facilities of the Clow Corp., located at or near Lincoln, Talladega County, Ala., to points in Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia; and (2) *equipment, materials, and supplies* used in the manufacture, processing and distribution of plastic pipe, plastic or iron connections, fittings, and accessories (except in bulk, in tank vehicles), on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 22285 (Sub-No. 1), filed June 23, 1967. Applicant: OSCAR DUNCAN, Rolla, Mo. 65401. Applicant's representative: Thomas F. Kilroy, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except articles of unusual value, dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), from International Stockyards, Ill., to Vichy, Mo., from International Stockyards, over U.S. Highway 66 to Rolla, Mo., and thence over U.S. Highway 63 to Vichy, serving Rolla, St. James, Knobeview, Fanning, Cuba, and St. Louis, Mo., and East St. Louis, Ill., as intermediate points, and points within 20 miles of Rolla as off-route points. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 25798 (Sub-No. 153), filed June 23, 1967. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionary products*, from Dunn, N.C., to points in Florida, Georgia, Illinois, Indiana, Kansas, Michigan, Missouri, North Dakota, Ohio, and Oklahoma. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 25869 (Sub-No. 76), filed June 30, 1967. Applicant: NOLTE BROS. TRUCK-LINE, INC., Post Office Box 7184, South Omaha Station, Omaha, Nebr. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between Pueblo, Colo., on the one hand, and, on the other, Lincoln and Omaha, Nebr. NOTE: Applicant states it could or would tack at Omaha, Nebr., to serve points in Wisconsin and Illinois. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 28961 (Sub-No. 20), filed June 20, 1967. Applicant: McDUFFEE MOTOR FREIGHT, INC., High School Street, Lebanon, Ky. 40033. Applicant's representative: Louis J. Amato, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by, motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment other than those requiring refrigeration, and those injurious or contaminating to other lading, (1) between a point on U.S. Highway 150, approximately 5 miles southeast of Stanford, Ky., and junction U.S. Highway 25 and the Rockcastle River approximately 4 miles south of Livingston, Ky., from a point on U.S. Highway 150, approximately 5 miles southeast of Stanford, Ky., over U.S. Highway 150 to Mount Vernon, Ky., thence over U.S. Highway 25 to the Rockcastle River, and return over the same route, serving no intermediate points; (2) between Lexington, and Mount Vernon, Ky., over U.S. Highway 25, serving no intermediate points and serving Mount Vernon for purpose of joinder only. NOTE: Applicant states the above authority is sought for purpose of joinder only with applicants present authority and in connection with applicants pending application to transfer the same authority with the right to serve intermediate points to P. H. Bronaugh, doing business as, Bronaugh Motor Express, Lexington, Ky. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 29934 (Sub-No. 15) (clarification), filed May 2, 1967, published in the FEDERAL REGISTER issue of June 2,

1967, and republished as clarified this issue. Applicant: LO BIONDO BROTHERS MOTOR EXPRESS, INC., Post Office Box 18, Bridgeton, N.J. 08302. Applicant's representative: Charles H. Trayford, 137 East 36th Street, New York, N.Y. 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A)(1) *Such commodities* as are used in or incidental to the preparation, packing, and shipment of canned, frozen, and processed foods (except commodities in bulk), and (2) *fresh fruits, berries, and vegetables* exempt from economic regulation pursuant to section 203(b)(6) of the Interstate Commerce Act, when moving at the same time and in the same vehicle as the commodities described in (A)(1) above; from points in Connecticut, Delaware, Maryland, Massachusetts, Maine, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia, to points in Cumberland, Salem, and Gloucester Counties, N.J.; (B) *food and food products* (except commodities in bulk), on return. NOTE: Applicant states it intends to tack with its present authority in MC 29934 Sub 3 at points in Cumberland, Salem, or Gloucester Counties, N.J., to provide service at Philadelphia, Pa., in the handling of food and food products; and with its Sub 7 at points in Cumberland County, Pa., to provide service at points in Cape May County, N.J., of food and food products. The purpose of this republication is to clarify the authority sought and provide for tacking. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 33278 (Sub-No. 22), filed July 3, 1967. Applicant: LEE AMERICAN FREIGHT SYSTEM, INC., 418 Olive Street, St. Louis, Mo. 63102. Applicant's representative: G. M. Rebman, 314 North Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Collierville, Tenn., as an off-route point in connection with its authorized regular route between St. Louis, Mo., and Memphis, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., St. Louis, Mo., or Chicago, Ill.

No. MC 34930 (Sub-No. 22), filed June 28, 1967. Applicant: PRUE MOTOR TRANSPORTATION, INC., Mast Road, Dover, N.H. Applicant's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, kerosene, diesel fuel, and distillates*, in bulk, from South Portland, Maine, to points in New Hampshire on and south of U.S. Highway 4, and return. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Concord, N.H.

No. MC 41255 (Sub-No. 68), filed June 23, 1967. Applicant: GLOSSON MOTOR LINES, INC., Hargrave Road, Lexington, N.C. Applicant's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, from* points in North Carolina, on, east and south of U.S. Highway 29 from the Virginia-North Carolina State line to Reidsville, thence along U.S. Highway 158 to Mocksville, thence along U.S. Highway 64 to Statesville, thence along U.S. Highway 21 to Charlotte, thence along U.S. Highway 29 to the North Carolina-South Carolina State line to points in the District of Columbia, Maryland, Virginia, New York, New Jersey, Pennsylvania, Georgia, South Carolina, Connecticut, Maine, Rhode Island, New Hampshire, Vermont, Massachusetts, Delaware, Florida, and Alabama, and *damaged, rejected, or refused shipments* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Greensboro or Charlotte, N.C.

No. MC 42487 (Sub-No. 674), filed June 26, 1967. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, 7101 South Cicero Avenue, Post Office Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those requiring armored vehicles or armed guards, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between the plantsites and warehouses of Rockwell-Standard Corp. at or near Winchester, Ky., and Louisville, Ky., from Winchester over U.S. Highway 60 to Lexington, thence over U.S. Highway 421 to Frankfort, and thence over U.S. Highway 60 to Louisville, and return over the same route, serving no intermediate points, and (2) between the plantsites and warehouses of Rockwell Standard Corp. at or near Winchester, Ky., and Cincinnati, Ohio, from Winchester over U.S. Highway 227 to Paris, and thence over U.S. Highway 27 to Cincinnati, Ohio, and return over the same route, serving no intermediate points. NOTE: Applicant intends to tack the proposed authority with its presently held authority at Louisville, Ky., and Cincinnati, Ohio. If a hearing is deemed necessary, applicant does not specify location.

