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Title 3—THE PRESIDENT

Proclamation 3795

LAW AND ORDER IN THE STATE OF MICHIGAN

By the President of the United States of America

A Proclamation

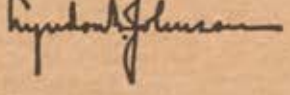
WHEREAS the Governor of the State of Michigan has informed me that conditions of domestic violence and disorder exist in the City of Detroit in that State, obstructing the execution and enforcement of the laws, and that the law enforcement resources available to the City and State, including the National Guard, have been unable to suppress such acts of violence and to restore law and order; and

WHEREAS the Governor has requested me to use such of the armed forces of the United States as may be necessary for those purposes; and

WHEREAS such domestic violence and disorder are also obstructing the execution of the laws of the United States, including the protection of federal property in the City of Detroit:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, including Chapter 15 of Title 10 of the United States Code, do command all persons engaged in such acts of violence to cease and desist therefrom and to disperse and retire peaceably forthwith.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of July, in the year of our Lord nineteen hundred and sixty-seven, and the Independence of the United States of America the one hundred and ninety-second.



THE WHITE HOUSE,
July 24, 1967.

[F.R. Doc. 67-8747; Filed, July 25, 1967; 10:14 a.m.]

Executive Order 11364

PROVIDING FOR THE RESTORATION OF LAW AND ORDER IN THE STATE OF MICHIGAN

WHEREAS on July 24, 1967, I issued Proclamation No. 3795,[1] pursuant in part to the provisions of Chapter 15 of Title 10 of the United States Code; and

WHEREAS the conditions of domestic violence and disorder described therein continue, and the persons engaging in such acts of violence have not dispersed;

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States and Commander in Chief of the Armed Forces by the Constitution and laws of the United States, including Chapter 15 of Title 10 of the United States Code, and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

SECTION 1. The Secretary of Defense is authorized and directed to take all appropriate steps to disperse all persons engaged in the acts of violence described in the proclamation and to restore law and order.

SEC. 2. In carrying out the provisions of Section 1, the Secretary of Defense is authorized to use such of the Armed Forces of the United States as he may deem necessary.

SEC. 3. The Secretary of Defense is hereby authorized and directed to call into the active military service of the United States, as he may deem appropriate to carry out the purposes of this order, any or all of the units of the Army National Guard and of the Air National Guard of the State of Michigan to serve in the active military service of the United States for an indefinite period and until relieved by appropriate orders. Units, or members thereof, may be relieved subject to recall at the discretion of the Secretary of Defense. In carrying out the provisions of Section 1, the Secretary of Defense is authorized to use units, and members thereof, called or recalled into the active military service of the United States pursuant to this section.

SEC. 4. The Secretary of Defense is authorized to delegate to the Secretary of the Army or the Secretary of the Air Force, or both, any of the authority conferred upon him by this order.

Lyndon B. Johnson

THE WHITE HOUSE,
July 24, 1967.

[F.R. Doc. 67-8748; Filed, July 25, 1967; 10:25 a.m.]

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[1] F.R. Doc. 67-8747, *supra*.

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 752—ADVERSE ACTIONS BY AGENCIES

Miscellaneous Amendments

Part 752 is amended as follows: § 752.102 is expanded by the addition of a definition showing that an appeal to the agency is an appeal under Part 771 of Title 5; § 752.202(f) is shortened by the deletion of the redundant reference to Part 771 of Title 5, as set out below.

§ 752.102 Definitions.

In this part:

(a) Days means calendar days and not workdays.

(b) Appeal to the agency means an appeal under Part 771 of this chapter.

§ 752.202 Procedures.

* * * * *

(f) *Notice of adverse decision.* The employee is entitled to notice of the agency's decision at the earliest practicable date. The agency shall deliver the notice of decision to the employee at or before the time the action will be made effective. The notice shall be in writing, be dated, inform the employee of the reasons for the action, inform the employee of his right of appeal to the appropriate office of the Commission, and inform him of the time limit within which an appeal may be submitted as provided in § 752.203(b). The agency also shall inform the employee of any right of appeal to the agency.

(5 U.S.C. 1302, 3301, 3302, 7301, 7701, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–58 Comp., p. 218, E.O. 10988, 27 F.R. 551, 3 CFR 1959–63 Comp., p. 521)

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

[F.R. Doc. 67-8637; Filed, July 25, 1967; 8:46 a.m.]

PART 771—EMPLOYEE GRIEVANCES AND ADMINISTRATIVE APPEALS

Witnesses and Arbitration Requirements

Part 771 is amended as follows: § 771.216 is expanded by the addition of a new provision that both parties to an appeal are entitled to produce witnesses; § 771.228 is expanded by the addition of a new provision that both parties at a hearing conducted by an arbitrator are entitled to produce witnesses, and also by a new provision recognizing that some agencies hold the hearing before the original decision on adverse action is reached, as set out below.

§ 771.216 Witnesses.

(a) Both parties are entitled to produce witnesses.

(b) The agency shall make its employees available as witnesses before a hearing committee when (1) requested by the committee after consideration of a request by the employee or the agency and (2) it is administratively practicable to comply with the request of the committee. If the agency determines that it is not administratively practicable to comply with the request of the committee, it shall submit for inclusion in the employee appeal file its written reasons for the declination.

(c) Employees of the agency are in a duty status during the time they are made available as witnesses.

(d) The agency shall assure witnesses freedom from restraint, interference, coercion, discrimination, or reprisal in presenting their testimony.

§ 771.228 Arbitration requirements.

(a) An agency may provide for advisory arbitration in its appeals system only through a negotiated agreement between the agency and an employee organization to which exclusive recognition has been granted.

(b) An employee may use advisory arbitration only if:

(1) He is employed in a unit represented by an employee organization which has negotiated an agreement for advisory arbitration with the employing agency;

(2) He specifically requests it; and

(3) The employee organization concurs in the use of advisory arbitration and agrees to pay one-half the cost of arbitration.

(c) Advisory arbitration may not relate to the content of agency policy, but is restricted to the propriety of an adverse action in a particular case.

(d) When advisory arbitration is provided for in a one-level appeals system or in the first level of a two-level system, (1) advisory arbitration serves as an alternate to the agency hearing committees; (2) the employee cannot use both advisory arbitration and the agency hearing committee, but must choose one or the other; and (3) if the employee uses advisory arbitration, he is entitled to a hearing before the arbitrator.

(e) When advisory arbitration is provided for in the second level of a two-level appeals system, (1) the employee is entitled to use both the agency hearing committee in the first level and advisory arbitration in the second level; and (2) the employee is not entitled to a hearing before the arbitrator as a matter of right, but the arbitrator may, in his discretion, hold a hearing of such scope as he considers necessary within the provisions of paragraph (f) of this section.

(f) When an arbitrator holds a hearing, he shall conduct and record it, and make a report of findings and recommendations, under the principles set forth in §§ 771.215, 771.217, and 771.218.

(g) Both parties at a hearing held by an arbitrator are entitled to produce witnesses.

(h) An agency shall make its employees available as witnesses at a hearing held in advisory arbitration under the principles set forth in § 771.216.

(i) An agency shall furnish copies of the hearing record and the arbitrator's report under the principles set forth in § 771.218.

(j) The award of an arbitrator is advisory only and may be either accepted or rejected by the agency official authorized to make the appellate decision, or the original decision when the hearing is held before the original decision is placed into effect.

(5 U.S.C. 1302, 3301, 3302, 7301, 7701, E.O. 10577, 19 F.R. 7521, 3 CFR 1954–58 Comp., p. 218, E.O. 10988, 27 F.R. 551, 3 CFR 1959–63 Comp., p. 521)

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

[F.R. Doc. 67-8638; Filed, July 25, 1967; 8:46 a.m.]

Title 7—AGRICULTURE

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

[Milk Order 62]

PART 1062—MILK IN ST. LOUIS, MO., MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the St. Louis, Missouri, marketing area (7 CFR Part 1062), it is hereby found and determined that:

(a) The following provisions of the order do not tend to effectuate the de-

clared policy of the Act for the month of August 1967:

(1) In § 1062.51(a) the following words of the introductory text preceding subparagraph (1): "And plus or minus the amounts provided in subparagraphs (1) and (2) of this paragraph:"

(2) Subparagraph (1) of § 1062.51(a).

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

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

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

(3) This suspension order will continue for the month of August 1967, the effect of the prior suspension order issued June 1, 1967, which eliminated price adjustments due to the supply-demand adjustor for the period of June 3–30 and July 1967. Such prior suspension order was issued at the request of cooperative associations whose members comprise a large majority of producers serving the St. Louis market and other markets affected by this supply-demand adjustor. The prior suspension action was taken pending revision of the supply-demand adjustor based on the hearing held in St. Louis, Mo., February 28 through March 3, 1967 (32 F.R. 1042), at which a proposal to revise the supply-demand adjustor was considered. The present suspension action is being taken to prevent supply-demand adjustments for this additional period while consideration is being given to revision of the supply-demand adjustor based upon the hearings which have been held.

(4) The previous suspension action was taken so that a decrease in the Class I price would not unduly reduce returns to producers in the St. Louis, Mo., Ozarks, Southern Illinois, and Paducah markets. Since the same conditions that prompted the previous suspension order continue to prevail this suspension order effective for the month of August 1967 is warranted.

Therefore, good cause exists for making this order effective August 1, 1967.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the month of August 1967.

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

Effective date: August 1, 1967.

Signed at Washington, D.C., on July 21, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-8683; Filed, July 25, 1967; 8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs.; Rev. 1, Amdt. 2]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—General Regulations Governing Price Support for the 1964 and Subsequent Crops

WAREHOUSE RECEIPTS; CORRECTION

F.R. Doc. 67-7457, published at page 9301 in the issue dated Friday, June 30, 1967, is corrected by changing the parenthetical reference "(Form CCC 698)" in the amended § 1421.58(a) to read "(Form CCC 678)".

Signed at Washington, D.C., on July 20, 1967.

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

[F.R. Doc. 67-8682; Filed, July 25, 1967; 8:50 a.m.]

PART 1446—PEANUTS

Subpart—1967-Crop Peanut Warehouse Storage Loans and Sheller Purchases

This annual crop supplement, together with the General Regulations Governing 1967 and Subsequent Crop Peanut Warehouse Storage Loans and Sheller Purchases (32 F.R. page 9950) and any amendments thereto (hereinafter called the General Regulations), contain the terms and conditions under which CCC will make warehouse storage loans on and sheller purchases of 1967-crop peanuts.

WAREHOUSE STORAGE LOANS

SHELLER PURCHASES

AUTHORITY: The provisions of this subpart issued under secs. 4 and 5, 62 Stat. 1070, as amended; 15 U.S.C. 714 b and c. Interpret or apply secs. 101, 401, 63 Stat. 1051, as amended, 7 U.S.C. 1441, 1421.

WAREHOUSE STORAGE LOANS

§ 1446.40 Associations through which producers may obtain price support.

Eligible producers may obtain price support by means of warehouse storage loans on eligible 1967-crop farmers stock peanuts through, in the Southeastern area, GFA Peanut Association, Camilla, Ga.; Southwestern area, Southwestern Peanut Growers Association, Gorman, Tex.; and Virginia-Carolina area, Peanut Growers Cooperative Marketing Association, Franklin, Va.

§ 1446.41 Applicability.

The support prices specified in this section apply to 1967-crop farmers stock peanuts in bulk or in bags, net weight basis, eligible for price support advances under the general regulations. The support prices in this subpart will not be reduced but will be increased if a combination of the supply percentage as of August 1, 1967, and the parity price as of that date requires a higher price.

§ 1446.42 National average price.

The national average support price for 1967-crop peanuts is $227 per ton.

§ 1446.43 Average support prices by type.

The support prices by type per average grade ton of 1967-crop peanuts are:

Type	Dollars per ton
Virginia	239.86
Runner	214.24
Southeast Spanish	231.98
Southwest Spanish	222.70
Valencia, suitable for cleaning and roasting	239.86

§ 1446.44 Calculation of support prices.

The support price per ton for peanuts of a particular type and quality shall be calculated on the basis of the following rates, premiums, and discounts (with no value being assigned to damaged kernels), except that the minimum support value for any lot of eligible peanuts of any type shall be 4 cents per pound of kernels in the lot:

(a) *Kernel value per net ton excluding loose shelled kernels.* (1) Price for each percent of sound mature and sound split kernels shall be:

Type	Dollars per ton
Virginia	3.278
Runner	3.145
Southeast Spanish	3.244
Southwest Spanish	3.169
Valencia:	
Southwestern area—suitable for cleaning and roasting	3.664
Southwestern area—not suitable for cleaning and roasting	3.169
Areas other than Southwestern	3.244

(2) Price for each percent of other kernels:

All types	$1.40

(3) Premium for each 1 percent extra large kernels in Virginia type peanuts shall be 45 cents, except that no premium shall be applicable to any lot of such peanuts containing more than 7 percent damaged kernels.

(b) *Value of loose shelled kernels per pound.*

All types	$0.07

(c) *Damaged kernel discount.* For all types of peanuts, the discount per ton for damaged kernels shall be as follows:

Peanuts containing damaged kernels of—	Discount
1 percent	None
2 percent	$3.40
3 percent	7.00
4 percent	11.00
5 percent	25.00
6 percent	40.00
7 percent	60.00
8–9 percent	80.00
10 percent and over	100.00

(d) *Sound split kernel discount.* For all types of peanuts, the discount for sound split kernels shall be as follows:

Peanuts containing sound split kernels of—	Discount per ton
1 or 2 percent	None
3 percent	$0.60
4 percent and above	[1] 1.20

[1] Plus $1 for each percent of sound split kernels in excess of 4 percent.

(e) *Foreign material discount.* The discount for each full 1 percent foreign material in excess of 4 percent and not over 10 percent shall be $1 per ton.

(f) *Price adjustment for peanuts in Virginia-Carolina area sampled with other than a pneumatic sampler.* The support price for Virginia type peanuts in the Virginia-Carolina area sampled with other than a pneumatic sampler shall be reduced by one-tenth cent per pound net weight including loose shelled kernels.

(g) *Mixed types discount.* Individual lots of farmers stock peanuts containing mixtures of two or more types in which there is less than 90 percent of any one type will be supported at a rate which is $10 per ton less than the support price applicable to the type in the mixture having the lowest support price.

(h) *Location adjustments to support prices.* Farmers stock peanuts delivered to the association for price support advances in the States specified, where peanuts are not customarily shelled or crushed, shall be discounted as follows:

(1) Arizona, $25 per ton.
(2) Arkansas, $10 per ton.
(3) California, $33 per ton.
(4) Louisiana, $7 per ton.
(5) Mississippi, $20 per ton.
(6) Missouri, $10 per ton.
(7) Tennessee, $25 per ton.

(i) *Virginia type peanuts.* Virginia type peanuts, to receive peanut price support as Virginia type, must contain 40 percent or more "fancy" size peanuts, as determined by a presizer with the rollers set at a $^{34}/_{64}$ inch space. Virginia type peanuts so determined to contain less than 40 percent "fancy" size peanuts will be supported (but not classed) as though they were Runner type.

Sheller Purchases

§ 1446.50 Eligible sheller—filing time.

To be eligible to sell 1967-crop peanuts to CCC under this subpart, the sheller shall file with the association not later than February 28, 1968, or such later date as may be approved by CCC, the notice of participation required under § 1446.11(a).

§ 1446.51 Period of offering.

Unless a later date is approved in writing by CCC, written offers to sell 1967 crop shelled peanuts to CCC, on the form prescribed by CCC, may be filed with the association from time of harvest through:

(a) July 31, 1968, for shelled peanuts not U.S. grade described in § 1446.52(c).

(b) October 31, 1968, for U.S. grade shelled peanuts described in § 1446.52(b).

§ 1446.52 CCC purchases of eligible peanuts and prices.

(a) *Basis of purchase.* Except as otherwise provided in § 1446.13 of the General Regulations, CCC will purchase from eligible shellers 1967-crop peanuts which meet the specifications contained in this section. The peanuts will be purchased on the basis of the net weight determined at the time of delivery and the prices specified in paragraphs (b) and (c) of this section. CCC will also pay a carrying charge for U.S. grade shelled peanuts only which are delivered to CCC after November 1967 in the Southeastern area, and December 1967 in the Southwestern and Virginia-Carolina areas. The carrying charge will commence on December 1, 1967, in the Southeastern area, and January 1, 1968, in the Southwestern and Virginia-Carolina areas, and will accrue at the rate of $1.40 per ton net weight per calendar month or fraction thereof, but shall not exceed a total of $7 per ton net weight.

(b) *U.S. grade shelled peanuts.*

(1) U.S. No. 1 (all types)—17.25 cents per pound.
(2) U.S. Extra Large Virginia—20.50 cents per pound.
(3) U.S. Medium Virginia—18.50 cents per pound.
(4) U.S. Splits (all types)—16.75 cents per pound.

U.S. grade shelled peanuts shall meet the U.S. Standards for such peanuts, except that they shall not contain more than 1.25 percent damaged or unshelled kernels other than minor defects and not more than 2 percent total damaged or unshelled and minor defects.

(c) *Shelled peanuts—not U.S. grade.* (1) No. 1 size i.e., ride U.S. No. 1 screens)—17 cents per pound.

(2) Large whole kernels which will not pass through screens with the following size openings—16.25 cents per pound:

Virginia	$^{15}/_{64}$" x 1" slot.
Runner	$^{13}/_{64}$ x $^{3}/_{4}$" slot.
Spanish	$^{13}/_{64}$ x $^{3}/_{4}$" slot.

(3) Large split kernels (i.e., separated halves) which will not pass through screens with the following size openings—16.75 cents per pound:

Virginia	$^{15}/_{64}$" round.
Runner	$^{13}/_{64}$" round.
Spanish	$^{16}/_{64}$" round.