No. MC 51146 (Sub-No. 58), filed June 26, 1967. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, from points in Brown County, Wis., to points in Maine, New Hampshire, Tennessee, Vermont, and Ohio, and (2) *returned and rejected shipments of foodstuffs, and equipment, material and supplies used in the manufacture and distribution of foodstuffs*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 55889 (Sub-No. 29), filed June 23, 1967. Applicant: COOPER TRANSFER CO., INC., Post Office Box 426, Brewton, Ala. 36426. Applicant's representative: J. Douglas Harris, 410-412 Bell Building, Montgomery, Ala. 36104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, between Camilla, Ga., and Tallahassee, Fla.; from Camilla, thence in an easterly direction over Georgia Highway 37 to Moultrie, Ga.; thence in a southwesterly direction over U.S. Highway 319 to Tallahassee, and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tallahassee, Fla., or Albany, Ga.

No. MC 66340 (Sub-No. 6), filed June 26, 1967. Applicant: MILLIS TRANSPORTATION CO., INC., 91 Union Street, Millis, Mass. 02054. Applicant's representative: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Talc*, in bulk, in tank vehicles, from West Windsor, Vt., to Millis, Mass., under continuing contract or contracts with The Ruberoid Co., South Bound Brook, N.J. 08880. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Boston, Mass.

No. MC 74656 (Sub-No. 4), filed June 28, 1967. Applicant: MOORE'S MOVING & STORAGE CO., INC., 221 Route 206, Andover, N.J. 07821. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Hunterdon County, N.J., on the one hand, and, on the other, points in Warren County, N.J., and points in Delaware, Maryland, Virginia, and the District of Columbia. NOTE: Applicant states it could tack at Warren County, N.J. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Philadelphia, Pa., or New York, N.Y.

No. MC 80430 (Sub-No. 116), filed June 18, 1967. Applicant: GATEWAY TRANSPORTATION CO., INC., 2130 South Avenue, La Crosse, Wis. 54601. Applicant's representative: Joseph E. Ludden (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the

plantsite of the Ford Sterling Van Dyke plant, located at the northwest corner 18-Mile Road and Van Dyke Road, Sterling Township, Macomb County, Mich., as an off-route point in connection with applicant's presently authorized routes to and from Detroit, Mich., as set forth in MC 80430. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 82079 (Sub-No. 16), filed June 23, 1967. Applicant: KELLER TRANSFER LINE, INC., 1239 Randolph Avenue SW., Grand Rapids, Mich. 49507. Applicant's representative: J. M. Neath, Jr., 900, 1 Vandenberg Center, Grand Rapids, Mich. 49507. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potato products*, from Greenville, Mich., to Toledo, Maumee, Cleveland, and Painesville, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., or Chicago, Ill.

No. MC 82841 (Sub-No. 33), filed June 30, 1967. Applicant: R–D TRANSFER, INC., 801 Livestock Exchange Building, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, and lumber products*, from points in Colorado to points in Missouri. Restriction: Movements to St. Louis and its commercial zone would be restricted to plywood from Cortez, Colo., and points within 25 miles thereof. NOTE: Applicant states it could tack the proposed authority with its present authority to provide service from points in Utah, Arizona, and Wyoming. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 89723 (Sub-No. 50), filed June 26, 1967. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo. 63103. Applicant's representative: Robt. S. Davis (same address as applicant). Applicant presently holds authority in No. MC 89723 (Sub-No. 15) to conduct operations as a *common carrier*, by motor vehicle, transporting *general commodities*, over specified regular routes in the States of Missouri, Kansas, Illinois, California, Arkansas, Louisiana, Mississippi, and Nebraska, subject to certain restrictions, among which is the following: "No shipments shall be transported by said carrier as a common carrier by motor vehicle between any of the following points, or through, or to, or from more than one of said points with hyphenated points considered as single key points: St. Louis, Mo.-East St. Louis, Ill., Kansas City, Mo., Kansas City, Kans., Wichita, Kans., Alexandria and Baton Rouge, La., Crane, Mo., except as to shipments to and from Newport, Ark., between Newport, Ark., and Springfield, Mo., and from Newport, Ark., to points intermediate between Crane and Kansas City, Mo.-Kansas City, Kans." By this application, applicant desires the removal of Crane, Mo., as a key point, but subject to all of the remaining key point restrictions and other restrictions in said certificate. NOTE: Applicant is wholly owned subsidiary of the Missouri Pacific Railroad Co. If a hearing is deemed necessary, applicant requests it be held at Kansas City or Jefferson City, Mo.

No. MC 90373 (Sub-No. 27), filed June 28, 1967. Applicant: C & R TRUCKING CO., a corporation, Inman Avenue, Avenel, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.Y. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, *advertising materials and displays*, from McKees Rocks, Pa., to points in Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania under contract with Witco Chemical Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 92983 (Sub-No. 530), filed June 26, 1967. Applicant: ELDON MILLER, INC., Post Office Box 2508, Kansas City, Mo. 64142. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages and spirits*, in bulk, from Atchison, Kans., to points in Idaho, Montana, and Washington. NOTE: Applicant indicates tacking possibilities with its authority in Sub 283, wherein it is authorized to transport wine, in bulk, from Chicago, Ill., to points in the destination States named in the instant application. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 94350 (Sub-No. 180), filed June 29, 1967. Applicant: TRANSIT HOMES, INC., Haywood Road at Transit Drive, Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr., Post Office Box 1628, Greenville, S.C. 29602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Grainger County, Tenn., to points in the United States (excluding Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Knoxville or Nashville, Tenn.

No. MC 106603 (Sub-No. 95), filed June 20, 1967. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products* (except in bulk), (1) from Rittman, Ohio, to points in Illinois, Indiana, and Kentucky, (2) from Chicago, Ill., to points in Michigan and (3) from Manistee, Mich., to St. Louis, Mo., and to points in Wisconsin south of a line beginning at the Minnesota-Wisconsin State line, and extending along U.S. Highway 12 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to Green Bay, Wis., thence along U.S. Highway 141 to junction Manitowoc County Highway D, north of Manitowoc, Wis., and thence east in a straight line along Manitowoc County Highway D to Lake Michigan (except Milwaukee, Wis.), and to points in Iowa east of U.S. Highway 65, and points in Allegheny, Beaver, Butler, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland Counties, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 107064 (Sub-No. 58), filed June 28, 1967. Applicant: STEERE TANK LINES, INC., 2808 Fairmont Street, Post Office Box 2998, Dallas, Tex. 75201. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed products and byproducts; soybean products and byproducts; and castor bean products and byproducts*, from points in Texas on and west of U.S. Highway 83 to points in New Mexico, Colorado, Kansas, Nebraska, Oklahoma, Wyoming, North Dakota, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 108460 (Sub-No. 27), filed June 26, 1967. Applicant: PETROLEUM CARRIERS COMPANY, a corporation, 5104 West 14th Street, Sioux Falls, S. Dak. 57101. Applicant's representative: E. A. Hutchison, 420 Security Bank Building, Sioux City, Iowa 51101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials, acids and chemicals, pertoleum oil* (used in fungicides, herbicides, or pesticides), including but not restricted to, *anhydrous ammonia, fertilizer solutions, insecticides, herbicides, fungicides, aqua ammonia, methanol, urea, and urea products*, in bulk, from The Gulf Oil Corp.'s River Terminal located at or near Blair, Nebr., to points in Wisconsin, Minnesota, Iowa, Missouri, Kansas, Illinois, Indiana, Michigan, Colorado, South Dakota, North Dakota, Wyoming, Montana, and Nebraska. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 109136 (Sub-No. 34), filed June 23, 1967. Applicant: ORIOLE CHEMICAL CARRIERS, INC., 9722 Pulaski Highway, Baltimore, Md. 21220. Applicant's representative: Maxwell A. Howell, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sodium silico aluminate slurry*, in bulk, in tank vehicles, from the plantsite of the J. M. Huber Corp. located at or near Havre de Grace, Md., to Spring Grove, Pa., and points within 5 miles thereof, under contract with J. M. Huber Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 110420 (Sub-No. 548), filed June 26, 1967. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representatives: Allan B. Torhorst, Post Office Box 339, Burlington, Wis. 53105, and Fred H. Figge, 100 South Calumet Street, Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dextrine*, in bulk, from Chicago, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin, and (2) *inedible animal greases and inedible tallow*, in bulk, in tank vehicles, from Fort Wayne and New Carlisle, Ind., to Battle Creek, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110525 (Sub-No. 838), filed June 26, 1967. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Leonard A. Jaskiewicz, 1155 15th Street NW., Madison Building, Washington, D.C. 20005, and Edwin H. van Deusen (same address as applicant). Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt pavement surface sealer*, in bulk, in tank vehicles, from points in Hamilton County, Ohio, to points in Indiana, Kentucky, Michigan, Pennsylvania, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111095 (Sub-No. 1), filed June 26, 1967. Applicant: B & D TRUCKING CO., INC., 28 Fulton Street, Paterson, N.J. 07509. Applicant's representative: James J. Farrell, 201 Montague Place, South Orange, N.J. 07079. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture*, new, in packages, as defined in appendix II of the Commission's Report in *Description of Motor Carriers Certificate* 61, M.C.C. 209, from Clifton and Newark, N.J., to points in Connecticut and New York, within 125 miles of Clifton and Newark, N.J., under contract with James, Inc., Thayer Coggin, Inc., and Thayer Coggin Institutional, Inc. NOTE: Applicant presently holds authority under MC 111095 to serve from Newark, N.J., to points in Connecticut and New York within 125 miles of Newark, N.J. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 111103 (Sub-No. 24), filed June 22, 1967. Applicant: PROTECTIVE MOTOR SERVICE COMPANY, INC., 725–29 South Broad Street, Philadelphia, Pa. 19147. Applicant's representative: John M. Demcisak, 1035 Land Title Building, Philadelphia, Pa. 19110. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nonnegotiable checks, check letters, coupons, invoices, instruments, business papers, magnetic tape, and all types of audit and accounting media*, between the Operations Center of the Equitable Trust Co., in Baltimore, Md., on the one hand, and, on the other, points in Adams, Bedford, Cumberland, Dauphin, Franklin, Fulton, Lancaster, and York Counties, Pa., Arlington, Va., and points in Arlington County, Va., Alexandria, Va., and points in Clarke, Fairfax, Frederick, Henrico, King George, Prince William, Stratford, and Spotsylvania, Counties, Va., and points in Berkley, Hampshire, Hardy, Grant, Jefferson, Mineral, Morgan, and Pendleton, Counties, W. Va., under contract with The Equitable Trust Co. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md., or Washington, D.C.

No. MC 111401 (Sub-No. 226), filed June 28, 1967. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Max E. Barton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, in dump or hopper type vehicles, from the plant facilities of Occidental Agricultural Chemicals, Corp., Kansas City, Mo., to points in Arkansas, Illinois, Iowa, Kansas, Missouri, Nebraska, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Houston, Tex.

No. MC 111594 (Sub-No. 32), filed June 22, 1967. Applicant: C W TRANSPORT, INC., 610 High Street, Wisconsin Rapids, Wis. 54494. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the plantsites and warehouses of Rockwell-Standard Corp. located at or near Winchester, Ky., on the one hand, and, on the other, points in Illinois, Indiana, Wisconsin, and Minneapolis-St. Paul, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Columbus, Ohio.

No. MC 111651 (Sub-No. 10), filed June 26, 1967. Applicant: MIDDLEWEST FREIGHTWAYS, INC., 6810 Prescott Avenue, St. Louis, Mo. 63147. Applicant's representative: Gregory M. Rebman, 314 North Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and materials and supplies used in the manufacture of iron and steel and iron and steel articles* (except commodities in bulk, and except commodities which because of size or weight require the use of special equipment), between Alton, East Alton, Ill., and points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, on the one hand, and, on the other, points in Illinois, Indiana, Kansas, Kentucky, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 112063 (Sub-No. 13), filed June 19, 1967. Applicant: P.I. & I. MOTOR EXPRESS, INC., Broadway Street Extension, Masury, Ohio. Applicant's representative: A. David Millner, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, material, and supplies used in the manufacturing or processing of iron and steel articles*, between Jeffersonville, Ind., and Louisville, Ky., for the purpose of tacking to applicant's existing operating rights. NOTE: Applicant states that it intends to tack at Jeffersonville, Ind., in its existing authority to serve Louisville, Ky., to and from points otherwise served by applicant. If a hearing is deemed necessary, applicant requests it be held at Youngstown, Ohio, Louisville, Ky., or Washington, D.C.

No. MC 113678 (Sub-No. 285), filed June 16, 1967. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods*, from Chicago, Ill., to Denver, Colo., and (2) *meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between Denver, Colo., Omaha, Nebr., Des Moines and Ottumwa, Iowa, and Chicago, Ill. NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant did not specify location.

No. MC 113828 (Sub-No. 132), filed June 26, 1967. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt cake*, in bulk, from Front Royal, Va., to Luke, Md., (2) *Sodium silico aluminate slurry*, in bulk, from Havre de Grace, Md., to Spring Grove, Pa., and (3) *zinc hydrosulphite solution*, in bulk, from West Norfolk Va., to Calhoun, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114194 (Sub-No. 140), filed July 3, 1967. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup and corn syrup mixtures and blends*, in bulk, in tank vehicles, from Du Quoin, Ill., to points in Missouri, Illinois, Kentucky, Tennessee, Indiana, Ohio, Arkansas, Wisconsin, Iowa, and Minnesota. NOTE: Applicant indicates tacking proposed authority with presently held authority at Granite City, Ill., St. Louis, Mo.; Muscatine, Clinton, Keokuk, and Cedar Rapids, Iowa; Lafayette and Edinburg, Ind. If a hearing is deemed necessary, applicant requests