(4) Small whole kernels which will not pass through screens with the following size openings—12 cents per pound:

Virginia	$^{25}/_{64}$ x 1" slot.
Runner	$^{23}/_{64}$ x $^{3}/_{4}$" slot.
Spanish	$^{15}/_{64}$ x $^{3}/_{4}$" slot.

(5) In addition to the other prices specified in this paragraph (c), CCC shall pay the sheller for fall through not exceeding 3 percent at the rate of 6 cents per pound. Fall through means all kernels or portions thereof which will pass through screens with the following size openings:

	Whole kernels	Splits and portions
Virginia	$^{25}/_{64}$ x 1" slot	$^{15}/_{64}$" round.
Runner	$^{23}/_{64}$ x $^{3}/_{4}$" slot	$^{13}/_{64}$" round.
Spanish and Valencia	$^{15}/_{64}$ x $^{3}/_{4}$" slot	$^{16}/_{64}$" round.

(6) Quality conditions: Any lot of shelled peanuts of the sizes described in subparagraphs (1) through (4) of this paragraph (c) shall not contain more than (i) 4 percent damaged or unshelled kernels other than minor defects, (ii) 8 percent total damaged or unshelled and minor defects, (iii) 9 percent moisture in the Southeastern and Southwestern areas, or 10 percent moisture in the Virginia-Carolina area, (iv) 6 percent fall through, as defined in subparagraph (5) of this paragraph (c) (but CCC will not pay for any fall through in excess of 3 percent), and (v) 2 percent foreign material. The peanuts in any bag(s) in any lot of such peanuts shall also meet the quality conditions set forth above in this subparagraph (6). If a sheller offers to CCC any lot of such peanuts which contains peanuts of different sizes (i.e., No. 1 size, large whole, small whole, or large split kernels) bagged separately, the sheller (i) shall mark or tag each bag in the lot to show the size of the peanuts therein, and (ii) shall stack the bags of each size of peanuts separately to make them readily available for sampling.

(7) The prices specified for shelled peanuts described in this paragraph (c) shall be discounted (i) for damaged and unshelled kernels and minor defects at the rates prescribed in the table appearing at the end of this subpart, and (ii) for foreign material at the rate of $^{1}/_{10}$ of 1 cent per pound for each full $^{1}/_{10}$ of 1 percent by which the foreign material is in excess of 1 percent.

DISCOUNT SCHEDULE FOR 1967-CROP SHELLED PEANUTS
(Cents per pound deduction)

Percent damage of unshelled	Percent minor defects											
	0-1.4	1.5-1.9	2.0-2.4	2.5-2.9	3.0-3.4	3.5-3.9	4.0-4.4	4.5-4.9	5.0-5.4	5.5-5.9	6.0-6.4	6.5-8.0
0-1.0	------	0.05	0.11	0.17	0.23	0.29	0.36	0.43	0.51	0.60	0.69	1.00
1.1	0.04	.09	.15	.21	.27	.33	.40	.47	.55	.64	.73	1.04
1.2	.08	.13	.19	.25	.31	.37	.44	.51	.59	.68	.77	1.08
1.3	.12	.17	.23	.29	.35	.41	.48	.55	.63	.72	.81	1.12
1.4	.16	.21	.27	.33	.39	.45	.52	.59	.67	.76	.85	1.16
1.5	.20	.25	.31	.37	.43	.49	.56	.63	.71	.80	.89	1.20
1.6	.24	.29	.35	.41	.47	.53	.60	.67	.75	.84	.93	------
1.7	.28	.33	.39	.45	.51	.57	.64	.71	.79	.88	.97	------
1.8	.32	.37	.43	.49	.55	.61	.68	.75	.83	.92	1.01	------
1.9	.36	.41	.47	.53	.59	.65	.72	.79	.87	.96	1.05	------
2.0	.40	.45	.51	.57	.63	.69	.76	.83	.91	1.00	1.09	------
2.1	.46	.51	.57	.63	.69	.75	.82	.89	.97	1.06	------	------
2.2	.53	.58	.64	.70	.76	.82	.89	.96	1.04	1.13	------	------
2.3	.61	.66	.72	.78	.84	.90	.97	1.04	1.12	1.21	------	------
2.4	.70	.75	.81	.87	.93	.99	1.06	1.13	1.21	1.30	------	------
2.5	.80	.85	.91	.97	1.03	1.09	1.16	1.23	1.31	1.40	------	------
2.6	.90	.95	1.01	1.07	1.13	1.19	1.26	1.33	1.41	------	------	------
2.7	1.00	1.05	1.11	1.17	1.23	1.29	1.36	1.43	1.51	------	------	------
2.8	1.10	1.15	1.21	1.27	1.33	1.39	1.46	1.53	1.61	------	------	------
2.9	1.20	1.25	1.31	1.37	1.43	1.49	1.56	1.63	1.71	------	------	------
3.0	1.30	1.35	1.41	1.47	1.53	1.59	1.66	1.73	1.81	------	------	------
3.1	1.40	1.45	1.51	1.57	1.63	1.69	1.76	1.83	------	------	------	------
3.2	1.50	1.55	1.61	1.67	1.73	1.72	1.86	1.93	------	------	------	------
3.3	1.60	1.65	1.71	1.77	1.83	1.89	1.96	2.03	------	------	------	------
3.4	1.70	1.75	1.81	1.87	1.93	1.99	2.06	2.13	------	------	------	------
3.5	1.80	1.85	1.91	1.97	2.03	2.09	2.16	2.23	------	------	------	------
3.6	1.90	1.95	2.01	2.07	2.13	2.19	2.26	------	------	------	------	------
3.7	2.00	2.05	2.11	2.17	2.23	2.29	2.36	------	------	------	------	------
3.8	2.10	2.15	2.21	2.27	2.33	2.39	2.46	------	------	------	------	------
3.9	2.20	2.25	2.31	2.37	2.43	2.49	2.56	------	------	------	------	------
4.0	2.30	2.35	2.41	2.47	2.53	2.59	2.66	------	------	------	------	------

Effective date. This subpart shall be effective on the date of its publication in the FEDERAL REGISTER.

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

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

[F.R. Doc. 67-8535; Filed, July 25, 1967; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 207—COLLECTION OF NONCASH ITEMS

PART 210—COLLECTION OF CHECKS AND OTHERS ITEMS BY FEDERAL RESERVE BANKS

On April 20, 1967, notice of proposed rule making relating to the revocation of Part 207 (Reg. G) and the revision of Part 210 (Reg. J) was published in the FEDERAL REGISTER (32 F.R. 6210). After consideration of all relevant matter that was presented by interested persons, the Board of Governors takes the following actions:

a. Part 207 is hereby revoked.

b. Part 210 is hereby adopted as proposed.

Effective date. These actions are effective September 1, 1967.

Dated at Washington, D.C., the 20th day of July 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

Sec.

AUTHORITY: The provisions of this Part 210 issued under 12 U.S.C. 248, 342, 360.

§ 210.1 Authority and scope.

(a) Pursuant to the provisions of section 13 of the Federal Reserve Act, as amended (12 U.S.C. sec. 342), section 16 of the Federal Reserve Act (12 U.S.C. sec. 248(o); 12 U.S.C. sec. 360), section 11(i) of the Federal Reserve Act (12 U.S.C. sec. 248(i)), and other provisions of law, the Board of Governors of the Federal Reserve System has promulgated this part governing the collection of checks and other cash items and the collection of noncash items by the Federal Reserve banks.

(b) The Federal Reserve banks, as depositaries and fiscal agents of the United States, handle certain items as cash items or noncash items. To the extent contemplated by regulations issued by, and arrangements made with, the U.S. Treasury Department and other Government Departments, the handling of such items by the Federal Reserve banks is governed by the provisions of this part. The operating letters of the Federal Reserve banks shall include such information regarding the currently effective provisions of those regulations and arrangements (as well as any similar regulations and arrangements hereafter issued or made) as they shall deem necessary and appropriate for the guidance of banks concerned with the collection or payment of such items.

§ 210.2 Definitions.

As used in this part, unless the context otherwise requires:

(a) The term "item" means any instrument for the payment of money, whether negotiable or not, which is payable in a Federal Reserve district,[1] is sent by a sender or a nonbank depositor to a Federal Reserve bank for handling under this part, and is collectible in funds acceptable to the Federal Reserve bank of the district in which the instrument is payable; except that the term does not include any check which cannot be collected at par.[2]

(b) The term "check" means any draft drawn on a bank and payable on demand.

(c) The term "draft" means any item which is either a "draft" as defined in the Uniform Commercial Code or a "bill of exchange" as defined in the Uniform Negotiable Instruments Law.

(d) The term "bank draft" means any check drawn by one bank on another bank.

(e) The term "sender" in respect of an item, means a member bank, a nonmember clearing bank, a Federal Reserve bank, an international organization, or a foreign correspondent.

(f) The term "nonmember clearing bank" means a bank, not a member of the Federal Reserve System, which maintains with a Federal Reserve bank the balance referred to in the first paragraph of section 13 of the Federal Reserve Act, and any corporation which maintains an account with a Federal Reserve bank in conformity with the requirements of § 211.7 of Part 211 of this chapter (Reg. K).

(g) The term "international organization" means any international organization for which the Federal Reserve banks are empowered to act as depositaries or fiscal agents subject to regulation by the Board of Governors of the Federal Re-

[1] For the purposes of this part, the Virgin Islands and Puerto Rico shall be deemed to be in or of the 2d Federal Reserve District; and Guam shall be deemed to be in or of the 12th Federal Reserve District.

[2] The Board of Governors publishes from time to time a "Federal Reserve Par List", which indicates the banks upon which checks are collectible at par through the Federal Reserve banks, and publishes a supplement thereto each month to show changes subsequent to the last complete list.

serve System and for which a Federal Reserve bank has opened and is maintaining an account.

(h) The term "foreign correspondent" means any of the following for which a Federal Reserve bank has opened and is maintaining an account: A foreign bank or banker, or foreign state as defined in section 25(b) of the Federal Reserve Act (12 U.S.C. sec. 632), or a foreign correspondent or agency referred to in section 14(e) of that Act (12 U.S.C. sec. 358).

(i) The term "cash item" means:

(1) Any check other than a check classified as a noncash item in accordance with paragraph (j) of this section; or

(2) Any other item payable on demand and collectible at par which the Federal Reserve bank of the district in which the item is payable may be willing to accept as a cash item.

(j) The term "noncash item" means any item which the receiving Federal Reserve bank, in its operating letters, shall have classified as an item requiring special handling and any item normally received by the Federal Reserve bank as a cash item if such bank decides that special conditions require that it be handled as a noncash item.

(k) The term "paying bank" means:

(1) The bank by which an item is payable and to which it is presented, unless the item is payable or collectible through another bank and is sent to such other bank for payment or collection; or

(2) The bank through which an item is payable or collectible and to which it is sent for payment or collection.

(l) The term "nonbank payor" means any payor of an item, other than a bank.

(m) The term "nonbank depositor" means any department, agency, instrumentality, independent establishment, or officer of the United States, or any corporation other than a sender, which maintains or uses an account with a Federal Reserve bank. Except as may otherwise be provided by any applicable statutes of the United States or regulations issued or arrangements made thereunder, the provisions of this part and of the operating letters of the Federal Reserve banks applicable to a sender are applicable to a nonbank depositor.

(n) The term "State" means any State of the United States, the District of Columbia, or Puerto Rico, or any territory, possession, or dependency of the United States.

(o) The term "banking day" means any day during which a bank is open to the public for carrying on substantially all its banking functions.

§ 210.3 General provisions.

In order to afford both to the public and to the banks of the country a direct, expeditious, and economical system for the collection of items and the settlement of balances, each Federal Reserve bank shall receive and handle cash items and noncash items in accordance with the terms and conditions set forth in this part; and the provisions of this part and the operating letters of the Federal Reserve banks shall be binding upon the sender of a cash item or a noncash item and shall be binding upon each collecting bank, paying bank, and nonbank payor to which the Federal Reserve bank, or any subsequent collecting bank, presents, sends, or forwards a cash item or a noncash item received by the Federal Reserve bank.

§ 210.4 Sending of items to Federal Reserve banks.

(a) Subject to the provisions of this part and of the operating letters of the Federal Reserve banks, any sender (other than a Federal Reserve bank) may send to the Federal Reserve bank with which it maintains or uses an account any cash item or noncash item payable in any Federal Reserve district; but, as permitted or required by such Federal Reserve bank, such sender may send direct to any other Federal Reserve bank any cash item or noncash item payable within the district of such other Federal Reserve bank.

(b) With respect to any cash item or noncash item, sent direct by a sender (other than a Federal Reserve bank) in one district to a Federal Reserve bank in another district, in accordance with paragraph (a) of this section, the relationships and the rights and liabilities existing between the sender, the Federal Reserve bank of its district and the Federal Reserve bank to which the item is sent will be the same, and the provisions of this part will apply, as though the sender had sent such item to the Federal Reserve bank of its district and such Federal Reserve bank had forwarded the item to the other Federal Reserve bank.

(c) The Federal Reserve banks shall receive cash items at par.

§ 210.5 Sender's agreement.

(a) By its action in sending any cash item or noncash item to a Federal Reserve bank, the sender shall be deemed to authorize the receiving Federal Reserve bank and any other Federal Reserve bank or other collecting bank to which such item may be forwarded, to handle such item subject to the provisions of this part and of the operating letters of the Federal Reserve banks; to warrant its own authority to give such authority; and to agree that such provisions shall, insofar as they are made applicable thereto, govern the relationships between such sender and the Federal Reserve banks with respect to the handling of such item and its proceeds.

(b) The sender shall be deemed to warrant to each Federal Reserve bank handling such item (1) that it has good title to the item or is authorized to obtain payment on behalf of one who has good title, whether or not such warranty is evidenced by its express guaranty of prior endorsements on such item, and (2) such other matters and things as the Federal Reserve bank shall warrant in respect of such item consistently with paragraph (b) of § 210.6; but the provisions of this paragraph shall not be deemed to constitute a limitation upon the scope or effect of any warranty by a sender arising under the law of any State applicable to it; and such sender shall be deemed to agree to indemnify each Federal Reserve bank for any loss or expense sustained (including but not limited to attorneys' fees and expenses of litigation) resulting from the failure of such sender to have the authority to make the warranty and the agreement referred to in paragraph (a) of this section, resulting from any action taken by the Federal Reserve bank within the scope of its authority in handling such item, or resulting from any warranty or agreement with respect thereto made by the Federal Reserve bank consistently with paragraph (b) of § 210.6.

§ 210.6 Status and warranties of Federal Reserve bank.

(a) A Federal Reserve bank will act only as the agent of the sender in respect of each cash item or noncash item received by it from the sender, but such agency shall terminate not later than the time when the Federal Reserve bank shall have received payment for the item in actually and finally collected funds and shall have made the proceeds available for withdrawal or other use by the sender. A Federal Reserve bank will not act as the agent or the subagent of any owner or holder of any such item other than the sender. A Federal Reserve bank shall not have, nor will it assume, any liability to the sender in respect of any such item and its proceeds except for its own lack of good faith or failure to exercise ordinary care.[2]

(b) By its action in presenting, or sending for presentment and payment, or forwarding any cash item or any noncash item, a Federal Reserve bank shall be deemed to warrant to a subsequent collecting bank and to the paying bank and any other payor (1) that it has a good title to the item or is authorized to obtain payment on behalf of one who either has a good title or is authorized to obtain payment on behalf of one who has such title, whether or not such warranty is evidenced by its express guaranty of prior endorsements on such item, and (2) to the extent prescribed by the law of any State applicable either to the Federal Reserve bank as a collecting bank or to the subsequent collecting bank, that the item has not been materially altered; but otherwise the Federal Reserve bank shall not have, and shall not be deemed to assume, any liability (except for its own lack of good faith or failure to exercise ordinary care) to such paying bank or other payor.

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[2] No Federal Reserve bank shall be responsible to the sender of any cash item, or any other owner or holder thereof, for any delay resulting from the action taken by the Federal Reserve bank in presenting, sending, or forwarding the item on the basis of (a) any A.B.A. transit number or routing symbol appearing thereon at the time of its receipt by the Federal Reserve bank, whether inscribed by magnetic ink or by any other means, and whether or not such transit number or routing symbol is consistent with each other form of designation of a paying bank (or nonbank payor) then appearing thereon, or (b) any other form of designation of a paying bank (or nonbank payor) then appearing thereon, whether or not consistent with any A.B.A. transit number or routing symbol then appearing thereon.

§ 210.7 Presentment for payment.

(a) Any cash item or any noncash item may be presented for payment by a Federal Reserve bank or a subsequent collecting bank, or may be sent by a Federal Reserve bank or a subsequent collecting bank for presentment and payment, or may be forwarded by a Federal Reserve bank to a subsequent collecting bank with authority to present it for payment or to send it for presentment and payment, as provided under applicable rules of State law or otherwise as permitted by this section.

(b) Presentment may be made at a place where the bank by which the item is payable has requested that presentment be made. Presentment of an item payable by a nonbank payor, other than through a paying bank, may be made at a place where the nonbank payor has requested that presentment be made. Presentment may also be made pursuant to any special collection agreement not inconsistent with the terms of this part, or may be made through a clearinghouse subject to the rules and practices thereof.

(c) Any cash item or noncash item, payable in the district of the receiving Federal Reserve bank, may be presented or sent direct to the paying bank, if any; may be sent direct to any place where the bank through which the item is payable has requested that the item be sent; and, when payable by a nonbank payor other than through a paying bank, may be presented direct to the nonbank payor, but documents, securities or other papers accompanying a noncash item may not be delivered to the nonbank payor thereof before payment of the item, unless the sender has specifically authorized such delivery.

(d) Any cash item or noncash item, payable in a Federal Reserve district other than the district of the receiving Federal Reserve bank, will ordinarily be forwarded to the Federal Reserve bank of the district in which the item is payable: *Provided, however*, That with the concurrence of the Federal Reserve bank of the district in which the item is payable, the receiving Federal Reserve bank may present, send, or forward the item as if it were payable in its own district.