it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 114965 (Sub-No. 33), filed June 26, 1967. Applicant: CYRUS TRUCK LINE, INC., Post Office Box 327, Iola, Kans. 66749. Applicant's representative: Charles H. Apt, 104 South Washington, Iola, Kans. 66749. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, in dump or hopper type vehicles, from Kansas City, Mo., to points in Arkansas, Illinois, Iowa, Kansas, Missouri, Nebraska, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 115331 (Sub-No. 231), filed 26, 1967. Applicant: BRACEY & MARTIN, INC., 1910 South Walnut Street, Hopkinsville, Ky. 42240. Applicant's representative: James C. Havron, 513 Nashville Bank and Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* in containers, from Detroit, Mich., to Hopkinsville, Ky., and *empty containers and rejected shipments* on return, under contract with Kentucky Ace Beverage Distributors, Inc. NOTE: Applicant is also authorized to conduct operations as a common carrier in certificate MC 115762 and Sub 1, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 115331 (Sub-No. 231), filed June 28, 1967. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. 63101. Applicant's representative: Thomas F. Kilroy, 913 Colorado, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tallow*, in bulk, from St. Louis, Mo., to points in Illinois, Indiana, Kentucky, Missouri, Ohio, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115669 (Sub-No. 75), filed June 26, 1967. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. 68933. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products, and commodities* used by packinghouses, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between the plantsite of the Mankato Packing Co., Inc., located in or near Mankato, Kans., on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Indiana, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115669 (Sub-No. 76), filed June 26, 1967. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. 68933. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products, animal and poultry feed, animal and poultry feed ingredients, and pepper* (in packages) when transported with salt and salt products, from Hutchinson, Kanopolis, and Lyons, Kans., to points in Arkansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 116014 (Sub-No. 31), filed June 19, 1967. Applicant: OLIVER TRUCKING CO., INC., North Bloomfield Road, Winchester, Ky. 40391. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the plantsites and warehouses of Rockwell-Standard Corp. at or near Winchester, Ky., on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116254 (Sub-No. 73) (Amendment), filed May 22, 1967, published in the FEDERAL REGISTER issue of June 15, 1967, amended June 27, 1967, and republished this issue. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, 515 Nashville Bank & Trust Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Resin solvents*, in bulk, in tank vehicles, from Decatur, Ala., to Taft, La., and Gonzales, Fla. The purpose of this republication is to add Gonzales, Fla., as a destination point. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham or Montgomery, Ala.

No. MC 116763 (Sub-No. 115), filed June 28, 1967. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: Carl Subler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal and charcoal briquettes, or pellets*, from Cookeville, Tenn., to points in Alabama and Georgia. NOTE: Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 118224 (Sub-No. 2), filed June 28, 1967. Applicant: STANDARD FRUIT AND VEGETABLE CO., INC., 2111 Taylor Street, Dallas, Tex. 75201. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Gulfport, Miss., to Dallas and Tyler, Tex. NOTE: Applicant states it would tack the proposed authority with its present authority at New Orleans to enable service to Dallas or Tyler, Tex. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or New Orleans, La.

No. MC 119560 (Sub-No. 6), filed June 27, 1967. Applicant: SOUTHERN BULK HAULERS, INC., Post Office Box 278, Harleyville, S.C. 29448. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick; building*, solid, hollow or perforated, (1) from Cayce, S.C., to points in North Carolina and to points in that part of Georgia, north, east, and south of a line beginning at Savannah Beach, Ga., and extending therefrom along U.S. Highway 80 to Savannah, thence along Interstate Highway 16 to intersection of Interstate Highway 75 near Macon, thence along Interstate Highway 75 to Atlanta, thence along Interstate Highway 85 to the Georgia-South Carolina State line including all points on said highways, and (2) from Conyers, Ga., to points in South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., Charlotte, N.C., or Atlanta, Ga.

No. MC 119726 (Sub-No. 13), filed June 22, 1967. Applicant: N. A. B. TRUCKING CO., INC., 1007 East 27th Street, Indianapolis, Ind. 46205. Applicant's representative: James J. Williams, 6376 31st Place, NW., Washington, D.C. 20015. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass and plastic containers, corrugated boxes*, knocked down, *caps, covers, and tops*, from Dunkirk, Ind., to points in Georgia, Alabama, Tennessee, Arkansas, and Texas and *damaged and rejected shipments* on return; (2) *glass containers, corrugated boxes*, knocked down, *caps, covers, and tops, and fibrous glass mineral wood products, equipment, materials, and supplies* used in the installation or erection of these products, and *damaged and rejected shipments* on return from Waxahachie, Tex., to points in Louisiana and Mississippi. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., Biloxi, Miss., or Baton Rouge, La.

No. MC 123393 (Sub-No. 188), filed June 26, 1967. Applicant: BILYEU REFRIGERATED TRANSPORT CORP., 2105 East Dale Street, Springfield, Mo. 65803. Applicant's representative: Harley E. Laughlin, Post Office Box 948, Commercial Station, Springfield, Mo. 65803. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Jewell County, Kans., to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Maryland, Delaware, West Virginia, Virginia, North Carolina, Nevada, South Carolina, Arizona, Georgia, Texas, Oklahoma, Colorado, Nebraska, Florida, Alabama, Tennessee, Kentucky, Ohio, Michigan, Indiana, Wisconsin, Illinois, Missouri, Iowa, Minnesota, Arkansas, Mississippi, Louisiana, California, Oregon, Washington, Idaho, and the District of Columbia. NOTE: Applicant states that no duplicating authority is sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., Oklahoma City, Okla., or Omaha, Nebr.

No. MC 123952 (Sub-No. 8), filed June 22, 1967. Applicant: RENTAR TRUCKING, INC., 89–89 Union Turnpike, Glendale, N.Y. 01227. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail department stores*, and *materials, supplies, equipment, and fixtures* used in the operation of such stores, between New York, Carle Place, West Islip, Huntington, Nanuet, Lawrence, Scarsdale, and Port Chester, N.Y., North Brunswick, Watchung, Woodbridge, Audubon, Trenton, West Orange, Bayonne, and Paramus, N.J., Hartford and Trumbull, Conn., Camp Hill, Springfield, Philadelphia, and King of Prussia, Pa., Towson, Glen Burnie, Baltimore, and Rockville, Md., and Baileys Crossroads, Va., under a continuing contract or contracts with E. J. Korvette, division of Spartans Industries, Inc., of New York, N.Y. Restriction: The authority sought herein is restricted to shipments moving from, to or between suppliers, wholesale or retail outlets, warehouses, and other facilities of E. J. Korvette, division of Spartans Industries, Inc., of New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 123963 (Sub-No. 7), filed June 22, 1967. Applicant: ATLAS TRANSFER & STORAGE CORP., 139 Europe Street, Baton Rouge, La. 70802. Applicant's representative: Ernest J. Landry, Sr. (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C or appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Baton Rouge, La., to points in the Louisiana Parishes (counties) of Evangeline, St. Landry, Acadia, Lafayette, Iberia, Vermilion, Jefferson Davis, and Calcasieu, limited to shipments having an immediate prior interstate movement by rail pool cars or pool trucks under contract with John Morrell and Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Baton Rouge or New Orleans, La.

No. MC 124211 (Sub-No. 108) (Correction), filed June 7, 1967, published in FEDERAL REGISTER issue of June 29, 1967, and republished as corrected this issue. Applicant: HILT TRUCK LINE, INC., 2937 North 27th Street, Post Office Box 824, Lincoln, Nebr. 68501. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are intended for use in the advertising of beverages, when moving in the same vehicle and at the same time with beverages, and *beverages*, (a) between points in Nebraska, and (b) from St. Joseph, Mo., to Lincoln and Omaha, Nebr. (2) *empty containers and pallets* (a) between points in Nebraska and (b) from Lincoln and Omaha, Nebr., to St. Joseph, Mo., and (3) *paint materials, plumbing materials and supplies, floor and wall coverings, materials, and supplies*, used by manufacturers of paint materials, plumbing materials and supplies, floor and wall coverings, between points in California, Illinois, Michigan, Nebraska, New Jersey, Ohio, Pennsylvania, and Wisconsin, and points in the United States, except Hawaii. NOTE: Applicant states it would tack the proposed authority with its present authority and subs thereunder. Applicant states that no duplicating authority is being sought. The purpose of this republication is to redescribe the commodity description in (1) above. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 124636 (Sub-No. 3), filed June 26, 1967. Applicant: BRADLEY FREIGHT LINES, INC., Post Office Box 5875, Asheville, N.C. Applicant's representative: Herbert L. Hyde, Post Office Box 7376, 18½ Church Street, Asheville, N.C. 28807. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture and parts and display cases and parts*, cartoned and uncartoned, in mixed shipments, from Forest City, N.C., to points in Macon, Swain, and Cherokee Counties, N.C. NOTE: Applicant states it would tack at points in Swain, Macon, and Cherokee Counties, N.C., and the United States (except Alaska and Hawaii). If a hearing is deemed necessary, applicant requests it be held at Raleigh or Charlotte, N.C.

No. MC 124951 (Sub-No. 21), filed June 29, 1967. Applicant: WATHEN TRANSPORT, INC., Post Office Box 237, Henderson, Ky. 42420. Applicant's representative: Louis J. Amato, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Manufactured frozen dessert specialties*, and *citrus purees and citrus bases* in concentrate form, used in the manufacture of ice cream and bakery products, in vehicles equipped with mechanical refrigeration (except in bulk and tank vehicles), from Owensboro, Ky., and Evansville, Ind., to points in Ohio, Indiana, Kentucky, Missouri, West Virginia, Illinois, and Tennessee; and (2) *dairy products*, in vehicles equipped with mechanical refrigeration, from Owensboro, Ky., and Evansville, Ind., to points in Ohio, Missouri, and West Virginia. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 125294 (Sub-No. 3), filed June 1, 1967. Applicant: HILLDRUP TRANSFER & STORAGE CO., INC., 510 Essex Street, Post Office Box 745, Fredericksburg, Va. 22401. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household Goods*, as defined by the Commission, (a) between points in the District of Columbia; (b) between points in Virginia within a 100-mile radius of Fredericksburg, Va., including Fredericksburg; (c) between points in Maryland within a 50-mile radius of Lexington Park, Md., including Lexington Park; and (d) between Lexington Park, Md., and the Port of Baltimore, Md., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating and decontainerization of such shipments. NOTE: Common control may be involved. Applicant states that it intends to tack the above proposed authority with its present authority in MC 125294 and Sub-No. 1 only insofar to permit pickup and delivery of traffic between the port of Baltimore, Md., and Washington, D.C., and Fredericksburg, and Quantico, Va. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126045 (Sub-No. 8), filed June 23, 1967. Applicant: ALTER TRUCKING AND TERMINAL CORPORATION, 2333 Rockingham Road, Davenport, Iowa 52608. Applicant's representative: Eugene Anderson, 135 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, from Colfax, Depue, and Riverdale, Ill., and Des Moines, Iowa, to points in Illinois, Iowa, Wisconsin, Missouri, Minnesota, Nebraska, Kansas, South Dakota, North Dakota, Indiana, Ohio, and Michigan. NOTE: Applicant states tacking is not intended, but there is a possibility of tacking with its present authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 126145 (Sub-No. 10), filed June 26, 1967. Applicant: PHILLIPS TRUCKING, a corporation, 20299 Valley Boulevard, Rialto, Calif. 92376. Applicant's representative: R. Y. Schureman, 1010 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Aggregates* (except cement and pozzolan) used in the manufacture of cement, concrete, or concrete products, or for roofing or landscaping, between points in Inyo, Mono, Riverside, San Bernardino, San Diego, and Ventura Counties, Calif., on the one hand, and, on the other, points in Clark and Nye Counties, Nev. Restriction: Against the transportation of aggregates in bags or sacks from points in Clark County, Nev., to points in California above described. NOTE: If a hearing is deemed necessary, applicant requests it be held at Carson City, Nev., or Los Angeles, Calif.

No. MC 126372 (Sub-No. 3), filed June 8, 1967. Applicant: SUREFINE TRANSPORTATION COMPANY, a corporation, 3540 East 26th Street, Los Angeles, Calif. 90023. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, Calif. 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Appliances, furniture and furnishings*, uncrated and otherwise unpacked, and in connection therewith *accessories, appurtenances, fittings, and parts incidental thereto* (packed and unpacked), when transported with shipments of furniture or furnishings, or appliances, (a) from points in California to points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming, (b) from points in Arizona to points in California, Nevada, New Mexico, Oregon, Texas, and Washington, (c) from points in Nevada to points in Arizona and California. (2) *Appliances, furniture and furnishings*, uncrated and otherwise unpacked, which commodities are defective, rejected, returned or traded in, and in connection therewith *accessories, appurtenances, fittings, and parts incidental thereto* (packed and unpacked), when transported with such shipments of furniture, or furnishings, or appliances, (a) from points in Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming, to points in California (b) from points in California, Nevada, New Mexico, Oregon, Texas, and Washington, to points in Arizona, (c) from points in Arizona and California to points in Nevada.

(3) *Appliances, equipment, furniture, furnishings and fixtures* for public structures and installations, stores, offices, institutions and other commercial and noncommercial establishments, uncrated and otherwise unpacked, and in connection therewith *accessories, appurtenances, fittings and parts incidental thereto* (packed and unpacked), when transported with shipments of such equipment, furniture, furnishings, and fixtures, and appliances, (a) from points in California, to points in Colorado, Idaho, Montana, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming, (d) from points in Arizona, to points in California, Nevada, New Mexico, and Utah, (c) from points in Nevada, to points in California. (4) *Appliances, equipment, furniture, furnishings, and fixtures* for public structures and installations, stores, offices, institutions, and other commercial and noncommercial establishments, uncrated and otherwise unpacked, which commodities are defective, rejected, returned or traded in, and in connection therewith *accessories, appurtenances, fittings, and parts incidental thereto* (packed and unpacked), when transported with such shipments of equipment, furniture, furnishings, and fixtures, and appliances, (a) from points in Colorado, Idaho, Montana, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming, to points in California, (b) from points in California, Nevada, New Mexico, and Utah, to points in Arizona, (c) from points in California, to points in Nevada.