§ 210.8 Presentment of noncash items for acceptance.

Whenever a noncash item provides that it must be presented for acceptance or is payable elsewhere than at the residence or place of business of the drawee, or whenever the date of payment of a noncash item depends upon presentment for acceptance, a Federal Reserve bank or a subsequent collecting bank to which it has been sent by a Federal Reserve bank may, if so instructed by the sender, present the item for acceptance in any manner authorized by law; but no Federal Reserve bank or subsequent collecting bank shall, upon the acceptance of any such item, deliver to the drawee thereof any accompanying documents unless specifically instructed by the sender to do so. Each Federal Reserve bank shall include in its operating letters a statement of the circumstances under which a sender may send such noncash items to the Federal Reserve bank for presentment for acceptance, and of the terms and conditions (which shall not be inconsistent with the provisions of this part) upon which such presentment may be made. Except as herein provided, no Federal Reserve bank shall have or assume any obligation to present any noncash item for acceptance or to send it for presentment for acceptance.

§ 210.9 Remittance and payment.

(a) A Federal Reserve bank may require the paying bank or collecting bank to which it has presented, sent, or forwarded any cash item or noncash item pursuant to § 210.7 to pay or remit for such item in cash, but is authorized, in its discretion, to permit such paying bank or collecting bank to authorize or cause payment or remittance therefor to be made by a debit to an account on the books of such Federal Reserve bank or to pay or remit therefor in any of the following which is in a form acceptable to such Federal Reserve bank: Bank draft, transfer of funds or bank credit, or any other form of payment or remittance authorized by applicable State law. A Federal Reserve bank may require the nonbank payor to which it has presented any cash item or noncash item pursuant to § 210.7 to pay therefor in cash, but is authorized, in its discretion, to permit such nonbank payor to pay therefor in any of the following which is in a form acceptable to such Federal Reserve bank: Cashier's check, certified check, or other bank draft or obligation.

(b) A Federal Reserve bank shall not be liable for the failure of a collecting bank or paying bank or nonbank payor to pay or remit for any such cash item or noncash item, nor for any loss resulting from the acceptance of any form of payment or remittance other than cash authorized in paragraph (a) of this section; nor shall any Federal Reserve bank which acts in good faith and exercises ordinary care be liable for the nonpayment of, or failure to realize upon, any bank draft or other form of payment or remittance which it may accept in accordance with paragraph (a) of this section.

(c) Any bank draft or other form of payment or remittance received by a Federal Reserve bank in payment of, or in remittance for, any cash item may likewise be handled as a cash item subject to all the applicable terms and conditions of this part; and any bank draft or other form of remittance or payment received by a Federal Reserve bank in payment of, or in remittance for, any noncash item may, at the option of the Federal Reserve bank, be handled either as a cash item or as a noncash item, subject to all the applicable terms and conditions of this part.

§ 210.10 Time schedule and availability of credits with respect to cash items.

(a) Each Federal Reserve bank shall include in its operating letters a time schedule for each of its offices indicating when the amount of any cash item received by it from any sender or sent by any sender to another Federal Reserve office for the account of such Federal Reserve bank will be counted as reserve for the purposes of Part 204 of this chapter (Reg. D) and become available for withdrawal or other use by the sender. The sender (other than a foreign correspondent) will be given either immediate credit or deferred credit for such amount in accordance with such time schedule. A foreign correspondent will ordinarily be given credit for such amount only when the Federal Reserve bank has received payment for the item in actually and finally collected funds: *Provided, however*, That the Federal Reserve bank may in its discretion give immediate or deferred credit for such amount in accordance with such time schedule.

(b) Notwithstanding the provisions of its time schedule, a Federal Reserve bank may in its discretion refuse at any time to permit the withdrawal or other use of credit given for any cash item for which the Federal Reserve bank has not yet received payment in actually and finally collected funds.

§ 210.11 Availability of proceeds of noncash items.

(a) Credit will be given for the proceeds of a noncash item when the receiving Federal Reserve bank has received payment for such item in actually and finally collected funds or advice from another Federal Reserve bank of such payment to it, and the amount of such item shall not be counted as reserve for the purposes of Part 204 of this chapter (Reg. D) or become available for withdrawal or other use by the sender prior to the receipt of such payment or advice, except to the extent provided in paragraph (c) of this section.

(b) A Federal Reserve bank shall be deemed to have received payment for a noncash item in actually and finally collected funds as soon as it has received payment therefor in cash or has received any other form of payment or remittance therefor which is, or has become, final and irrevocable.

(c) A Federal Reserve bank may, prior to the time provided in paragraph (a) of this section, give credit for the proceeds of a noncash item received by it from a sender, subject to payment in actually and finally collected funds, in accordance with a time schedule included in its operating letters, indicating when the proceeds of such noncash items will be counted as reserve for the purposes of Part 204 of this chapter (Reg. D) and become available for withdrawal or other use by the sender.

(d) Notwithstanding paragraph (c) of this section, a Federal Reserve bank may, in its discretion, refuse at any time to permit the withdrawal or other use of credit given for any noncash item for which the Federal Reserve bank has not yet received payment in actually and finally collected funds.

(e) Where a Federal Reserve bank receives, in payment or remittance for a noncash item, a bank draft or other form of remittance or payment which, in accordance with paragraph (c) of § 210.9,

it elects to handle as a noncash item, the proceeds of the noncash item for which the payment or remittance was made shall neither be counted as reserve for the purposes of Part 204 of this chapter (Reg. D) nor become available for withdrawal or other use until such time as the Federal Reserve bank receives payment in actually and finally collected funds for such bank draft or other form of remittance or payment, in accordance with the provisions of this section.

§ 210.12 Return of cash items.

(a) A paying bank which receives a cash item from or through a Federal Reserve bank, otherwise than for immediate payment over the counter, shall, unless it returns such item unpaid before midnight of the banking day of receipt,[1] either pay or remit therefor on the banking day of receipt, or, if acceptable to the Federal Reserve bank concerned, authorize or cause payment or remittance therefor to be made by debit to an account on the books of the Federal Reserve bank not later than the banking day for such Federal Reserve bank on which any other acceptable form of timely payment or remittance would have been received by the Federal Reserve bank in the ordinary course: *Provided*, That such paying bank shall have the right to recover any payment or remittance so made if, before it has finally paid the item, it returns the item before midnight of its banking day next following the banking day of receipt or takes such other action to recover such payment or remittance within such time and by such means as may be provided by applicable State law: *And further provided*, That the foregoing provisions shall not extend, nor shall the time herein provided for return be extended by, the time for return of unpaid items fixed by the rules and practices of any clearing house through which the item was presented or fixed by the provisions of any special collection agreement pursuant to which it was presented.

(b) Any paying bank which takes or receives a credit or obtains a refund for the amount of any payment or remittance made by it in respect of a cash item received by it from or through a Federal Reserve bank shall be deemed (1) to warrant to such Federal Reserve bank, to a subsequent collecting bank, and to the sender and all prior parties that it took all action necessary to entitle it to recover such payment or remittance within the time or times limited therefor by the provisions of this part, by the applicable rules and practices of any clearinghouse through which the item was presented, by the applicable provisions of any special collection agreement pursuant to which it was presented, and, except as a longer time may be afforded by the provisions of this part, by applicable State law; and (2) to agree to indemnify such Federal Reserve bank for any loss or expense sustained (including but not limited to attorneys' fees and expenses of litigation) resulting from its action in giving such credit or making such refund, or in making any charge to, or obtaining any refund from, the sender. No Federal Reserve bank shall have any responsibility to such paying bank or any subsequent collecting bank or to the sender of the item or any other prior party thereon for determining whether the action hereinabove referred to was timely.

§ 210.13 Chargeback of unpaid cash items and noncash items.

If a Federal Reserve bank does not receive payment in actually and finally collected funds for any cash item or noncash item for which it gave credit subject to payment in actually and finally collected funds, the amount of such item shall be charged back to the sender, regardless of whether or not the item itself can be returned. In such event, neither the owner or holder of any such item nor the sender shall have the right of recourse upon, interest in, or right of payment from, any reserve balance, clearing account, deposit account, or other funds of the paying bank or of any collecting bank, in the possession of the Federal Reserve bank. No draft, authorization to charge, or other order, upon any reserve balance, clearing account, deposit account, or other funds in the possession of a Federal Reserve bank, issued for the purpose of paying or remitting for any cash items or noncash items handled under the terms of this part, will be paid, acted upon, or honored after receipt by such Federal Reserve bank of notice of suspension or closing of the bank making the payment or remittance for its own or another's account.

§ 210.14 Timeliness of action.

If, because of interruption of communication facilities, suspension of payments by another bank, war, emergency conditions or other circumstances beyond its control, any bank (including a Federal Reserve bank) shall be delayed beyond the time limits provided in this part or the operating letters of the Federal Reserve banks, or prescribed by the applicable law of any State in taking any action with respect to a cash item or a noncash item, including forwarding such item, presenting it or sending it for presentment and payment, paying or remitting for it, returning it or sending notice of dishonor or nonpayment, or making or providing for any necessary protest, the time of such bank, as limited by this part or the operating letters of the Federal Reserve banks, or by the applicable law of any State, for taking or completing the action thereby delayed shall be extended for such time after the cause of the delay ceases to operate as shall be necessary to take or complete the action, provided the bank exercises such diligence as the circumstances require.

§ 210.15 Effect of direct presentment of certain warrants.

Whenever a Federal Reserve bank exercises its option to present direct to the payor any bill, note or warrant issued and payable by any State or any county, district, political subdivision or municipality of any State, such bill, note or warrant being a cash item not payable or collectible through a bank, the provisions of §§ 210.9, 210.12, and 210.13 and the operating letters of the Federal Reserve banks shall be applicable to the payor as if it were a paying bank, the provisions of § 210.14 shall be applicable to it as if it were a bank, and each day on which the payor shall be open for the regular conduct of its affairs or the accommodation of the public shall be treated as if it were a banking day for it, within the meaning and for the purposes of § 210.12.

§ 210.16 Operating letters.

Each Federal Reserve bank shall issue operating letters (sometimes referred to as operating circulars or bulletins), not inconsistent with this part, governing the details of its operations in the handling of cash items and noncash items, and containing such other matters as are required by the provisions of this part. Such letters may, among other things, classify cash items and noncash items, require separate sorts and letters, and provide different closing times for the receipt of different classes or types of cash items and noncash items.

[F.R. Doc. 67-8619; Filed, July 25, 1967; 8:45 a.m.]

[1] A cash item received by a paying bank either:

(1) On a day other than a banking day for it, or

(2) On a banking day for it, but—

(a) After its regular banking hours, or

(b) After a "cut-off hour" established by it in accordance with applicable State law, or

(c) During afternoon or evening periods when it is open for limited functions only,

shall be deemed to have been received by the bank on its next banking day.

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER I—PUBLIC INFORMATION

PART 165—AVAILABILITY OF INFORMATION

§ 165.1 Availability of information.

The Agricultural Research Service regulations relating to availability of information to the public and disclosure of records under 5 U.S.C. 552, which are set forth in 7 CFR Part 370, are incorporated into this subchapter.

(5 U.S.C. 552, 559)

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

F. R. MANGHAM,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 67-8624; Filed, July 25, 1967; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

DOMESTIC AIR TRANSPORTATION

Under Subchapter E of Title 39, Code of Federal Regulations, Parts 531, 532, 533, and 534 are revised to update instructions concerning Domestic Air Transportation and are effective upon publication in the FEDERAL REGISTER.

PART 531—AIR CARRIERS

Sec.
531.1 Applicability.
531.2 Definitions.
531.3 Air carriers' responsibilities.
531.4 Flight operations.
531.5 Handling of mail.
531.6 Reports.
531.7 Submission of claims.
531.8 Irregularities, deductions, and fines.
531.9 Correspondence concerning air service.

AUTHORITY: The provisions of this Part 531 issued under 5 U.S.C. 301, 39 U.S.C. 501.

§ 531.1 Applicability.

The rules and regulations in this part apply to air carriers engaged in transporting airmail and air parcel post in interstate air transportation.

§ 531.2 Definitions.

(a) *Air carrier.* A citizen or company of the United States authorized by the Civil Aeronautics Board to engage in interstate air transportation.

(b) *Interstate air transportation.* The carriage of mail by aircraft between a place in any State of the United States, or the District of Columbia, and a place in any other State of the United States, or District of Columbia; or between places in the same State of the United States; or between places in the same territory or possession of the United States, or District of Columbia; or between places in any State of the United States, or District of Columbia, and a place in Puerto Rico or U.S. Virgin Islands or terminal points in Canada; or between or within Puerto Rico and the U.S. Virgin Islands.

(c) *Mail.* United States or foreign transit airmail.

§ 531.3 Air carriers' responsibilities.

(a) *For transporting mail.* Air carriers are required to transport and transfer mail as ordered on dispatch documents and related coding on pouch labels.

(b) *For giving mail priority.* Air carriers are required to give the following priority to mail:

(1) From each point served, the normal mail load for each trip must be given priority of transportation over all other traffic on each trip designated for transportation of mail.

(2) The normal mail load for each trip is determined, at the option of the air carrier, for each day of the week on (i) basis of the mail tendered to that trip on the same day of the week for the 5 previous weeks or (ii) basis of the weight of mail tendered to the trip on Tuesday, Wednesday, Thursday, and Friday of the preceding week. When a holiday occurs on one of those days, substitute the same day of the second previous week. In either method of computing the average, exclude mail tendered under abnormal conditions. When an air carrier elects to use one of the two methods it must continue to use the selected method on Form 2760, Air Carrier's Reply—Refusal/Removal of Airmail.

(3) No part of the mail load, either local boarding or through mail, will be displaced when a trip requires additional fuel.

(4) Mail in excess of normal mail load must be given priority over all other traffic except confirmed revenue passengers and their baggage. Mail aboard a plane must not be removed to accommodate local boarding passengers or extra fuel.

(5) Intra-Alaska air carriers must provide the same priority for normal mail flow as any certificated air carrier. When it is not possible for an air carrier to move all available mail above normal out of gateway cities because of unusual heavy local mailings or peak volumes of mail received by boat or truck, the priority of movement is further defined in this order—airmail, first-class, newspapers, perishable parcels, and then bulk mail. Subsequent trips of a carrier will continue this priority of movement until the peak volume is transported.

(6) In loading, unloading, transferring mail to connecting planes, and delivering mail to the designated postal representative, mail must be given preference over all other cargo.

(c) *For protecting mail.* (1) Air carriers are held strictly responsible and accountable for mail in their custody. Mail must not be left exposed on trucks or otherwise subjected to depredation or weather. In transporting mail between point of exchange with the post office and aircraft ramp positions, carriers must provide adequate and suitable vehicles that will (i) prevent mail from being lost or dropped en route and (ii) protect mail from depredation and weather. Take every precaution to protect mail from fire. Mail handlers must be identified by badges or distinguishing caps or clothing or must be prepared to exhibit their airline identification cards on request of postal employees concerned.

(2) When an air carrier discovers a pouch damaged so that loss or depredation could result, the air carrier will turn in the pouch to the first possible postal unit for repouching and redispatch. Form 2734, Airmail Exception Record, must accompany the damaged pouch to the postal unit.

(d) *For cooperating with postal inspectors.* Postal inspectors are special representatives of the Postmaster General. All employees of air carriers engaged in transportation of mail are required to cooperate with and assist inspectors in performing their duties which may include opening pouches and sacks and examining mail therein.

(e) *For providing quarters.* (1) *At air stops.* When requested to do so by the Department, air carriers must furnish adequate and suitable quarters at air stops as necessary for the receipt, dispatch, distribution, and transfer of mail, unless and until otherwise provided by the Department.

(2) *Location of quarters.* Quarters must be located to provide expeditious handling of mail to and from planes and conveniently accessible to mail-carrying vehicles.

(3) *Requests for changes in quarters.* Request by air carriers or officials of the postal service for changes in existing quarters or establishment of new quarters must be made through the transportation division involved.

(f) *For obtaining routing from postal unit*—(1) *Interrupted transportation.* Any carrier in possession of mail on which he does not have proper routing knowledge will immediately request the necessary information from the local postal unit.

(2) *Overload situations.* When all available mail cannot be transported on an intended flight, the air carrier with the overload situation must promptly inform postal personnel at the airport mail facility or air stop post office and obtain instructions concerning priority to be given in loading mail that can be accommodated. Anticipate potential overload situations as much in advance of flight time as possible. Off-loading of mail already on board in order to carry mail for destinations of greater postal advantage will not be required if this would entail unreasonable delay in departure of the flight.

(g) *For preparing and submitting schedules*—(1) *Preparation.* Air carriers shall prepare schedules as follows:

(i) Arrange schedules north to south and east to west, with flights listed in chronological order left to right.

(ii) Show on related schedules for each route all restrictions on the transportation of mail.

(2) *Submission.* (i) Air carriers shall submit with proposed new schedules a brief explanatory letter or cover sheet detailing proposed changes.

(ii) Copies of changes to existing schedules must be filed with the Post Office Department, Air Transportation Branch, Bureau of Transportation and International Services, Washington, D.C. 20260, not less than 10 days prior to effective date. In the case of major schedule changes, carriers are requested to give not less than 20 days notice in order that the Department may have sufficient time to process these schedule changes. The date of filing will be the date of receipt by the Air Transportation Branch.

(iii) Air carriers shall distribute copies of proposed new schedules or changes to existing schedules as follows:

(a) Two copies to Air Transportation Branch.

(b) One copy to transportation division in each region concerned.

(c) States-Alaska and Intra-Alaska air carriers must send one copy to the Director, Transportation Division, Post Office Department, Post Office Box 9000, Seattle, Wash. 98109.