Restriction. The scope of authority being sought is restricted against the transportation of the following commodities: (1) Personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling, as defined by the Commission, in 17 M.C.C. 467 and 95 M.C.C. 252, (2) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments, as defined by the Commission, in 17 M.C.C. 467 and 95 M.C.C. 252, (3) displays, (4) exhibits, (5) commodities, which because of their bulk, size, or weight require the use of special motor vehicle equipment, and (6) agricultural, computing construction, electronic, microfilming, oil well, oil refining, photographing, tabulating, radio transmitting, and television transmitting *equipment;* but *not restricting* appliances and radio and television receiving sets, when transported uncrated or otherwise unpacked. NOTE: Applicant states it will tack at points in Los Angeles and Orange Counties, Calif., and at points in Arizona and Nevada to serve points in its presently held authority wherein it is authorized to conduct operations in the States of California and Nevada. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., and Phoenix, Ariz.

No. MC 126441 (Sub-No. 3), filed June 25, 1967. Applicant: J. T. DAILEY, doing business as J & J COMPANY, Box 78, Cuthbert, Ga. Applicant's representative: Monty Schumacher, Suite 693, 1375 Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer) and *wooden pallets*, from Cuthbert, Ga., to points in Alabama and Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 126867 (Sub-No. 5), filed June 27, 1967. Applicant: CONTRACT TRANSPORTATION, INC., 914 North Cedar Ridge Drive, Box 233, Cedarburg, Wis. 53102. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese*, from points in Wisconsin to points in Michigan, Ohio, Pennsylvania, Maryland, Delaware, New Jersey, New York, Rhode Island, Connecticut, Massachusetts, and Maine, and (2) *Supplies used in the manufacture of cheese*, from points in the destination States named above in (1), to the town of Mitchell, Sheboygan County, Wis., all under contract for Passini Cheese Co., Rural Route No. 2, Plymouth, Sheboygan County, Wis. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 126904 (Sub-No. 7), filed June 26, 1967. Applicant: H. C. PARRISH TRUCK SERVICE, INC., Rural Route No. 2 Freeburg, Ill. Applicant's representative: B. W. LaTourette, Jr., 314 North Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diammonium phosphate*, in bulk, from Depue, Riverdale, and Colfax, Ill., and Des Moines, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Ohio, Wisconsin, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Des Moines, Iowa, or Chicago, Ill.

No. MC 127108 (Sub-No. 1), filed June 26, 1967. Applicant: J. HERBERT EWELL, Rural Delivery No. 2, Narvon, Pa. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, from points in Lancaster County, Pa., to points in Connecticut, Illinois, Indiana, Massachusetts, Michigan, Ohio, Rhode Island, Virginia, West Virginia, and the District of Columbia, and Philadelphia, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 127316 (Sub-No. 4), filed June 29, 1967. Applicant: BRUCE ETTER, Rural Route 3, Chariton, Iowa 50049. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cattle hides*, in bulk, in tank vehicles, from Mason City, Iowa, to Kansas City, Mo., under contract with Bert Lyon & Co. NOTE: If a hearing is deemed necessary applicant requests it be held at Des Moines, Iowa, or Kansas City, Mo.

No. MC 128343 (Sub.-No. 3), filed June 23, 1967. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, R.I. Applicant's representative: Ronald N. Cobert, 600 Madison Building, 1155 15th Street, NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical goods, appliances, equipment, parts, and related accessory items* used in the manufacture and distribution thereof, from Pawtucket and Woonsocket, R.I., and Taunton, Mass., to points in California, Iowa, Louisiana, Minnesota, and Missouri, and (2) *materials, equipment and supplies* used in the manufacture of the

commodities in (1) above, from the destination States in (1) above to Pawtucket and Woonsocket, R.I., and Taunton, Mass., under a continuing contract with Carol Wire & Cable Corp. and its subsidiaries or affiliates. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Providence, R.I.

No. MC 128343 (Sub-No. 4), filed June 28, 1967. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, R.I. Applicant's representative: Ronald N. Cobert, 600 Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical goods, appliances, equipment, parts, and related accessory items* used in the manufacture and distribution thereof, between Chicago, Ill., on the one hand, and, on the other, Los Angeles, Calif., (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, between Chicago, Ill., on the one hand, and, on the other, Los Angeles, Calif., (3) *materials, equipment, and supplies* used in the manufacture of electrical goods, appliances, equipment, parts, and related accessory items, from Pawtucket and Woonsocket, R.I., and Taunton, Mass., to Chicago, Ill., and Los Angeles, Calif., and (4) *electrical goods, appliances, equipment, parts, and related accessory items*, used in the manufacture and distribution thereof, from Chicago, Ill., to points in Indiana, Michigan, Ohio, and Pennsylvania under a continuing contract or contracts with Carol Wire & Cable Corp. and its subsidiaries or affiliates. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Providence, R.I.

No. MC 128375 (Sub-No. 10), filed June 29, 1967. Applicant: CRETE CARRIER CORPORATION, Post Office Box 249, Crete, Nebr. Applicant's representative: Duane W. Acklie, Post Office Box 2028, 605 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal food and ingredients, materials, and supplies used in the manufacture of animal food*, between Cleveland, Ohio, and points in the United States except points in Hawaii and Alaska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 128814 (Sub-No. 4), filed June 26, 1967. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, Mo. 64802. Applicant's representative: Max G. Morgan, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Explosives, blasting agents, and supplies*, between Hampton and St. Paul, Minn., on the one hand, and, on the other, points in Minnesota, Iowa, Wisconsin, North Dakota, South Dakota and the northern peninsula of Michigan under contract with Hercules, Inc. NOTE: Applicant holds common carrier authority under MC 109397 and subs thereunder, therefore dual operations may be involved. No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 129099 (Sub-No. 1), filed June 26, 1967. Applicant: MAY MOVING OF GOLDSBORO, INC., 507 South Center Street, Goldsboro, N.C. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in North Carolina, restricted to shipments moving on the through bill of lading of a section 402(b)(2) exempt forwarder, having an immediate, prior or subsequent line haul movement by rail, motor, water, or air. The proposed service is limited to providing a local service for a forwarder of used household goods. NOTE: If a hearing is deemed necessary, applicant requests it be held at Goldsboro, N.C., or Washington, D.C.