(3) *Designation of service.* The transportation division will advise the Air Transportation Branch of all flights that are not needed for the transportation of mail. The Air Transportation Branch will

notify the air carriers of flights designated for transportation of the mail.

(h) *For answering correspondence.* Air carriers must answer promptly all correspondence from officials of the postal service. Correspondence concerning operation of the Alaskan airmail service must be channeled through the Regional Director, Post Office Department, Seattle, Wash. 98124.

§ 531.4 Flight operations.

(a) *Scheduled operations*—(1) *Maintaining schedules.* Air carriers will operate designated flights as shown in filed schedules except where prevented from doing so by weather or other causes beyond their control.

(2) *Off schedule operations.* In the event of an operation other than as shown by published schedules, the carrier will be responsible for notifying all on-line postal units as soon as possible, except that advice need not be given of delays of less than 30 minutes.

(b) *Originating sections, resumed flights, and delayed operations.* Delayed scheduled trips may operate with available mail from the initial terminal or intermediate points. When a scheduled trip has been canceled at the initial terminal or at some intermediate point, a section may be originated at any intermediate point on the route.

(c) *Omissions of service.* If a scheduled stop will not be made by a trip, the air carrier must immediately notify the local postal representative. If service is to be suspended for 1 week or more, the air carrier must immediately notify the Air Transportation Branch, Bureau of Transportation and International Services, Washington, D.C. 20260; the directors, transportation divisions, in the regions concerned; and the postal units concerned. The same offices must be notified when service is to be resumed.

(d) *Emergency trips and extra sections.* Emergency trips and extra sections operated by the air carrier may be used for transportation of mail. It may be placed on the plane at an unscheduled stop when offered for dispatch by the local postal representative, except that mail will not be accepted if the air carrier is not authorized to serve that city.

(e) *Holding orders.* In unusual situations, the Domestic Transportation Division, Bureau of Transportation and International Services, may require the holding of planes at junction points for the connection of mail. If any air carrier desires to take exception to a holding order, a complete statement giving the particulars will be submitted by the air carrier promptly to the Domestic Transportation Division.

§ 531.5 Handling of mail.

(a) *Delivery to air carriers*—(1) *Authorized location.* Mail for outgoing trips shall be delivered to the air carrier at the time and place authorized by the director, transportation division.

(2) *Dispatch lists required.* (i) The postal unit delivering mail to air carriers shall prepare Form 2729, Airmail Dispatch and Billing Record, showing weight of mail for each destination and list mail for off-line points of transfer.

(ii) On receipt of mail from the local postal unit, air carrier will be responsible for verifying (*a*) the piece count of mail with those related entries on the dispatch list and (*b*) that all of the mail is destined for points on his system, or is coded for transfer at a point served by his company.

(iii) Mail received from mail messengers or vehicle service at airports without a mail facility must correspond with mail listed on Form 2729; or air carriers must make corrections. If pouches are listed but not received, cross out individual listing, destination total, related trip destination total, originating load total, interline total when interline routings are involved, and document pound total. Insert correct adjacent totals. If mail is received, but not listed, insert weight of each pouch in proper destination column and amend totals as instructed. In either event, note facts prominently on Form 2729 in any blank space. Advise messenger of any discrepancy.

(iv) In the Intra-Alaskan Service, Form 2713–A, Alaskan Airmail Dispatch Record, is used instead of Form 2729. At non-post-office points on Alaskan routes where it has not been possible to arrange for preparation of Form 2713–A, the air carrier shall prepare Form 2713–A and make claim for service in the usual manner.

(b) *Direct transfer between planes*—(1) *Carrier responsibility.* Carriers must make transfers according to service ordered on Form 2729 by the dispatching postal unit and as shown on pouch labels. To facilitate transfers, carriers are responsible for concluding mutually agreeable local arrangements regarding point of exchange between carriers. These local arrangements are subject to approval by the transportation division to assure that they are adequate for postal needs. In addition, carriers shall comply with the following:

(i) *Arriving (delivering) carriers.* (*a*) All transfers are based on normal operations and under normal conditions, should be made as authorized.

(*b*) When late, the arriving carrier shall ascertain whether the intended connection can be made. If the connection cannot be made, the arriving carrier will obtain new routing instructions from local postal personnel; prepare Form 2734, Airmail Exception Record; verify mail with related entries on Form 2734, and deliver the mail to an alternate carrier, or to a postal representative, as instructed.

(ii) *Departing (receiving) carriers.* (*a*) A departing carrier, due to receive transfer mail from an incoming carrier, shall inform his ramp personnel of any delays in scheduled departure so that scheduled transfers may be maintained when the minimum transfer time is available regardless of arrival time of the incoming trip.

(*b*) The receiving carrier must accept mail tendered by transfer up to the actual departure time of the intended flight, for loading when possible, or for further disposition, unless the mail is not properly coded on pouch label or is not routed for delivery or transfer at a point on its routes. When an irregularity occurs and Form 2734 is presented with the mail by the delivering carrier, the receiving carrier must verify mail with related Form 2734.

(c) After acceptance of transferred mail, if the trip of the receiving carrier to which the mail was routed (*1*) is delayed more than 1 hour, (2) is canceled, or (3) for any other reason cannot provide the ordered service, the receiving carrier shall obtain new routing instructions from local postal personnel for transferring the mail as required with Form 2734.

(2) *Failures to transfer.* Postal personnel shall prepare Form 2759, Report of Irregular Handling of Airmail, to report failures to transfer mail to intended connections. All pertinent facts relating to actual arrival and departure times of trips involved must be shown. If the prescribed connection time was available and responsibility for failure to connect the mail cannot be conclusively established, fines may be assessed against both carriers for failure to cooperate in providing proper service.

(c) *Delivery to postal representative.* Upon arrival of the plane at the stop point, air carrier representatives must immediately unload the mail and deliver it to the authorized postal representative at such point as may be designated. Maximum unloading time may be specified by the transportation division.

(d) *Disposition of mail—Canceled or irregular flights.* (1) When a trip is to be canceled at the initial terminal or any point en route, the air carrier must promptly notify the local postal officials concerned. (Dispatch forms covering mail not enplaned must be voided if no mail is dispatched.)

(2) Disposition of mail will be in accordance with instructions of the local postal unit. If unable to obtain instructions, the air carrier will reroute the mail on the basis of the best available information. The air carrier must observe current procedures in preparing necessary forms to accomplish any rerouting and to provide for the accounting adjustments required.

(3) When necessary to transport mail to the local post office or railroad station, available regular scheduled trips of the mail messenger or vehicle service may be used. Air carriers will not be required to transport to the post office local destination mail received from trips operating off schedule. However, air carriers are responsible for transporting to the post office or railroad station, as directed, local origin mail being returned or through mail received from canceled trips, mail dispatched to the airport for a trip that overflies the local air stop, and mail dispatched to the airport for a trip that is to overfly a schedule downline air stop.

(4) When irregular operations occur, dispatch airmail to best advantage. If two carrier routing has advantage over holding for single carrier, use the two carrier dispatch.

(e) *Refusals and removals of mail.* Refusals and removals of mail by air carrier (except as provided in 531.32) may

result in diversion of the mail to another air carrier and in fines.

(f) *Form 2734, Air Mail Exception Record.* See § 533.2 of this chapter.

(g) *Postal representatives.* Postal representatives must see that (1) incoming mail is delivered within prescribed time and (2) scheduled transfers are made from and to schemed trips.

§ 531.6 Reports.

(a) *Refusal or removal report.* When an air carrier cannot accommodate all mail offered for a trip or when mail already on board is removed, the carrier must submit, within 5 days, "Form 2760, Air Carrier's Reply—Refusal/Removal of Airmail", in duplicate, to the transportation division involved. The report must give reason for the refusal or removal. Form 2760 must be completed in detail by the air carrier.

(b) *Irregularly handled mail report.* Form 2734 properly completed and endorsed by the air carrier, must be used to record any mail not handled by the air carriers concerned in accordance with the routing as originally planned. An irregular handling is termed as an offloading short of or beyond the scheduled destination, and the mail is forwarded via another air carrier or turned in to the post office for redispatch, removals en route, refusals after mail is accepted by the air carrier, and transfers to an air carrier other than as ordered in dispatch forms.

(c) *Accident report.* Air carriers must make an immediate telegraph or telephone report of any accident resulting in possible damage to or loss of mail. The report must be made to the transportation division, in the region concerned. Mail should not be disturbed, except to prevent further damage. It must be guarded until the arrival of a postal official.

(d) *Bomb aboard situations.* Postal units must immediately report bomb situations to the local postal inspector or Inspector in Charge and to the local director, transportation division; make delayed mail report, and complete Forms 2734 when necessary.

§ 531.7 Submission of claims.

(a) *Domestic—(1) Forms used.* Air carriers operating over domestic routes shall use the following forms, as required by the Bureau of Transportation and International Services: Form 2703, Carrier's Claim for Airmail Transportation; Form 2729, Airmail Dispatch and Billing Record; Form 2734, Airmail Exception Record; Form 2732, Monthly Summary of Airmail Carried; and Form 2747, Air Carrier Statement of Settlement of Air Transportation Charges. Samples of these forms may be obtained from the Air Transportation Branch, Bureau of Transportation and International Services.

(2) *Preparation of bills.* Separate Forms 2703 or bills shall be prepared for each postal accounting period, or for such lesser period as may be agreed to by an air carrier and the Air Transportation Branch, and must include all airmail transported during that period. Trunkline, local service, helicopter, Intra- and States-Alaska, Intra- and States-Hawaii, States-Puerto Rico and Intra- Puerto Rico-Virgin Islands air carriers must prepare and support air transportation bills according to the minimum requirements established by the Bureau of Transportation and International Services.

(b) *Designated postal data centers.* (1) Domestic air carriers, other than as provided in subparagraphs (2) and (3) of this paragraph will be paid for the carriage of domestic airmail by the postal data centers as shown in this section. The region number, regions served, and mailing addresses of the postal data centers are:

POSTAL DATA CENTER, TRANSPORTATION CLAIMS SECTION, AND POST OFFICE DEPARTMENT

Region No.	Region	Address
1	Boston	Main Post Office Building, New York, N.Y. 10099.
2	New York	
3	Philadelphia	Federal Annex Building, Atlanta, Ga. 30335.
5	Washington	
6	Atlanta	
4	Cincinnati	Box 1557, Main Post Office Building, Dallas, Tex. 75299.
7	Chicago	
8	St. Louis	
9	Minneapolis	
10	Wichita	
11	Dallas	
13	Memphis	
14	Denver	
12	San Francisco	Post Office Box 3700, San Francisco, Calif. 94119.
15	Seattle	

(2) Helicopter carrier bills will be settled by the following postal data centers:

Paying postal data center	*Carrier*
Dallas	Chicago Helicopter Airways.
San Francisco	Los Angeles Airways.
San Francisco	San Francisco Helicopter Airlines.
New York	New York Airways.

(3) Alaska, Hawaii, Puerto Rico, and Virgin Islands air carriers will submit Form 2703 and necessary supporting documents for this service to the following designated division or postal data center:

Division or Center	Route No.	Carrier
New York Postal Data Center.	59	Caribbean Atlantic.
San Francisco Postal Data Center.	33	Hawaiian.
	99	Aloha.
Seattle Transportation Division (for administrative examination and forwarding to the San Francisco Postal Data Center for issuing settlement check).	128	Alaska (Intra-Alaska).
	138	Alaska (States-Alaska).
	122	Alaska Coastal (Intra-Alaska).
	124	Cordova (Intra-Alaska).
	125	Ellis (Intra-Alaska).
	141	Kodiak.
	126	Northern Consolidated (Intra-Alaska).
	142	Pacific Northern (Intra-Alaska).
	139	Pacific Northern (States-Alaska).
	150	Pan American (States-Alaska).
	127	Reeve Aleutian (Intra-Alaska).
	143	Western Alaska (Intra-Alaska).
	123	Wien (Intra-Alaska).

§ 531.8 Irregularities, deductions, and fines.

(a) *Irregularities.* Irregular handling of mail by airline carrier personnel shall be promptly reported on Form 2759, Report of Irregular Handling of Airmail, by the postal employee who observes the irregularity or who is informed of irregular performance through receipt at a postal unit of the post office accounting copies of Form 2734, by the air carrier. See § 533.7 of this chapter for types of irregularities that will be reported and for instructions on preparation of the form.

(b) *Deductions.* Form 2734 provides for the adjustment of compensation for service ordered and paid for but not performed.

(c) *Fines.* Air carriers transporting mail must observe all applicable postal laws and all applicable regulations issued by the Post Office Department. Air carriers may be subject to fines and deductions for failure to comply therewith.

§ 531.9 Correspondence concerning air service.

(a) *Local.* Correspondence on local operations of mutual concern shall be handled direct between the local carrier and local air stop postal unit heads or field service representatives. Matters coming within the scope of § 531.92 shall be referred to the transportation division.

(b) *Regional.* Correspondence to and from air carriers relating to policy, schedules, operations, fining, quarters, mileages and rates; irregularities and changes in dispatch billing procedures and forms; omissions and failures of carriers to perform; division of mail; service requirements, actions involving CAB orders and rulings, first-class mail by air; and other matters of regional nature, shall be conducted by the transportation division within the scope of regional delegations. Questions of interregional impact or of departmental concern, as specified elsewhere in the regulations, will be forwarded to the Department for decision.

PART 532—AIR STAR ROUTE SERVICE

Sec.
532.1 Description, authority, and general.
532.2 Contracts.
532.3 Protection of mail.
532.4 Reports and records.

AUTHORITY: The provisions of this Part 532 issued under 5 U.S.C. 301, 39 U.S.C. 501.

§ 532.1 Description, authority, and general.

(a) *Description.* Air star route service is established and operated under contracts awarded by the Postmaster General for air transportation in areas where such service is in the public interest, and the nature of the terrain is such that surface transportation is impractical or inadequate. This service may include any or all classes of mail.

(b) *Authority.* The Air Star Route Law (49 U.S. Code, sec. 6303) authorizes the Postmaster General to contract for this service after receiving proper certificate from the Civil Aeronautics Board.

(c) *General.* (1) Upon receipt of a request from the Department for the certification, the CAB is required to promptly publish in the FEDERAL REGISTER, and to send to such persons as the

Board may by regulation determine, a notice describing the proposed air star route. The CAB shall afford interested persons a reasonable opportunity to submit written data, views, or arguments, with or without opportunity to present the same orally or in any manner.

(2) Contractors for service awarded under an air star route contract will be required to provide fully adequate and suitable aircraft for the carriage of the mail and to transport the whole of said mail, whatever may be its size, weight, or increase during the terms of the contract, with celerity, certainty, and security on each and every trip as required by the advertisement. Contractors may be required to convey without extra charge (i) all post office blanks, mail bags, locks and keys and other postal supplies that may be offered to them, and (ii) postal inspectors and other agents and officials of the Department, on regular scheduled trips on which mail is handled and between the points specified in the official statement of the route, when the space or weight limits of the plane permits.

(3) The acceptance of a bid and the execution of a contract for the performance of air star route service does not authorize the contractor or carrier to engage in the transportation of persons or property, for compensation, between the points or over the route described in the contract without compliance with applicable Federal and State statutes and with applicable rules and regulations of the FAA and of the CAB.

(4) Bidders for proposed air star routes and their sureties will acquaint themselves with Federal laws relating to contracts for carrying the mail.

(5) All accepted bidders under an advertisement for air star routes will be required to execute contracts with sureties acceptable to the Department. A list of acceptable surety companies is shown in § 521.3(c)(2) of this chapter.

(6) Contracts must be executed and filed in the Department within 60 days from the date of acceptance of the bid, otherwise the accepted bidder may be considered as having failed. The Department reserves the right to (i) suspend the award of contract on any route for a period not exceeding 60 days from the date of the expiration of the advertisement and allow a corresponding extension of time for the execution of the contract, and (ii) to rescind the acceptance of a proposal at any time before the signing of the formal contract on behalf of the United States without allowing indemnity.

(7) Where there is rail service or good highway facilities, or a combination of both, generally an air star route could not be justified. However, prospective applicants for air star routes should communicate with the Regional Director, Post Office Department, of the postal region in which the proposed route is located. When the official approves the application and forwards an appropriate recommendation to the Bureau of Transportation and International Services, necessary certification by the CAB will be requested if approved by that Bureau.

(8) Air star route contractors, except in Alaska, will be required to comply with such economic regulations as may be prescribed from time to time by the CAB.

(9) Contracts will comply with all provisions of Executive Order No. 10925 of March 5, 1961, and of the rules, regulations, and relevant orders of the President's Committee on Equal Employment Opportunity.

§ 532.2 Contracts.

(a) *Obtaining bids*—(1) *Advertisements.* After obtaining a certification from the CAB that the proposed route does not conflict with the development of air transportation, an advertisement is issued by the Department inviting proposals for air transportation of mail between the points and on the terms stated. Copies of the advertisement are furnished to postmasters for posting at terminal offices.

(2) *Requirements of bidders.* Bidders must meet the following requirements:

(i) *Eligibility.* (*a*) No proposal for a contract for air star route service shall be considered unless the bidder is a resident of, or is qualified to do business as a common carrier by air, in a State within which one or more points to be served under the proposed contract are located. The term "State" as used here includes the several States, and the District of Columbia.

(*b*) Only bidders holding an appropriate operating certificate issued by the FAA will be considered for award of a contract for air star route service.

(*c*) For further eligibility requirements, see § 521.3(c)(2)(i) of this chapter.

(ii) *Bonds.* See § 521.3(c)(b)(iii) of this chapter.

(3) *Obtaining proposal forms.* See § 521.3(c)(5) of this chapter.

(4) *Submitting bids.* See § 521.3(c)(6) of this chapter.

(b) *Award of contract.* See § 521.3(d) of this chapter.

(c) *Application of contract regulations.* If there is no conflict, all laws and regulations governing surface star routes in general apply to contracts made under the air star route law.

(d) *Payments.* See § 521.3(h) of this chapter.

(e) *Cancellation of air star route contract.* A contract shall be canceled by the Post Office Department upon the issuance by the CAB of an authorization to any air carrier to engage in the transportation of mail by aricraft between any of the points named in the air star route contract.

(f) *Revocation of FAA certificate.* If a contractor for an air star route should have his operating certificate revoked, the air star route contract shall become null and void effective with the date of loss of such certificate, without payment of any indemnity.

§ 532.3 Protection of mail.

The contractor is required to take all necessary steps to protect the mail in accordance with the terms of the advertisement.

§ 532.4 Reports and records.

Postmasters at terminal points must maintain such records and submit such reports as may be directed by the transportation division director.

PART 533—FORMS AND PROCEDURES FOR DISPATCHING AIRMAIL

Sec.

AUTHORITY: The provisions of this Part 533 issued under 5 U.S.C. 301, 39 U.S.C. 501.

§ 533.1 Form 2729, Airmail Dispatch and Billing Record.

(a) *Description.* Form 2729 covers airmail dispatched to all domestic air carriers operating within and between the 50 United States, Puerto Rico, and the Virgin Islands, and to Canada. See § 533.3(a) for exception. It is the basic document from which payments to the original and interline air carriers are computed. See § 533.9 for supply.

(b) *Preparation.* (See Exhibit in this paragraph)

(1) *Who prepares.* The form is prepared in four-part sets by the designated clerk at the airport mail facility or, at nonairport mail facility points, by the dispatching clerk at the post office.

(2) *Heading form*—(i) *Origin code.* Enter the official airline code of the airport from which the mail is due to be dispatched. When more than one postal unit prepares Form 2729 for dispatch through the same airport, refer to Official Airmail Index for airport codes to be used by each office.

(ii) *Route number.* Enter the route number of the air carrier to which the mail is dispatched.

(iii) *Trip number.* Enter the trip number of actual dispatch.

(iv) *Scheduled trip date.* Enter the scheduled date of origin of the trip.

(v) *Today's date.* Enter the date on which the trip of dispatch is scheduled to depart from the airport.

(vi) *Scheduled departure time.* Using 24-hour clock, enter time the trip of dispatch is scheduled to depart your airport.

(3) *Recording dispatches*—(i) *Under destination.* (*a*) Using the States dispatch scheme and other applicable pouching instructions, enter in code the final airline destination of the dispatches.

(*b*) Show each destination in station order of removal from the original trip of dispatch. Listing from left to right, use a separate block for each destination. When volume justifies, bulk list mail to common destinations.

(*c*) Enter, under the proper destination, mail labeled to that point, mail scheduled to continue from that point by

surface transportation, and mail for another air carrier when the transfer is to be effected through the airport mail facility. Use individual actual weights indicated on the labels of pouches, sacks, and outside parcels unless permission has been granted to bulk weigh mail on platform scales direct to the air carrier, or where bulk entries are to be listed (for example, the recording on the form of a consolidated entry of an accumulation of pieces listed on preliminary work sheets). Where bulk weighing has been approved or where bulk entries are listed, it is necessary only that the "total" pieces and weight be entered in the space provided at the bottom of the respective destination column. Do not identify pouches, sacks, outside parcels, or register as such on this form.

(ii) *On-line.* Use only sections 1 and 3 of the form when making the following dispatches:

(*a*) Stations served by trip of dispatch. Enter only the destination.

(*b*) Stations served by the air carrier of dispatch but not by the trip of dispatch. Enter the destination and the first transfer point.

(iii) *Interline and interchange.* Interline dispatches will be entered in sections 1 and 2 of the form for the following dispatches:

(*a*) *In Section 1.* (*1*) Routing involving connection to a trip of another air carrier. Enter the destination and the interline transfer point, plus the route and trip numbers of the second air carrier. This applies also to interchange trips.

(*2*) Routing via two trips of initial air carrier, plus trip of another air carrier. Enter the destination, the first interline transfer point, and the interline transfer point, plus the route and trip numbers of the second air carrier.

(*3*) Routing involving two interline transfers after air carrier of initial dispatch. Enter the destination and the interline transfer point, plus the route and trip number of the second air carrier.

(*b*) *In Section 2—(1) Routing.* Enter the route and flight number of the air carrier to which the mail is to be transferred.

(*2*) *Tr. pt.* Enter the code of the airport at which the interline connection is to be made.

(*3*) *Carrier dest.* Enter off-loading point, either for delivery to post office or for transfer to another carrier.

(*4*) *I.* Enter X to identify mail moving over an authorized interchange trip.

(*5*) *Pieces and weight.* Enter the mail by totals (obtained from sec. 1 of Form 2729) for each of the destinations involved.

(*6*) *Interline total.* Total pieces and weight columns.

(*4*) *Completing the form.* (i) Total the pieces and weights for each destination column.

(ii) Total the subtotals for all columns, and enter in the "total mail" space.

(iii) Recap all columns under the actual destinations served by the trip of dispatch. Enter each airport served, with the appropriate total, in section 3.

(iv) Total the "originating load" column, and verify against the previously entered "total mail." If more than one form has been used, the "originating load and total mail" entries must appear on the final form.

(v) At nonairport mail facility points, the post office employees preparing Form 2729 will not total the "dest.", "originating load," and "total mail" columns if the mail messenger or motor vehicle service driver picks up additional mail at the railroad station or other postal unit en route to the airport. On arrival at the airport, the mail must be weighed and proper entry must be made on Form 2729 by the messenger.

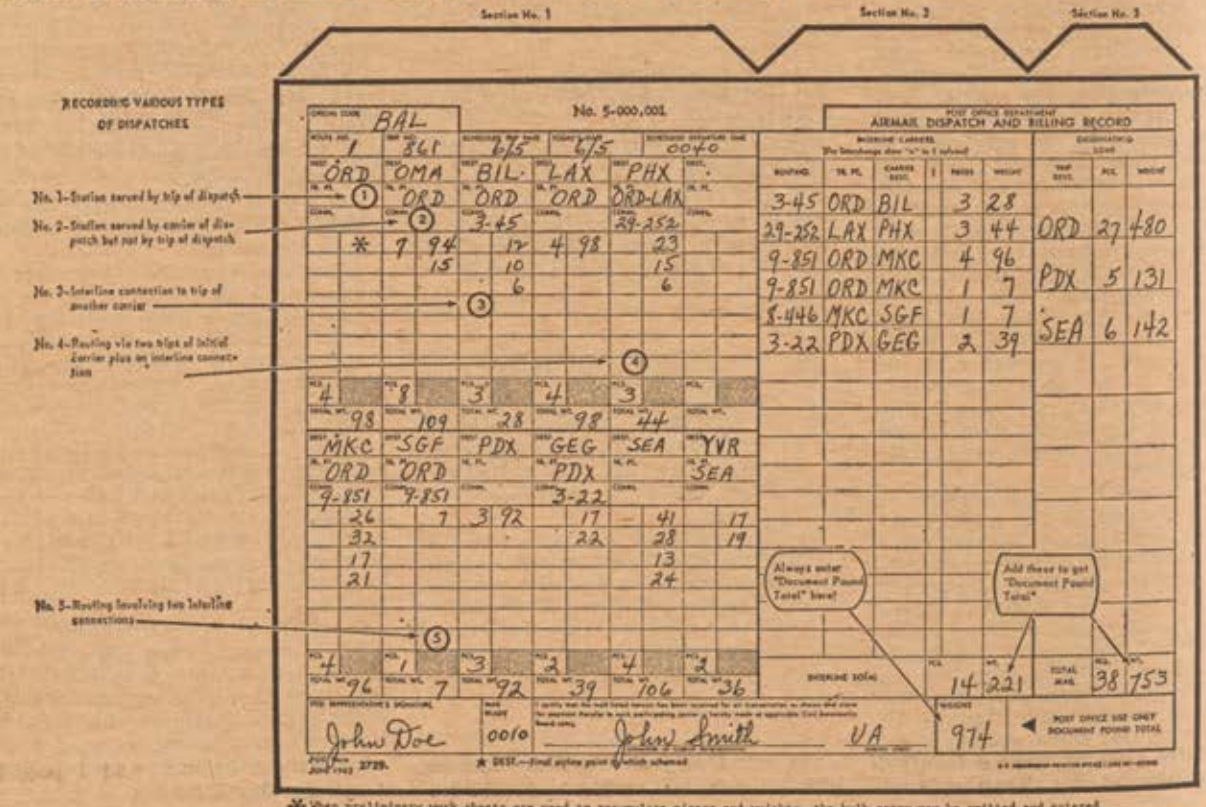
(vi) In the "mail ready" space, enter the time at which the mail and forms are ready for delivery to the air carrier at the airport. At nonairport mail facility points, this time must be entered by the mail messenger or vehicle service driver. The messenger or driver must obtain the signature of the receiving air carrier representative at the time the mail is delivered.

(vii) If the volume of mail is too large to be listed on one Form 2729, use a new numbered form, line through but do not obliterate the printed number, and write in the serial number of the first form. Number the sets consecutively, identifying the last by adding X after the number.

(viii) Add the weights of "total mail" to "interline total" and enter "document pound" total in space provided. This total must be correct as it is used as a control total for processing punch cards for pay purposes.

(ix) Sign Form 2729 in space provided for POD representative's signature.

(5) *Corrections to Form 2729.* Make corrections to Form 2729 before separating and distributing the four parts of the form. Postal or air carrier personnel shall not make corrections on any part of Form 2729 after it has been separated and distributed.



* When preliminary work sheets are used to accumulate pieces and weights, the bulk entry may be omitted and entered only in the total boxes at the bottom of the respective destination column.

(c) *Distribution of copies.* After obtaining the air carrier representative's signature on Form 2729, separate copies and distribute as follows:

(1) *P.O. Accounting Copy 1.* Arrange forms in ascending serial number order (smallest number on top) and send to designated postal data center daily. Include second and third copies of all forms that have been voided, mutilated, etc. Since these forms are serially numbered, they must be accounted for. At nonairport mail facility points, the first three copies of Form 2729 must accompany the mail. After obtaining carrier's signature, the mail messenger or vehicle service driver must return copy 1 to the post office.

(2) *Carrier Billing Copy 2 and Carrier Station Copy 3.* To local air carrier representative.

(3) *P.O. Station Copy 4.* To dispatching postal unit file.

(d) *Departure time.* Postal units shall spot check actual departure time against "Mail Ready" time on Form 2729 to assure that unreported delays are not occurring.

(e) *Interchange trips.* (1) Mail moving over more than one airmail route on one aircraft must be properly identified in section 2 of Form 2729. No terminal charge is due at the interchange point, as mail remains on board the aircraft. To enable post office accounting personnel to properly identify this mail, dispatching postal clerks must insert an X in the I column of section 2, Form 2729, for the air carrier who is not due to receive a terminal charge.

(2) Identify interchange trips on the States dispatch schemes with an "INT" shown between the transfer point and the interchange route number.

(f) *Equalizations authorized.* (1) CAB Order No. E–21514, November 19, 1964, authorizes carriers engaging in interstate transportation and carriers performing foreign transportation to equalize rates for mail between an international exchange office and any foreign point to which such exchange office is authorized to dispatch mail. Mail transported under an equalization agreement shall be recorded on Form 2942, AV–7 Delivery List, for both the interstate and foreign segments of the carriage. It will not be considered in the division of mail for interstate carriers. Settlement of air transportation charges will be made to the carrier performing the foreign segment of the haul. That carrier will then pay the interstate carrier. When irregularities occur involving dispatches exchanged with other countries, give special attention to the preparation of Form 2759. Since the mail from a domestic carrier's trip may consist of (i) domestic destination airmail, (ii) airmail for foreign points not subject to equalization agreements or (iii) airmail for foreign points moving via equalized agreements, show separate entries on Form 2759 for (i) domestic mail, and (ii) foreign mail. Show "complete" routing of "all" foreign mail. This will enable the transportation division, by making a copy of Form 2759, to make a report of domestic mail to Air Transportation Branch and of foreign mail to International Services Division, Bureau of Transportation and International Services.

(2) American Airlines, Inc., and Pan American World Airways, Inc., have agreed to equalize rates to lowest charges in effect for airmail transported between Honolulu, on the one hand, and Boston, Chicago, Cleveland, Detroit, Hartford/Springfield, New York/Newark, on the other. Apply the following procedures for airmail dispatched via this equalization agreement:

(i) Enter complete interline routing on the pouch label or POD Label 53.

(ii) Record pouches or outsides on Form 2729 as an on-line dispatch. Show no interline routing in section No. 2, Form 2729.

(iii) Report irregularities on Form 2759 against the air carrier in possession of the mail when irregularity occurred.

(iv) The appropriate postal data center will pay entire transportation charges, from origin to ultimate destination, to the originating carrier. The originating carrier will pay connecting carrier for the interline service.

(g) *Labeling pouches, sacks, and outsides.* Pouches, sacks, and outside parcels listed on Form 2729 must be identified so that airline and postal personnel handling the mail en route can provide the transportation ordered by the dispatching office. Before delivering the mail to the air carrier, prepare the labels of pouches and sacks to indicate final airline destination and the route over which it is to travel. Attach Label 53, Airmail Parcel Routing Sticker, for each air parcel dispatched outside. The information on pouch and sack labels and Label 53 for outside parcels must coincide with the corresponding entries on Form 2729 as follows:

(1) For mail billed to the final destination over the routes of two or more air carriers, enter on pouch or sack label in airline code the interline transfer points and the route and trip numbers of the connecting air carrier at these points. Show this information in the left center of the label between the destination and from lines. Enter the same information in the "Transfer point" and "connection" blocks on Label 53 for outside parcels. Example: Mail from Toledo to AMF Houston Tex via AM 88 for transfer to AM 1 at Detroit and AM 5 at Atlanta will be labeled as follows:

Pouch or sack label

AMF HOUSTON TEX. DTW 1-883 ATL 5-345, Fr Toledo, Ohio.	30

Outside Parcel (Label 53)

Tr Pt	Connection	Billed to—	Wt.
DTW..... ATL.....	1-883 5-345	(HOU).....	15

(Figure on the right of label represents weight of pouch (or sack).)

(2) For mail billed to the final destination over the routes of a single air carrier, no transfer point codes or route numbers will be used on the pouch and sack labels or on Label 53 for outside parcels. Example: Mail from Zanesville, O., to AMF Cincinnati, O., via 88–816:

Pouch or sack label

AMF CINCINNATI, O. Fr Zanesville, O.	30

Outside Parcel (Label 53)

Tr Pt	Connection	Billed to—	Wt.
		(CVG).....	15

(3) For mail billed to an air stop point other than the actual destination of the pouch and sack labels or on Label 53 for outside parcels, enter in code the point to which billed on Form 2729, in parentheses, on the same line after the address on the pouch and sack label. Enter in the "billed to" block on Label 53 the code for the point to which billed on Form 2729. Use the same procedure as that for pouch and sack labels for entry of transfer point and route number, if required. Example: Mail from Cincinnati, O., to Jamestown, N.D. via AM 8–422 transfer at ORD to 3–411, billed to AMF Minneapolis.

Pouch or Sack Label

JAMESTOWN, N.D. (MSP) ORD 3-411 Fr Cincinnati, O.	10

Outside Parcel (Label 53)

Tr Pt	Connection	Billed to—	Wt.
ORD.....	3-411	(MSP).....	5

(4) For outside air parcels due surface transportation, employees at final air stop offices, shall, when instructed by the director, transportation division, show proper surface routing. A line shall be drawn through the air coding on Label 53. Below the deleted information enter the name and number of the surface dispatch. Example: An outside air parcel from Chicago, Ill., to Portland, Maine, due interline transfer at AMF Kennedy, billed to AMF Boston via 5–302 and due surface dispatch on Bangor & Boston Star Route Trip 55.

Tr Pt	Connection	Billed to—	Wt.
JFK.....	~~5 302~~ Via Ban & Bos SR Tr 55	~~(BOS)~~	~~15~~

(5) Weigh each pouch, sack, and outside parcel. Record the weight on the pouch and sack label (see example in subparagraph (1) of this paragraph), on the Label 53 for outside parcels, and on the Form 2729 in even pounds. When weighing, ignore fractions of a pound of 8 ounces or less. Add 1 pound for fractions over 8 ounces.

EXAMPLE

Actual weight	Weight shown on label
From 1 oz. to and including 1 lb. 8 oz.	1 lb.
Over 1 lb. 8 oz. to and including 2 lb. 8 oz.	2 lb.

§ 533.2 Form 2734, Airmail Exception Record.

(a) *Description.* Form 2734 provides a source of information on actual movement of airmail that does not move via the original schemed routing. It also provides a means of making accounting adjustments since it serves (i) as the basis for deduction of payment for scheduled services not performed and (ii) as the basis for payment for new services ordered. Form 2734 is a five-part set. See § 533.9 for supply.

(b) *Preparation*—(1) *Who prepare.* The delivering air carrier must prepare Form 2734 to cover irregularities outlined in paragraph (d) of this section, except for a missed scheduled interline connection, in which case the receiving air carrier will prepare the Form 2734. The form will be prepared in a few instances at airport mail facilities, or post offices, when the air carrier fails in his responsibility.

(2) *Completion of form.* Form 2734 must clearly describe transportation originally designated by the dispatching postal unit but which was not performed. Form 2734 is always prepared at the city where the first deviation in routing of the mail is known. General instructions for completion are printed on reverse of fifth copy of the form. In addition, the following instructions must be followed:

(i) *Route numbers, city code, and form serial number.* The first line directly under the printed name of the airline indicates three things:

(*a*) Numerical airmail route number assigned to the air carrier by the U.S. Government. This number will be preprinted on the form.

(*b*) The three-letter alphabetical city code of the city at which the irregularity occurs and where the form is prepared. This city code designator must be inserted by the airline preparing the form.