No. MC 129193, filed May 8, 1967. Applicant: FRANK M. TEACHOUT, doing business as F & M TRANSPORTATION, Post Office Box 5236, 1801 52d Street, Tampa, Fla. 33605. Applicant's representative: W. B. Dickenson, Jr., 1014 First National Bank Building, Tampa, Fla. 33602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* except restricted to freight moving in Freight Forwarder Service with no transportation for compensation on return; and, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, from Tampa, Fla., to points in Pasco, Pinellas, Polk, Hillsborough, Manatee, Sarasota, Charlotte, and Lee Counties, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 129199, filed June 26, 1967. Applicant: CROWN MOVING & STORAGE OF GOLDSBORO, INC., 901 North James Street Goldsboro, N.C. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in North Carolina, restricted to shipments moving on the through bill of lading of section 402(b)(2) exempt forwarder, having an immediate, prior or subsequent line-haul movement by rail, motor, water, or air. NOTE: The proposed service is limited to providing a local service for a forwarder of used household goods. If a hearing is deemed necessary, applicant requests it be held at Goldsboro, N.C., or Washington, D.C.

No. MC 129200, filed June 23, 1967. Applicant: WELDON MOVING AND STORAGE CO., INC., 228 South U.S. No. 1, Sharpes, Fla. Applicant's representative: Robert J. Gallagher, 66 Central Street, Wellesley, Mass. 02181. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to shipments moving on the through bill of lading of a freight forwarder operating under section 402(b)(2) exemption, and having an immediate, prior or subsequent line-haul movement by rail, motor, water, or air, between points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami or Jacksonville, Fla.

No. MC 129201, filed June 23, 1967. Applicant: H & H TRUCKING, INC., Rural Delivery No. 5, Hanover, Pa. 17331. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from points in Mount Pleasant Township, Adams County, Pa., to points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 129203, filed June 26, 1967. Applicant: M & Y FREIGHT SYSTEM, INC., Post Office Box 23, Topeka, Ind. 46571. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Core oil and resins* in bulk, from Mishawaka, Ind., to points in Pennsylvania, New York, Michigan, Illinois, Missouri, Wisconsin, Ohio, Minnesota, Iowa, and Kentucky. NOTE: Applicant holds contract carrier authority under MC 126532, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 129205, filed June 27, 1967. Applicant: COASTAL HAULING, INC., 401 Bay Colony Drive, Virginia Beach, Va. 23451. 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: *Salt*, in bulk, from Norfolk, Va., to points in North Carolina, located on and East of U.S. Highway 15. NOTE: If a hearing is deemed necessary, applicant requests it be held at Richmond, Va.

No. MC 129206, filed June 28, 1967. Applicant: PHILIP STINGER, INC., Northeast Corner 35th and Moore Streets, Philadelphia, Pa. 19145. Applicant's representative: Raymond A. Thistle, Jr., Suite 1710, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard, wallboard, and accessories and supplies* used in the installation thereof on flat-bed equipment, from Deposit, N.Y., to points in Vermont, Maine, New Hampshire, North Carolina,

South Carolina, and Tennessee, and *returned or rejected shipments*, from points in Vermont, Maine, New Hampshire, North Carolina, South Carolina, and Tennessee, to Deposit, N.Y. NOTE: Applicant holds contract carrier authority under MC 67419, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 129209 (Sub-No. 1), filed June 28, 1967. Applicant: LEWIS THOMPSON DAVIS, JR., Post Office Box 65, Lewiston, N.C. 27849. Applicant's representative: M. B. Gillam, Jr., Post Office Box 547, Windsor, N.C. 27983. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Farm and industrial machinery, and other farm and industrial machinery*, from Lewiston, N.C., to points in South Carolina, Georgia, and Virginia, and on return, under contract with Harrington Manufacturing Co. NOTE: Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 129210, filed June 30, 1967. Applicant: ASTRON FORWARDING COMPANY, a corporation, 75 Market Street, Post Office Box 161, Oakland, Calif. 94604. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Hawaii, restricted to the handling of traffic originating at or destined to out-of-state points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oakland, Calif.

MOTOR CARRIERS OF PASSENGERS

No. MC 108531 (Sub-No. 12), filed June 26, 1967. Applicant: BLUE BIRD COACH LINES, INC., 502–504 North Barry Street, Olean, N.Y. 14760. Applicant's representative: Ronald W. Malin, Bank of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round trip sightseeing and pleasure tours, beginning and ending at points in Niagara and Erie Counties, N.Y., and extending to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that Blue Bird Cab Co. which is affiliated with the applicant holds contract carrier authority under MC 117633 (Sub-No. 1). If a hearing is deemed necessary, applicant requests it be held at Buffalo N.Y.

No. MC 127642 (Sub-No. 1), filed May 29, 1967. Applicant: ANDREW T. JONES, doing business as ANDREW T. JONES BUS SERVICE, 2714 Magnolia Street, Portsmouth, Va. 23704. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and charter operations, in the same vehicle with passengers, from Portsmouth, Norfolk, Chesapeake, Virginia Beach, Hampton, and Newport News, Va., and points in Nansemond and Isle of Wight Counties, Va., to points in North Carolina, South Carolina, Georgia, Florida, West Virginia, District of Columbia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Maine, Connecticut, New Hampshire, Massachusetts, Illinois, Indiana, Michigan, and Ohio, and return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Norfolk or Richmond, Va.

No. MC 128753 (Sub-No. 4), filed June 19, 1967. Applicant: ASSOCIATED BUS COMPANY OF OAKLAND, a corporation, 921 Bergen Avenue, Jersey City, N.J. 07306. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, between the Bronx, N.Y., and Passaic, N.J. NOTE: Common control may be involved. Applicant is also authorized to conduct operations as a common carrier in certificate 94624; therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 12872 (Sub-No. 1), filed June 13, 1967. Applicant: TRAVEL HOUSE OF BUFFALO, INC., 524 Franklin Street, Buffalo, N.Y. Applicant's representative: Anthony L. Dutton, 1 M & T Plaza, Buffalo, N.Y. 14203. For a license (BMC 5) to engage in operations as a *broker* at Amherst, N.Y., in arranging for transportation in interstate or foreign commerce, by motor vehicle of *passengers, and their baggage*, in groups and as individuals, beginning and ending at points in Erie and Niagara Counties and at Buffalo, N.Y., and extending to points in the United States including Alaska and Hawaii.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAVE BEEN REQUESTED

No. MC 200 (Sub-No. 222), filed July 6, 1967. Applicant: RISS & COMPANY, INC., 903 Grand Avenue, Kansas City, Mo. Applicant's representative: Ivan E. Moody, 1111 Scarritt Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives, and military ordnance stores*, moving on government bills of lading, between Joliet, Ill., and Grand Island, Nebr., from Joliet over Interstate Highway I–80 to junction U.S. Highway 281 south of Grand Island, thence over U.S. Highway 281 to Grand Island. (Pending completion of a segment of Interstate Highway I–80 between Avoca, Iowa, and Omaha, Nebr., over U.S. Highways 6 and 59 connecting I–80, as an alternate route for operating convenience only and serving no intermediate points.