(*c*) The serial number of the form. This number will be preprinted on the form and is provided to permit checking differences between postal service and air carrier records. The maximum number of digits is five.

(ii) *Route trip, and date.* On the second line are blocks for the airmail route number and trip number of the air carrier from whose flight the mail covered by the form was received. If mail was not boarded, this is the route and trip to which the mail was billed for dispatch. The date on which the flight, from which mail was received, was scheduled to originate will be indicated in the "scheduled origin date block."

(iii) *Routing shown on pouch label*—(*a*) *Transfer point and route number.* There may be two or more transfer points and two or more route numbers shown on a pouch label or an outside piece label. Form 2734 is provided for the purpose of showing only that portion of the original scheduled routing which was not completed. If a transfer point shown on the pouch label is overflown, the overflown transfer point and the remaining transfer points, if any, must be shown.

(*b*) *Destination.* Enter alphabetical code of actual destination. If the destination is followed by a bracketed "billed" destination, then this should be entered instead. Pouch labels with the same destination and incompleted routing may be grouped in one entry.

(iv) *Amount of mail.* The amount of mail, pieces, and weight for a common destination may be combined when they have the same incompleted routing as shown on the labels.

(v) *New routing.* The air carrier destination is the city (alphabetical code) to which the air carrier shown in this section is to carry the mail. Likewise, the "route and trip number" to be inserted in this section are the airmail numerical route number of the air carrier which is to transport the mail and that air carrier's trip number.

(vi) *Reason for preparation.* Specific boxes have been provided for nine of the most common reasons for preparing Form 2734. Whenever the form is prepared because of one of these nine basic reasons, the box opposite the reason for preparation must be checked. Explain other reasons not listed.

(vii) *Signature.* The representative receiving the mail, air carrier or postal, must sign the form, enter his code and time received in space provided.

(c) *Distribution of Form 2734.* Normal distribution of the five copies is printed on each copy of the form. Copies 3 and 4, in all cases, must be given to the postal unit for transmitting, with daily shipment of Forms 2729, to the designated postal data center. The only deviations from this normal distribution are:

(1) When the receiving and delivering air carrier are the same. Staple the receiving and delivering air carriers' billing copies together.

(2) When mail is delivered to the postal service covered by Form 2734. Retain the second copy, and turn in all other copies to the postal unit.

(d) *Irregularities requiring preparation of Form 2734.* See § 533.7(c).

(1) The following irregularities must be reported on Form 2734 when mail involved is delivered to the Postal Service at other than destination, or delivered to an air carrier not specified in the original billing:

(i) Part of mail not boarded.

(ii) Carry by and/or overfly.

(iii) Removed short of air carrier destination in error.

(iv) Missed a scheduled interline connection.

(v) Missed a scheduled intraline connection.

(vi) Mail boarded in error.

(vii) Incomplete or incorrect labels.

(2) Additional irregularities requiring Form 2734 preparation are:

(i) Cancellation of flight—

(*a*) where only part of mail is delivered to the postal service.

(*b*) where part of mail is given to another air carrier for transportation to destination.

(ii) Overfly of transfer point to next air carrier destination.

(iii) Truck haul by air carrier—only when mail is trucked to a point more distant from the ultimate destination than the point from which trucked.

(iv) Mail received on Form 2942, AV-7 Delivery List, and requiring domestic billing.

(e) *Irregularities that do not require preparation of Form 2734.* (1) Part of mail not boarded—forwarded to destination by the air carrier which received and failed to board the mail.

(2) None of mail received from the postal service boarded—returned to postal unit with all copies of the Form 2729. The postal unit will void all copies of Form 2729.

(3) Carry by and/or overfly—returned to destination by the air carrier which carried the mail by or overflew the destination.

(4) Removed short of air carrier destination—forwarded to destination by the air carrier which removed the mail short.

(5) Missed a scheduled interline connection—rerouted to the same destination via a different trip number of the same connecting air carrier as shown on the pouch label.

(6) Missed a scheduled intraline connection—rerouted to the same destination via a different trip but on the same air carrier.

(7) Boarded in error—returned or forwarded to destination by the air carrier which boarded the mail in error.

(8) Cancellation of flight—all local boarding mail returned to the postal service with the Form 2729.

(9) Mail does not agree with Form 2729. At nonairport mail facility stations, the air carrier must make correction to all copies of Form 2729 as specified in § 531.5(a)(2) of this chapter.

(f) *Form 2734 for incomplete or incorrect labels.* When no transfer information is shown on a pouch label and the carrier in possession of the mail does not serve the destination, or when the pouch label is incorrect or incomplete, the air carrier will prepare Form 2734 and deliver it with the mail to the local postal unit. The receiving postal unit will (1) verify that Form 2734 is noted "Incomplete" or "Incorrect" label (2) remove label(s) and staple to all copies of Form 2734 and (3) promptly send Form 2734 with label(s) attached to local transportation division for corrective action and accounting adjustments.

(g) *Review of Forms 2734.* (1) Postal units shall carefully review all Forms 2734 and, in questionable cases, shall make prompt inquiry to determine that information on the form is complete and that instructions are being followed by air carriers.

(2) When reviewing Forms 2734 postal units shall note recurring irregularities, such as missed connections, and report repetitive irregularities to their transportation division. When reporting missed connections, postal units shall

show origin of the mail, route and trip numbers of delivering trip, and route and trip number of the schemed connection.

§ 533.3 Form 2713–A, Alaskan Airmail Dispatch Record.

(a) *Description.* Form 2713–A is used at most postal units served by intra-Alaska air carriers for recording the dispatch of mail. (See § 531.7(b)(3) of this chapter. See also § 533.9 for supply.)

(b) *Preparation.* Postal clerks at air stop post offices shall prepare Form 2713–A in three-part sets, as follows:

(1) *Route number.* Enter the route number of the air carrier to which the mail is to be dispatched.[1]

(2) *Trip number.* Enter the number of the carrier's trip or flight as shown in the schedule designated for airmail transportation.

(3) *Carrier.* Use the letter code of the airline.[1]

(4) *From post office at.* Use the alphabetical code of the airport serving your office. (For proper three-letter code, see Airmail Scheme.)

(5) *Month, day, year.* Enter the date mail is given to air carrier.

(6) *Time.* Enter time when mail was delivered to carrier representative.

(7) *Mail for unloading at.* Enter the codes of air stops which are served by the trip to which mail is dispatched. Enter only those points designated for service.[1]

(8) *Pieces.* Enter the total number of pouches, sacks, and outside parcels for each destination.

(9) *Weight.* Enter the total weight of pouches, sacks, and outside parcels for each destination.

(10) *Totals.* Add number of pieces and enter total under pieces column; add weights and enter total in the weight column. Verify total pieces with mail count.

(11) *Postmaster.* The postmaster shall sign form in space provided, or when postmaster is not available, the postal clerk shall sign the postmaster's name, and initial.

(c) *Delivering mail and Form 2713–A to air carrier.* The dispatching clerk shall deliver mail and all three copies of Form 2713–A, with carbon paper in place, to the messenger for delivery to the airport.

(d) *Verification and correction by air carrier representative.* (1) The air carrier representative will count pieces of mail received from the messenger, compare with total shown on Form 2713–A, and, if in agreement, sign form in the space provided and add his airline's code. He will retain parts 1 and 2 and return part 3 to the messenger.

(2) When not in agreement, the carrier will process as follows:

(i) If pouches are listed but not received, cross out the individual listing and grand total. Insert correct adjacent totals.

(ii) If mail is received but not listed, insert weight of each pouch on the proper destination line and amend totals.

(iii) In either event, note facts prominently on Form 2713–A in any blank space. Advise messenger of any discrepancy.

(iv) Make all corrections to Form 2713–A before the carbon paper has been removed.

(v) After corrections have been made, sign and dispose of form as indicated in this paragraph.

(e) *Postal unit file copies.* When the messenger returns copy 3 to the postal unit, that office shall file the copy by date order for future reference.

(f) *Canceled flights.* When a flight is canceled after mail and related Form 2713–A have been delivered to the air carrier, the mail and all three copies of Form 2713–A will be returned to the post office. The post office shall then destroy copies 1 and 2 of Form 2713–A, note copy 3 to show flight canceled, and file.

§ 533.4 Form 2713–B, Alaska Airmail Transfer and Exception Record.

(a) *Description.* Form 2713–B is used for a transfer and exception record in the Alaska air service. It is an accounting document and is printed in four parts with carbon paper interleaved. See § 533.9 for supply.

(b) *Preparation*—(1) *Who prepares.* The delivering air carrier must prepare Form 2713–B for all transfers, both intraline and interline, and for all irregularities. The form will be prepared at transfer or irregularity point. In limited instances, the form will be prepared by postal personnel when the air carrier fails to do so.

(2) *Irregularities requiring Form 2713–B.* (i) Carry by and/or overfly and mail delivered to postal unit other than billed destination.

(ii) Removed in error short of destination and turned over to postal unit.

(iii) For any mail not boarded as dispatched on Form 2713–A.

(iv) For all mail boarded from possible stockpile of carrier.

(v) For all mail boarded at non-post-office air stop unaccompanied by Form 2713–A.

(3) *Distribution.* Distribute copies of Form 2713–B as indicated on each copy. When mail is delivered to a postal unit, other than destination of the mail, Copy 1, 3, and 4 will be retained by the postal unit for forwarding; daily or on next flight to Director, Transportation Division, Post Office Department, Federal Office Building, Post Office Box 9000, Seattle, Wash. 98109.

§ 533.5 [Reserved]

§ 533.6 Form 2753–A, Mail Delivery Record.

(a) *Description.* Form 2753–A is a record of mail delivered to airport mail facilities. Form 2753–A is not used for mail that is delivered with Form 2734. (See § 533.2. See also § 533.9 for supply.)

(b) *Preparation.* (1) Airport mail facility personnel will complete heading in set of Form 2753–A, original and two copies, for each air carrier to record the delivery of mail. If an exceptionally large number of trips are involved for any one air carrier, separate forms may be prepared for each tour of duty.

(2) When delivering airmail or first-class mail to airport mail facilities, air carrier personnel will enter appropriate information in each column of Form 2753–A and initial.

(3) Receiving unit postal personnel must examine labels to be sure that the mail delivered by the air carrier is addressed or coded for delivery to the receiving unit.

(c) *Review.* The receiving clerk on each tour shall review the time shown under Form 2753–A headings "Arrival Time of Trip" and "Mail to AMF" to assure that air carriers are observing the local delivery time limit and prepare Form 2759 when required.

(d) *Distribution.* (1) Deliver original of Form 2753–A to air carrier.

(2) Send first copy to your local transportation division.

(3) File second copy.

§ 533.7 Form 2759, Report of Irregular Handling of Airmail.

(a) *Description.* Form 2759 is used as a basis for brief against an air carrier for irregular handling. It is a four part set. See § 533.9 for supply.

(b) *Preparation.* Postal employees must prepare Form 2759, immediately to report any air carrier irregularities in handling mail or mail equipment, including weather damage due to negligence on the part of the carrier, or other irregularity requiring remedial action. When mail is damaged by inclement weather, report only those bags and outside pieces actually wet or otherwise damaged. Do not prepare forms to cover irregular receipt due to weather conditions. Furnish all data required. If accuracy or completeness of the facts are uncertain, get additional information from the local representative of the carrier involved. Specific information required on Form 2759 for certain irregularities is included with the description of that irregularity in paragraph (c) of this section.

(c) *Airmail irregularities.* Following is a classification and description of air mail irregularities:

(1) *Carry-by.* When a pouch is transported past its destination on a trip, classify as a carry-by. This includes mail transported past an intraline or interline connection or ultimate point to which schemed. An overcarry on interchange trip for mail destined for the interchange point, or connection mail due off at the interchange point, will be charged to arriving air carrier.

(2) *Failed to load.* Generally refers to airmail received from the local postal unit and involves only a few pouches. Failures to load mail are (i) failure of an air carrier to pick up all mail from the postal unit or (ii) inadvertently failing to board all mail picked up from the postal unit on the trip of dispatch.

(3) *Failure to unload.* This is rare instance of air carrier failing to remove airmail from aircraft which is laying over, or is being sent to hangar for service or repairs.

[1] Note: See Official Airmail Index.

(4) *Loaded in error.* When an air carrier receives and boards airmail dispatched to another carrier or receives airmail for two or more trips at one time and boards some of it on a trip other than trip of dispatch. When preparing Form 2759 for loaded in error, the postal employee will, before distributing copies of the form, request verification of the classification from a representative of the airline responsible for handling mail. The coding shown on the related pouch label should be reproduced on Form 2759.

(5) *Removed in error.* When airmail is off-loaded short of destination.

(6) *Failure to transfer.* Involves mail not transferred between flights of the same air carrier or between flights of two air carriers. When a receiving carrier fails to complete a transfer by not boarding an intraline or interline pouch, this should be charged as a failure to transfer not as a failure to load. The actual arrival time of the trip and actual departure time of the connecting flight must be shown on Form 2759.

(7) *Delayed delivery.* Instances when an air carrier exceeds time allowed for delivery of incoming airmail. Arrival time of the flight and time that mail is delivered to the postal unit must be shown on Form 2759.

(i) The time of delivery by an air carrier representative is the time he appears at the postal unit ready to deliver the mail. If congestion or multiple operation prevent the air carrier representative from delivering the mail, no brief will be made.

(ii) When a carrier must make several trips between the aircraft and the postal unit because of volume, delivery time will be arrival of the first trip, except when there is extended delay between the first and final delivery.

(8) *Failure to notify.* Whenever an air carrier fails to notify the postal unit of off-schedule operations in excess of 30 minutes, cancellations, emergency changes in schedules, and failure to follow instructions from postal unit regarding disposition of mail, classify it as failure to notify.

(9) *Refusal/removal.* When an air carrier refuses to board airmail tendered or offered, charge as a refusal. This includes transfer mail not boarded due to space or weight problems. When an air carrier deliberately unloads airmail short of destination because of weight or space limitations, a removal brief must be prepared.

(10) *Damage to mail or equipment.* Any damage to airmail or equipment, either by physical force or by weather, should be charged as damage. If damage was due to improper packing, prepare Form 3823.

(11) *Other.* Will include failure to protect, lost on roadway, lost on ramp, failure to cooperate, and airmail left unattended.

(d) *Review.* Following preparation of Form 2759, the unit supervisor must review promptly to see that all pertinent information relating to the mishandling is shown, the irregularity is classified according to § 531.7(c) of this chapter, and the carrier is responsible for the irregularity. This review will eliminate Forms 2759 which are not chargeable to a carrier, such as infrequent delays in the delivery of mail to the postal unit, overcarry due to weather, mechanical failure, or mishandling caused by improper routings or labels.

(e) *Distribution*—(1) *Reports covering incidents chargeable to carrier.* Distribute copies of Forms 2759, if possible, at the close of each tour and in no case less frequently than once each 24 hours. Send original and first copy to the transportation division having jurisdiction over the reporting unit, send second copy to the local station manager of the carrier concerned, and retain third copy in files.

(2) *Reports covering incidents not chargeable to carrier.* Note on form "not chargeable to air carrier," staple original, first and second copies together and forward them to the local transportation division. Retain third copy in files.

§ 533.8 Applicability of forms and procedures.

(a) *Airmail.* Forms and procedures described in this part are applicable to all domestic air carriers on all their routes within and between the fifty United States, Puerto Rico, and the Virgin Islands (but not for mail originating at or intended for destinations beyond).

(b) *Emergency first-class mail by air.* In the dispatch of first-class mail by air under emergency conditions, use Form 2729 endorsed "First-Class Mail." Forward daily copies of Form 2729 to regular postal data center for serial number check and subsequent transmittal to Dallas Postal Data Center for settlement.

§ 533.9 Airmail and first-class mail by air forms, titles, and sources of supply.

Form	Title	Prepared by	Supplied by	Stocked at
2703	Carrier's Claim for Air Mail Transportation.	Air carrier accounting	Air carrier	Air carrier accounting office.
2713	Dispatch Record of First-Class Mail by Air.	Initially by postal unit and completed by carrier.	POD	Dallas Postal Data Center.
2713-A	Alaskan Airmail Dispatch Record	Postal unit	do	Seattle Post Office.
2713-B	Alaskan Airmail Transfer and Exception Record.	Air carrier	Air carrier	Air carrier.
2713-S	Dispatch Record of First-Class Mail by Air (Sample).	Postal unit for master sheets.	POD	POD supply centers.
2718	First-Class Mail by Air Exception Record.	Air carrier	Air carrier	All stations served.
2718-S	First-Class Mail by Air Exception Record (Sample).	Postal unit for training.	POD	POD supply centers.
2729	Airmail Dispatch and Billing Record.	Postal unit	do	Postal Data Centers.*
2729-S	Airmail Dispatch and Billing Record (Sample).	Postal unit for master sheets.	do	POD supply centers.
2734	Airmail Exception Record	Air carrier	Air carrier	All stations served.
2747	Air Carrier Statement of Settlement of Air Transportation Charges.	Air carrier accounting	do	Air carrier accounting.
2753-A	Mail Delivery Record	Air carrier	POD	POD supply center.
2759	Report of Irregular Handling of Airmail.	Postal unit	do	POD supply centers.
2760	Air Carrier's Reply-Refusal/Removal of Airmail.	Air carrier	Air carrier	Air carrier stations.

*Postal units should order replenishment supply in adequate time to receive them by surface transportation. Postal Data Center should see that Forms 2729 are transported via the most economical means, conferring with Transportation Divisions for advice when necessary.

PART 534—FIRST-CLASS MAIL (FCM) BY AIR

Sec.
534.1 Definition.
534.2 Authority, rates, and service.
534.3 Responsibility for FCM Program.
534.4 Forms and procedures for dispatching and receiving FCM.
534.5 Settlement of air transportation changes for FCM.
534.6 Reporting and processing FCM irregularities.

AUTHORITY: The provisions of this Part 534 issued under 5 U.S.C. 301, 39 U.S.C. 501.

§ 534.1 Definition.

The term "first-class mail by air" (FCM) is used to describe first-class mail, other than airmail and air parcel post, which is authorized for transportation by aircraft between designated points on a space-available, nonpriority basis. The mail to be included is:

(a) All mail paid at first-class rate, including business reply mail, APO[1] and FPO[1] mail.

(b) All official U.S. Government mail endorse "first class," including APO[1] and FPO[1] mail.

(c) All other sealed official U.S. Government letter-size mail except volume shipments on which it is known, or can be determined, the mailer does not expect air service.

(d) Inbound military official mail and FCM (personal) from APO[1] and FPO[1] units may be properly included in airlift dispatches over all authorized segments.

§ 534.2 Authority, rates, and service.

(a) *Civil Aeronautics Board.* The CAB establishes the rates to be paid air carriers for the transportation of FCM.

(b) *Post Office Department*—(1) *Authorizations.* Authorizations for dispatch of FCM are made by the Bureau of Transportation and International Services.

(2) *Interline transfers*—(i) *Trunkline and cargo air carriers.* (a) FCM will not be tendered by any postal unit if an intermediate transfer to another air carrier would be required to provide

[1] Authorized airlift of "SAM" letters and cards have been established over designated domestic segments. See § 127.1(e)(1) of this chapter for overseas handling.

transportation to the intended destination unless such interline transfers have been mutually agreed to by the carriers involved and the Department.

(b) Single carrier service between any authorized points is believed inadequate, and an interline transfer of value is available, the transportation division in the dispatching region will request the Air Transportation Branch to consider the possibility of arranging with the carriers involved for establishment of such a mutually agreeable interline transfer.

(c) Full particulars will be furnished to all concerned by the Air Transportation Branch whenever interline transfers are agreed upon.

(d) Through interchange flights, operated by two or more carriers, shall not be considered as interline transfers.

(e) See § 534.3(a)(4)(ii) for instructions concerning transfers to another air carrier which may be directed when mail has been irregularly handled.

(ii) *Local service air carriers.* No interline transfers in ordinary circumstances are authorized between local service air carriers or between trunkline and local service air carriers. See § 534.3(a)(4)(ii) (b) and (c) concerning permissible interline transfers between any domestic air carriers when service has been interrupted.

(c) *Division of FCM*—(1) *When to make.* When two or more authorized carriers operate between the same pair of points, and the criteria shown in subparagraph (2) of this paragraph exists, the FCM shall be divided on an equitable basis by the dispatching unit with due consideration to the availability of space and the needs of the postal service.

(2) *Criteria for division*—(i) *Volume.* (a) The total volume of FCM for each separate destination point, arriving at the airport of dispatch via each vehicle service (VS) or mail messenger (MM) truck, will be considered in the division.

(b) No division will be warranted unless 200 or more pounds are available for dispatch. However, the local postal unit will endeavor to assign the shipments alternately to the available carriers having space to prevent one carrier consistently receiving less than division lots.

(ii) *Air carrier schedules.* (a) Carriers eligible to participate in a division of FCM arriving at an airport by each VS or MM are those which have any scheduled service to the destination city within a 4-hour period thereafter, regardless of arrival time.

(b) Generally, at major points, this 4-hour period will commence no later than 60 minutes after arrival at the airport of the VS or MM trip. At smaller stations, the time period may commence immediately on arrival of the surface connection at the airport. The director, transportation division, of the region having jurisdiction of the dispatching postal unit will establish the appropriate time period which will apply at that point and notify all concerned.

(c) Whenever FCM is available for dispatch, and no flights are scheduled to a destination during the next 4-hour period, the usual division of FCM will not apply. In these circumstances, the FCM will be divided among those carriers having service scheduled to depart within 90 minutes following the period of no service.

(d) The regular Origin and Destination Schedules will be used to determine the availability of scheduled service. In the event an air carrier desires to have other schedules included (e.g., trips involving an intraline transfer or multiple stops), this information must be submitted to the director, transportation division, having jurisdiction, with copies to the competitive carriers. Schedules of this type will be included with those in the Origin and Destination Schedules by the director, transportation division, in determining the proper allocations of FCM. Although it will not be necessary for these schedules to be published in the Origin and Destination Schedules, they may, if desired, be included by preceding the listing with an ampersand (&).

(e) An air carrier can participate in a division of FCM on only those days when there is scheduled service by that carrier within the specified 4-hour period.

(f) When one air carrier has service arriving in time for connection to a letter carrier delivery trip not provided by competing carriers, the division shall be accomplished by dispatch of the city pouches to that carrier. Usually, the dispatch of city pouches by one carrier and the dispatch of AMF or Dis pouches by another carrier, or carriers, will accomplish an equitable division. When the routing of city mail by one carrier, or to one airport in multiple airport situations, is advantageous to the postal service, no division will be made of the city mail even though this results in an unequal tender to one carrier.

(g) An air carrier participating in a division of FCM having knowledge that he will be unable to transport such mail within the specified 4-hour period is required to notify the local postal unit before the division is made. Observance of this requirement will permit equitable division between carriers without loss of space availability.

(h) Adjustments in each separate division will be made when there are air carrier schedule changes involving establishment, revision, or elimination of particular flights which warrant such action.

(iii) *Multiple airport cities*—(a) *At origin point.* The division will be determined separately at each airport involved.

(b) *At destination point.* (i) FCM for a destination point which is a multiple airport city will be considered as a single total and those carriers with any service scheduled during the specified 4-hour period from the origin point to any one of the destination airports shall participate in the division. In the event the receiving region desires routing to a particular airport, as described in subdivision (ii) of this section, an equal division will be made only to the extent possible while still providing service to the airport specified.

(ii) All FCM cannot be handled interchangeably at different airports to equal advantage. The director, transportation division, of the receiving region will determine what arrangements may be necessary to assure receipt at the most advantageous airport. (Example: the dispatch of pouches of New Jersey FCM labeled to "Newark, N.J., Dis" may not be desired to Kennedy or La Guardia airports when following service is available to the Newark airport.)

(iv) *Stockpiling FCM.* Postal units will make local arrangements with air carriers for stockpiling FCM when it is mutually advantageous and agreeable. Air carriers shall not be required to accept FCM for protection and storage pending shipment, but may elect to do so if tendered by the postal service.

§ 534.3 Responsibility for FCM Program.

(a) *Air carriers*—(1) *Transportation on space-available basis.* Air carriers will transport FCM on a voluntary, space-available basis to the destination shown on the dispatch record and pouch label. The CAB order prescribes that no air carrier shall transport FCM if such transportation impedes the carriage of priority airmail, passengers, passenger baggage, air parcel post, air express, or regular air freight, except that FCM which has been loaded in the aircraft need not be removed to permit carriage of regular air freight received thereafter or received at an intermediate point. The movement of FCM by air shall have priority over the movement of deferred air freight.

(2) *Notification to postal units.* The local postal unit must be promptly informed of any delay or inability to transport mail which has been tendered in order that consideration may be given to utilization of any alternate routings which may be available to move the mail. An air carrier which has carried FCM beyond, or off-loaded short of, the billed destination must also promptly notify the postal unit at the point where FCM is on hand and receive instructions as to the best disposition to be made of the mail.

(3) *Dispatch within 4 hours—trunkline and cargo air carriers.* In the event any or all of the FCM has not been dispatched by a trunkline or cargo air carrier within 4 hours after receipt at the initial point (or 1 hours after anticipated dispatch in the event of early receipt for preloading on a flight where available space is anticipated), the carrier shall notify the postal unit. On instructions from the postal unit, the FCM shall be (i) returned by the carrier to the custody of the postal service at the place where the initial delivery was made, (ii) delivered at the holding carrier's facilities at the airport of dispatch to another designated carrier which has space available and which will pick up the mail within a reasonable time, or (iii) held for an additional period if acceptable to the carrier.

(4) *Requirements for transfer of FCM.* (i) Carriers will make any necessary intraline transfers to other trips of the

same carrier in order to provide transportation to the destination listed on the original dispatch record. Interline transfers of FCM to another air carrier are not authorized in ordinary circumstances. See subdivisions (ii) (b) and (c) of this subparagraph concerning permissible interline transfers when service has been interrupted.

(ii) Trunkline and cargo air carriers will not be required to transfer FCM to other carriers except:

(a) When mutually agreeable transfers have been agreed upon. See § 534.2 (b) (2) (i) (b);

(b) When FCM is inadvertently transported to a destination other than that to which due and the carrier does not have service within 2 hours on which space is available to the intended destination and another carrier can provide the needed space with earlier arrival at destination;

(c) When a carrier must unload FCM at an intermediate point and has no service or space within 4 hours and another carrier can provide the needed space with earlier arrival at destination.

(5) *Delivery requirements.* Priority in delivery, equivalent to airmail, to the destination postal unit cannot be required. Delivery of FCM shall be made as soon as practicable and without unwarranted delay.

(6) *Protection of mail.* FCM must be protected from the weather and possible depredation and accorded the same care and safeguards as is given regular airmail.

(7) *Applicability of Postal Manual sections.* The provisions of §§ 531.3(c) and 531.5(a) (1) of this chapter (except with respect to time), and §§ 533.5 and 533.6 of this chapter (except with reference to airmail forms), apply to the handling of FCM by air carriers.

(b) *Postal units.* Airport mail facilities and air stop point post offices are responsible for:

(1) Excluding from FCM dispatches any nonmailable articles coming to their attention which are not acceptable for transportation by air. See Parts 124 and 125 of this chapter for responsibility of mailers and accepting clerks.

(2) Utilizing such equipment and locking devices as may be designated from time to time for FCM dispatches.

(3) Preparing regular surface labels to identify FCM dispatches, underscoring the destination postal unit with a red line and showing proper air stop point coding to the destination airport. See § 534.4(a).

(4) Assuring that mail messenger or vehicle service, as necessary, is provided for delivery and receipt of FCM.

(5) Reporting irregularities in service to their director, transportation division, on Form 2759, Report of Irregular Handling of Airmail, appropriately checked to indicate FCM, for necessary action.

(6) Attempting to have FCM which is off-loaded short of, or carried beyond, the intended destination continued onward by air by means of transfer on Form 2718 to an air carrier having available service. See § 534.4(c).

(7) Redispatching by air to the intended destination any FCM which is irregularly off-loaded and turned in to the postal unit: *Provided,* That onward air dispatch is superior to available surface transportation.

(c) *Transportation division.* The transportation division is responsible for:

(1) Notifying postal unit concerning authorized dispatches, air carriers involved, and dates or other particulars of service.

(2) Issuing appropriate instructions concerning the labeling of pouches, mail due dispatch, time of advantageous tie-outs, and other local arrangements or requirements.

(3) Assuring that no improper diversions of mail are made to FCM dispatches which have been authorized.

(4) Evaluating promptly any FCM irregularities reported by dispatching or receiving postal units on Form 2759.

(5) Reporting to Air Transportation Branch any failure by air carriers to promptly correct unsatisfactory conditions so that remedial action may be taken.

§ 534.4 Forms and procedures for dispatching and receiving FCM.

(a) *Labeling and marketing*—(1) *FCM pouches.* The dispatching postal employee shall label FCM pouches with regular surface labels and underscore destination with a red line to identify as FCM dispatches. When dispatch is to a postal unit that is not an air stop point, enter on the label official code letters for the final air stop off-loading point. Bracket code letters. Show contents of pouch on descriptive line of label, e.g. "Illinois." Enter weight on the label in the same manner as for airmail except that weight need not be shown on the individual labels where bulk weighing has been authorized. Do not serial number pouch labels.

(2) *First-class outsides.* When it is not possible to enclose a first-class piece in a pouch or sack, use crayon or indelible pencil to enter weight and FCM endorsement in large figures near address. When the outside is billed to an airport not located at city shown in address, also prominently show the airport destination code in brackets.

(b) *Form 2713, Dispatch Record of First-Class Mail by Air*—(1) *Description.* Form 2713 is a four-part serially numbered snapout form for documenting the dispatch of first-class mail (FCM) to domestic air carriers authorized to transport first-class mail. It is also a bill for air transportation charges and must be accurate and complete.

(2) *Initial preparation.* The dispatching postal unit will show the following on Form 2713:

(i) *Heading form.* Enter origin code, date, route number, and mail ready time. Show trip number in "Available For Trip No." box only when dispatches are made to local service carriers.

(ii) *Destinations.* List first-class mail pouches on one form for destinations served by a local service trip. List first-class mail pouches on one form for points served by a trunkline carrier's trips departing within a limited time bracket which can be picked up at the same time.

(iii) *Transfer point.* Enter only intraline transfer point for dispatches due to be transferred to another trip of the carrier of dispatch.

(iv) *Pieces and pounds.* Enter pouches and pounds under appropriate destination. Use one column only for each destination. If pouches cannot be individually listed under one destination column, accumulate pieces and weights on a scratch sheet and bulk list total pieces and weights under appropriate destination.

(v) *Grand totals of pieces and pounds.* Cross-add destination totals for pieces and pounds and enter in "Grand Total" box.

(vi) *Postal signature.* The dispatch clerk will sign his name on the form. The minimum requirement for signature is first initial and last name.

(3) *Delivering first-class mail and Form 2713.* In delivering FCM and related Form 2713 to air carrier, observe the following:

(i) *Airport mail facilities.* Air carrier representative picking up the mail will:

(a) Verify FCM with entries on Form 2713.

(b) Sign the form in space provided on left side of form and enter pickup time.

(c) Remove Part 4 and leave at airport mail facility. Retain Parts 1, 2, and 3, with carbon paper interleaved, for completing when FCM is boarded on a trip.

(ii) *Air stop post offices.* The dispatching clerk will retain Part 4 and give the FCM and Parts 1, 2, and 3 of related Form 2713, intact, to the mail messenger or vehicle service driver for delivery to air carrier representative at the airport for securing verification of piece count and completed forms.

(4) *Completion of form.* The air carrier will complete Form 2713 as follows:

(i) *Airport mail facilities.* When FCM is boarded on one or more trips, air carrier will complete Form 2713 by entering only the trip number or numbers boarding mail in space provided under each destination. If the FCM is not boarded within 4-hour holding period, beginning at pickup time, air carrier must notify postal unit and secure instructions for disposition of FCM. Air carrier representative will complete the certificate by entering date, two letter airline code, and signing. The certificate must be signed. The minimum requirement is first initial and last name. When the form is completed, the air carrier will separate Parts 1, 2, and 3, retain Parts 2 and 3 and return Part 1 to the postal unit as promptly as local conditions will permit. In no case will the transmittal be less frequent than once each 24 hours. In these cases, air carrier must notify postal unit by telephone of trips boarding FCM during each 4-hour holding period.

(ii) *Air stop post offices.* As most FCM dispatches made by air stop post offices are accommodated on trips connected by mail messenger (MM) or vehicle service (VS) driver, air carrier representative will complete Form 2713 by (a) entering

the boarding trip number or numbers in the space provided under each destination, (b) dating certification, (c) entering two letter airline code, (d) signing the form, (e) separating Parts 1, 2, and 3 and (f) returning completed Part 1 to the MM or VS driver for delivery to dispatching post office. When it is not possible to handle Forms 2713 in this manner, arrangements similar to those in subdivision (i) of this subparagraph will be made.

(5) *Review of form.* The dispatching postal unit will review Form 2713 as follows:

(i) *Part 4, Form 2713.* Part 4 will always be retained in the dispatching airport mail facility or air stop post office. It will be used to (a) monitor the 4-hour holding rule, see § 534.3(a)(c) and (b) see that completed Part 1 of the form is returned.

(ii) *Part 1, Form 2713.* When the air carrier returns Part 1, the dispatching postal unit will review the form to assure that (a) it is fully completed, (b) no nonessential data, such as route numbers and dates, are shown in "Boarded on Trip Nos." block and (c) necessary signatures are in proper order.

(iii) *Completion of Part 4, Form 2713.* The dispatching postal unit will, following review of Part 1, enter trip number or numbers boarding the FCM on Part 4 as a local record of FCM transported.

(6) *Voiding Form 2713.* When none of the FCM tendered is transported and the postal unit instructs the air carrier to return the mail to the postal unit, the receiving postal representative will void all four parts, send Parts 1, 2, and 3 to Dallas Postal Data Center, with weekly transmittal of forms, and file Part 4.

(7) *Distribution.* Distribute Parts 1, 2, 3, and 4 as follows:

(i) *Part 1.* Dispatching postal units will enclose completed and voided forms in P–87–A envelope and forward each Friday following last dispatch of FCM to:

Postal Data Center, Post Office Department, Box 1557, Main Post Office Building, Dallas, Tex. 75299.

(ii) *Part 2.* Air Carrier Accounting Office.

(iii) *Part 3.* Air Carrier Station Record.

(iv) *Part 4.* Dispatching Postal Unit File.

(c) *Form 2718, First-Class Mail by Air exception Record*—(1) *Description.* Form 2718 is a four part snapout form with basic instruction regarding its use on the face of the form. It serves as a report of irregular transfers of FCM between air carriers at point of origin as well as at intermediate points short of destination. It also serves as a report of FCM turned into a postal unit short of destination. Form 2718 is an accounting document for adjusting air transportation charges which were ordered but not performed.

(2) *Preparation.* The delivering air carrier (carrier in possession of FCM) will, after receiving instructions from the local postal unit, prepare Form 2718 reporting the following situations:

(i) Part of FCM returned to postal unit at origin of FCM.

(ii) FCM turned into a postal unit at an intermediate point.

(iii) All of FCM transferred to another carrier at origin point of FCM.

(iv) Part of FCM transferred to another carrier at origin point of FCM.

(v) FCM transferred to another carrier at an intermediate point short of destination.