No. MC 730 (Sub-No. 283), filed June 26, 1967. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Post Office Box 958, Oakland, Calif. 94604. Applicant's representative: Charles Frederick Zeebuyth (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquified petroleum gases*, in bulk, in tank vehicles, from Richmond, Calif., to points in Lake County, Oreg.

MOTOR CARRIER OF PASSENGERS

No. MC 29957 (Sub-No. 87) (Amendment), filed April 25, 1967, published FEDERAL REGISTER issue of May 11, 1967, amended July 5, 1967, and republished as amended, this issue. Applicant: CONTINENTAL SOUTHERN LINES, INC., doing business as CONTINENTAL TRAILWAYS, 425 Bolton Avenue, Alexandria, La. 71301. Applicant's representative: D. Paul Stafford, 315 Continental Avenue, Dallas, Tex. 75207. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) Regular routes: *Passengers and their baggage, newspapers and express* in the same vehicle with passengers, between West Point and Shannon, Miss.: From West Point over Mississippi Highway 25 to Aberdeen, Miss., thence over U.S. Highway 45 to Shannon, and return over the same route, serving all intermediate points, and (2) Irregular routes: *Passengers and their baggage*, in the same vehicle with passengers, in one-way and round trip charter operations, beginning at points located on U.S. Highway 45 between Shannon and Aberdeen, Miss., and extending to points in the United States, including Alaska and Hawaii. NOTE: Common control may be involved. The purpose of this republication is to redescribe (2) above.

By the Commission.

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

[F.R. Doc. 67-7996; Filed, July 12, 1967; 8:45 a.m.]

[Investigation and Suspension Docket No. 8363]

CAR CLEANING PENALTY CHARGE, AT DESTINATIONS IN UNITED STATES

Assignment for Prehearing Conference

Present: Laurence K. Walrath, Commissioner, to whom the matter which is the subject of this order has been referred for action thereon.

Upon consideration of the record in the above-entitled proceeding, and it appearing that this matter is one which should be referred to a hearing examiner for a prehearing conference; and for good cause therefor:

It is ordered, That the above-entitled proceeding be, and it is hereby, referred to Hearing Examiner Rene J. Mittelbronn for prehearing conference on July 20, 1967, at 9:30 a.m. District of Columbia Daylight Saving Time at the offices of the Interstate Commerce Commission, Washington, D.C., and for further appropriate administrative handling.

It is further ordered, That a copy of this order be delivered to the Director, Division of Federal Register, for publica-

tion in the FEDERAL REGISTER as notice to all interested persons.

And it is further ordered, That, to avoid future unnecessary service upon those respondents who, although participating carriers in the tariff schedules which are the subject of investigation herein, are not actively interested in the outcome of such investigation, subsequent service on respondents herein of notices and orders of the Commission will be limited to those respondents who:

(1) Specifically make written request to the Secretary of the Commission to be included on the service list, or

(2) have appeared at the prehearing conference.

Dated at Washington, D.C., this 6th day of July 1967.

By the Commission, Commissioner Walrath.

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

[F.R. Doc. 67-8071; Filed, July 12, 1967; 8:49 a.m.]

MOTOR CARRIER TRANSFER PROCEEDINGS

[Notice 6]

JULY 10, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69631. By order of June 30, 1967, the Transfer Board approved the transfer to H. Herschel Omps, doing business as H. H. Omps, Winchester, Va., of certificate No. MC-124507, issued December 13, 1962, to Virgil O. Comer, doing business as Comer Spreader Service, Winchester, Va., authorizing the transportation of: Agricultural lime, limestone, and fertilizer, in bulk, from Alexandria, Va., and points in Clarke, Frederick, Loudoun, and Warren Counties, Va., and Frederick County, Md., to points in Maryland (except Baltimore City and points in Hartford County, Md.), points in Adams, Franklin, and Fulton Counties, Pa., points in Clarke, Fairfax, Frederick, Fauquier, Prince William, Loudoun, Shenandoah, and Warren Counties, Va., and points in Grant, Berkeley, Hampshire, Hardy, Jefferson, Mineral, and Morgan Counties, W. Va., S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005, attorney for applicants.

No. MC-FC-69699. By order of June 30, 1967, the Transfer Board approved the transfer to Triboro Trucking, Inc., Carlstadt, N.J., of certificate No. MC-6516, issued April 6, 1964, to John Pietrowicz, doing business as Triboro Trucking Co., Carlstadt, N.J., authorizing the transportation of: Watermelons, from Kearny, N.J., to New York, N.Y., and food products, oil, seed, cocoanuts, arabic and karaya gum, paint, paint material, enamel, lacquer, varnish, stain, varnish remover, and printing paper, between New York, N.Y., on the one hand, and, on the other, points in New Jersey within 20 miles of city hall, New York, N.Y. Robert B. Pepper, 297 Academy Street, Jersey City, N.J., 07306, representative for applicants.

No. MC-FC-69700. By order of June 30, 1967, the Transfer Board approved the transfer to Triboro Trucking, Inc., Carlstadt, N.J., of that portion of certificate No. MC-61007, issued April 29, 1964, to Pacelli Bros. Transportation, Inc., Bridgeport, Conn., authorizing the transportation of: Soap, toilet preparations, and children's playsuits, between points in Essex, Hudson, Bergen, and Passaic Counties, N.J., on the one hand, and, on the other, points in Westchester and Orange Counties, N.Y., and New York, N.Y.; soap and other toilet preparations, from Clifton, N.J., to points in Hudson County and Newark, N.J.; and paperboard, from New York, N.Y., to Clifton, N.J. Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306, representative for applicants.

No. MC-FC-69724. By order of June 30, 1967, the Transfer Board approved the transfer to Harry Smulovitz, doing business as Smulovitz Bros., Kingston, Pa., of certificate No. MC-75, issued March 24, 1941, to Anna Smulovitz, doing business as Smulovitz Bros., Wilkes-Barre, Pa., authorizing the transportation of: Coal, from Wilkes-Barre and Avoca, Pa., over regular routes, to New York, N.Y., and groceries and farm produce, from New York, N.Y., over the same routes, to Wilkes-Barre. Eugene Roth, 1000 Blue Cross Building, Wilkes-Barre, Pa., attorney for applicants.

No. MC-FC-69726. By order of June 30, 1967, the Transfer Board approved the transfer to Bruce G. Heady, Redwood Valley, Calif., of certificate of registration No. MC-120835 (Sub-No. 1), issued November 22, 1965, to Roy G. Faulkner, doing business as Covelo Transportation, Covelo, Calif., evidencing a right to engage in transportation in interstate or foreign commerce pursuant to certificate of public convenience and necessity granted in decision No. 61243, dated December 20, 1960, by the Public Utilities Commission of the State of California. E. H. Griffiths, 451 Turk Street, Room 23, San Francisco, Calif. 94102, practitioner for applicants.

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

[F.R. Doc. 67-8073; Filed, July 12, 1967; 8:49 a.m.]

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