(3) *Transferring or delivering FCM.* When transferring or delivering FCM to air carrier or postal unit observe the following:

(i) When FCM is being transferred to another air carrier or delivered to the local postal unit, the delivering carrier will prepare and present all four parts of Form 2718 to air carrier or postal unit with related FCM and obtain signature to acknowledge receipt.

(ii) Distribution of parts of Form 2718 by receiving carrier or postal unit, will be as follows:

(a) When FCM is transferred to another air carrier, send:

(1) Parts 1 and 2 to local postal unit for forwarding with Forms 2713 to Dallas Postal Data Center.

(2) Part 3 to delivering carrier as a receipt and for forwarding to carrier's accounting office.

(3) Part 4 to receiving air carrier for forwarding to carrier accounting office.

(b) When FCM is delivered to Postal Unit, send:

(1) Parts 1 and 2 to local postal unit for forwarding to Dallas Postal Data Center.

(2) Part 3 to delivering air carrier for transmitting to air carrier accounting office.

(3) Part 4 retain in local postal unit.

(d) *Form 2753–A, Mail Delivery Record.* See § 533.6 of this chapter for handling Form 2753–A.

§ 534.5 Settlement of air transportation charges for FCM.

The Dallas Postal Data Center will settle all domestic air carriers charges for transporting first class mail by air.

§ 534.6 Reporting and processing FCM irregularities.

(a) *Form 2579, Report of Irregular Handling of Airmail*—(1) *Use.* Form 2759 is used by postal employees to report air carrier irregularities in the handling of FCM. It must also be used by postal units to advise local transportation division of irregular transfer and off-loading of FCM at intermediate points short of destination. Since this form is also used to report airmail irregularities, check box "1st Class by Air" to assure proper evaluation of the report.

(2) *Who prepares.* Postal clerk who first handles FCM which obviously has been mishandled by an air carrier or who is informed of irregular transfers or off-loadings by receipt in the postal unit of Parts 1 and 2 of Form 2718, is required to prepare Form 2759 report.

(3) *FCM irregularities requiring close attention.* (i) Refusals/removals of FCM are not subject to the preparation of briefs and the imposition of fines under the space available provisions. However, remedial action may be required. Submit memorandum report with full particulars to enable the director, transportation division, to take such corrective action as may be necessary in situations of repetitive occurrences involving refusals and removals that impair the service accorded FCM. See subparagraph (2) of this paragraph.

(ii) Delayed delivery of FCM will be reported when more than 1 hour from time of arrival of trip elapses before delivery to AMF, MM, or VS driver. At non-AMF points, the post office clerk receiving the delayed FCM from the MM or VS driver is responsible for preparing Form 2759 under such circumstances.

(iii) Damage to FCM and equipment is a finable irregularity since air carriers are responsible for according FCM the same care and safeguards as is given regular airmail. See § 534.73(a)(6). Furnish full particulars as to pieces damaged, and extent, and pieces actually wet because of exposure to the elements.

(b) *Instances where fines can be levied*—(1) *Authorization for fining.* The CAB rate order prescribes that "no air carrier shall be subject to penalties (fines) with respect to the carriage of such mail except to cover serious cases of failure to protect mail from damage and depredation or repetitive instances of neglect resulting in substantial delay. Inability to accommodate such mail on a specific flight or flights shall not be construed as neglect."

(2) *Processing of finable FCM cases.* Send Form 2759 for (i) damage to mail or equipment, including repetitive instances occurring at the same airport, (ii) failure to protect FCM from depredation, and (iii) neglect resulting in substantial delay, to local transportation division for evaluation and processing with those covering airmail.

(c) *Distribution.* Postal units will distribute copies of Form 2759 according to the instructions printed on each page of the form.

TIMOTHY J. MAY,
General Counsel.

JULY 20, 1967.

[F.R. Doc. 67-8622; Filed, July 25, 1967; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8035; Amdt. 39-451]

PART 39—AIRWORTHINESS DIRECTIVES

Rolls-Royce Spey Model 506-14 Engines

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspections of the input drive assembly of the C.A.S.C. 105 Lucas fuel flow control on Rolls-Royce Spey Model 506-14 engines, and if an inspection discloses wear, the incorporation of Rolls-Royce Modification 3258, was published in 32 F.R. 4314.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One commentator stated that Modification 3258 kits have not always been readily available and suggested that the proposed AD be revised to permit either replacement with a serviceable input drive assembly or incorporation of the modification. Another commentator believed the AD should permit the replacement of worn parts with new parts and the use of the fuel flow control unit for an additional 800 hours. The FAA has been advised by the British Air Registration Board that Modification 3258 kits are now available in sufficient quantities to meet all demands. The FAA has also determined that if wear is found it is necessary to incorporate the modification rather than to replace the worn parts with serviceable parts. The design of the old parts precludes a satisfactory assembly as the retention and locking means are susceptible to loosening even with reasonable care upon assembly. The FAA has also been advised that the C.A.S.C. 125 Lucas fuel flow controls are modified C.A.S.C. 105 controls and that the modifications resulting in the redesignation are not pertinent to this AD. Therefore, the applicability statement has been revised to include Type 125 controls. Since this revision is not substantive, but is merely clarifying in nature, further notice and public procedure hereon are unnecessary and the AD may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

ROLL-ROYCE. Applies to Spey Model 506-14 engines.

Compliance required as indicated, unless already accomplished.

To prevent failure of the C.A.S.C. 105 and 125 Lucas fuel flow controls installed on Spey Model 506-14 engines due to wear of the splines on the input drive assembly, accomplish the following:

(a) For fuel flow controls with 700 or more hours' total time in service on the effective date of this AD and that have not been overhauled, comply with paragraph (e) within the next 100 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 800 hours' time in service from the last inspection.

(b) For fuel flow controls with less than 700 hours' total time in service on the effective date of this AD and that have not been overhauled, comply with paragraph (e) before the accumulation of 800 hours' total time in service, and thereafter at intervals not to exceed 800 hours' time in service from the last inspection.

(c) For fuel flow controls that have been overhauled and that on the effective date of this AD, have 700 or more hours' time in service since overhaul, comply with paragraph (e) within the next 100 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 800 hours' time in service from the last inspection.

(d) For fuel flow controls that have been overhauled and that on the effective date of this AD have less than 700 hours' time in service since overhaul, comply with paragraph (e) before the accumulation of 800 hours' time in service since overhaul, and thereafter at intervals not to exceed 800 hours' time in service from the last inspection.

(e) Inspect the input drive assembly, in accordance with Rolls-Royce Service Bulletin No. SP 73-A109 dated February 2, 1967, or later ARB-approved issue, or FAA-approved equivalent. If wear is found, incorporate Rolls-Royce Modification 3258, or an FAA-approved equivalent, before further flight.

(f) The repetitive inspection required by paragraphs (a) through (d) may be discontinued upon incorporation of Modification 3258, or an FAA-approved equivalent.

This amendment becomes effective August 25, 1967.

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

Issued in Washington, D.C., on July 18, 1967.

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

[F.R. Doc. 67-8671; Filed, July 25, 1967; 8:49 a.m.]

[Airspace Docket No. 67-WE-28]

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

Alteration of Transition Area

On page 8302 of the FEDERAL REGISTER dated June 9, 1967, there was published a notice of proposed rule making to amend Part 71 that would designate additional controlled airspace in the Boise, Idaho, area. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed alteration.

No objections have been received, and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0001 e.s.t., October 12, 1967.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on July 18, 1967.

A. E. HORNING,
Acting Director, Western Region.

In § 71.171 (32 F.R. 2160) the Boise, Idaho, transition area is amended by deleting all after "* * * 55 miles northwest of the VORTAC;" and substituting therefor, "and that airspace northwest of Boise bounded on the northwest by the McCall, Idaho VORTAC 221° radial, on the east by the west edge of V-253 and on the southwest by a line 8 miles northwest of and parallel to the Boise VORTAC 319° radial; that airspace southeast of Boise extending upward from 9,000 feet MSL bounded on the north by the south edge of V-138, on the east by the west edge of V-293 and on the southwest by the northeast edge of V-4; and that airspace extending upward from 10,500 feet MSL southeast of V-507, within 5 miles each side of the Rome, Oreg., VORTAC 056° radial extending from 46 miles northeast of the VORTAC to the Boise 40-mile radius area".

[F.R. Doc. 67-8676; Filed, July 25, 1967; 8:49 a.m.]

[Airspace Docket No. 67-WE-34]

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

Designation of Control Zone

On June 9, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 8302), regarding an amendment to Part 71 that would designate a control zone for Felts Field, Spokane, Wash. After consideration of all relevant matter presented by interested persons, the amendment as so proposed is hereby adopted, subject to the following change:

F.R. Doc. 67-6444 (32 F.R. 8302), Spokane, Wash. (Felts Field), is changed by striking out "* * * latitude 47°41'11" N., * * *" in the second line, and inserting in place thereof "* * * latitude 47°41'00" N., * * *".

Since this change is minor in nature, notice and public procedure hereon are unnecessary.

Effective date. This amendment is effective October 12, 1967.

Issued in Los Angeles, Calif., on July 18, 1967.

A. E. HORNING,
Acting Director, Western Region.

SPOKANE, WASH. (FELTS FIELD)

That airspace within a 5-mile radius of Felts Field (latitude 47°41'00" N., longitude 117°19'20" W.).

[F.R. Doc. 67-8677; Filed, July 25, 1967; 8:49 a.m.]

[Airspace Docket No. 67-CE-50]

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

Designation of Federal Airway

On April 22, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 6371) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a VOR Federal airway from Pawnee City, Nebr., with a 3,500 MSL floor via the intersection of Pawnee City 193° T (184° M) and Emporia, Kans., 336° T (328° M) radials; thence with a 1,200 AGL floor via Emporia; to Chanute, Kans.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., September 14, 1967, as herein after set forth.

Section 71.123 (32 F.R. 2009) is amended by adding:

V-307 From Chanute, Kans., 12 AGL Emporia, Kans., 12 AGL INT of Emporia 336° and Pawnee City, Nebr., 193° radials; 35 MSL Pawnee City.

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

Issued in Washington, D.C., on July 19, 1967.

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

[F.R. Doc. 67-8678; Filed, July 25, 1967; 8:49 a.m.]

[Airspace Docket No. 66-EA-53]

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

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to reduce the size and to change the using agency of Lacarne, Ohio, Restricted Area R-5502.

The Department of the Army has requested the Federal Aviation Administration to modify R-5502, Lacarne, Ohio, by reducing its size and redesignating the using agency to reflect its continued usage by the Ohio National Guard. The Department of the Navy is also a user of R-5502 and has requested that a portion of the existing area, separate from the area the Army is retaining, be retained for use and redesignated R-5502B. However, R-5502B will not fully accommodate the Navy's requirement and, therefore, the Navy has submitted a proposal for additional restricted airspace adjoining R-5502B to the east. The total area of R-5502A, and R-5502B retained herein, plus the additional airspace that is the subject of the Navy's proposal is less than the present R-5502. Moreover, these areas are now removed from, and will have less adverse effect on all existing recreation, conservation, and commercial activities in this vicinity.

Since these amendments are less restrictive upon the public, notice and public procedure hereon are unnecessary and for that reason they may be made effective on less than 30 days notice.

In consideration of the foregoing, Part 71 and Part 73 of the Federal Aviation Regulations are amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

(a) In § 71.123 (32 F.R. 2009) the description of Domestic VOR Federal Airway V 133 is amended by deleting the words "within R-5502 and" so that the sentence reads "The airspace within Canada is excluded."

(b) In § 73.55 (32 F.R. 2327) R-5502, Lacarne, Ohio, is revoked and the following is substituted therefor:

R-5502A LACARNE, OHIO

Boundaries: Beginning at latitude 41°-41'15" N., longitude 83°07'45" W.; to latitude 41°41'17" N., longitude 83°00'00" W.; to latitude 41°35'30" N., longitude 82°54'48" W.; to latitude 41°32'02" N., longitude 83°-01'05" W., to latitude 41°36'54" N., longitude 83°07'45" W.; to the point of beginning.

Designated altitudes: April 1 to May 31 surface to and including 5,000 feet MSL; June 1 to July 31 surface to and including 23,000 feet MSL; and August 1 to November 30 surface to and including 5,000 feet MSL.

Time of designation: 0800 to 1600 local Saturday and Sunday April 1 through May 31; 0800 to 1600 local daily June 1 through July 31; 0800 to 1600 local Saturday and Sunday August 1 through November 30; other dates, times and altitudes (not to exceed 23,000 feet MSL) by NOTAM, published at least 48 hours in advance.

Controlling agency: Federal Aviation Administration, Cleveland ARTC Center.

Using agency: The Adjutant General, State of Ohio.

R-5502B LACARNE, OHIO

Boundaries: Beginning at latitude 41°44'-48" N., longitude 83°10'00" W.; to latitude 41°47'18" N., longitude 83°10'00" W.; to latitude 41°48'35" N., longitude 83°06'45" W.; to latitude 41°44'48" N., longitude 83°-03'05" W.; to the point of beginning.

Designated altitude: Surface to 2,600 feet MSL.

Time of designation: 0800-2300 e.s.t., Wednesday through Saturday; 0800-1700 e.s.t., on Sundays.

Controlling agency: Federal Aviation Administration, Toledo Airport Traffic Control Tower.

Using agency: Commanding Officer, U.S. Naval Air Station, Grosse Ile, Mich.

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

Issued in Washington, D.C., on July 17, 1967.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 67-8672; Filed, July 25, 1967; 8:49 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-499, Amdt. 1; Docket No. 18641]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY CHARTERS AND SUBSTITUTE SERVICE

Minimum Rates for Turboprops and Stretched Jets

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of July 1967.

On May 25, 1967, the Board adopted ER-494 (Docket 18273, 32 F.R. 7901), which, among other things, set minimum rates for the performance of military charters with turboprop aircraft and with stretched DC-8 aircraft. On June 6, 1967, Saturn Airways, Inc., filed a "Petition for Reconsideration" of the stretched-jet minimum rates in Docket 18273, and Alaska Airlines, Inc., filed an "Application for Amendment" of the turboprop minimum rates (Docket 18641). Since the Board's rules of practice do not provide for petitions for reconsideration of final rules, unless specifically provided for when the rule is issued, we will treat both these documents as petitions for rule-making with the docket number 18641.

The Saturn petition points out that in estimating Saturn's DC-8F-61 military charter costs, we allowed tax expense based upon debt financing of $10 million at an interest rate of 6¼ percent, rather than on information supplied by Saturn on April 7, 1967, which indicated financing of $7 million at 5 percent. Saturn states that on May 25, 1967 (the date on which ER-494 was adopted), it placed on the market a $7 million issue of subordinated convertible debentures carrying an annual interest rate of 4 percent.

The information supplied by Saturn on April 7 was inadvertently overlooked, and Saturn's estimated interest and tax expense will be corrected. However, since Saturn has now furnished the actual interest expense, the May 25 data will be used. Making this correction and averaging Saturn's costs with those of the other two stretched-jet carriers raises the minimum roundtrip passenger and cargo rates for these aircraft from 1.66 and 6.68 cents to 1.67 cents per passenger-mile and 6.77 cents per cargo ton-mile, respectively. The one-way, convertible, and mixed minimum rates have been correspondingly altered and are set forth in the attached revised rule.

Alaska Airlines objects to the Board's establishment of uniform minimum rates for all turboprop aircraft, including the CL-44 and the L-382. Alaska maintains that the uniform rate is unfair to Alaska, which is the only L-382 carrier, since the greater CL-44 aircraft load (29.35 tons vs. 20.7 tons for the L-382) results in greater revenue per plane-mile and lower cost per ton-mile for the CL-44. Alaska also contends that the Board should recognize higher crew

costs and that, in establishing the one-way minimum rate for the L–382, a revenue backhaul factor of 4.6 percent should be used, based on Alaska's experience. Alaska claims that it would operate at a loss at the uniform turboprop minimum rates established in ER–494.

There is a serious question whether we should entertain Alaska's petition. Alaska had notice of the Board's proposal to establish uniform minimum rates for all turboprop aircraft at the same time as all other carriers, when the Board issued notice of proposed rule making EDR–113 on March 15, 1967. Alaska filed no comments and raised no objection to that proposal in the rule-making proceeding. By neglecting to file its objections at the proper time, Alaska not only unnecessarily burdens the Board and its staff, but also causes inconvenience to the Department of Defense and possibly to other interested carriers. Notwithstanding the foregoing, we have determined to consider the petition on its merits. It is evident that the uniform turboprop minimum rates are below Alaska's costs and could well result in a drain on the resources of this subsidized carrier. Accordingly, we will grant Alaska's petition and set separate minimum rates for the L–382 aircraft.

Alaska's contention with respect to increased crew costs will not be adopted. The same policies were applied to Alaska's cost submissions as to those of other carriers, and we adhere to those policies. Alaska's L–382 cargo cost was found to be 10.05 cents per ton-mile, and we will adopt that cost as the minimum roundtrip cargo rate. In setting the one-way minimum rate, we will apply Alaska's revenue backhaul experience to the roundtrip minimum rate in the same manner as we have calculated other one-way minimum rates. The resulting minimum one-way cargo rate is 19.64 cents per ton-mile.

We will make no change in the related CL–44 turboprop minimum rates at this time, since those rates are the subject of another petition for rule making and will be considered separately.

The purpose of the amendment herein is to bring minimum rates into line with carrier costs pursuant to the petitions of Saturn and Alaska which have been served on all interested persons, who have had an opportunity to respond. We therefore find that notice and public procedure thereon are unnecessary and the rule may be made effective on less than 30-days' notice. Pursuant to § 302.38(d) of the rules of practice, express provision is hereby made for the filing of petitions for reconsideration of the rules adopted herein. Petitions for reconsideration and answers thereto shall be governed by the provisions of § 302.37 and shall be served on the Department of Defense and other interested carriers. Petitions must be filed on or before August 7, 1967, and answers thereto before August 14, 1967.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 288 of the Economic Regulations (14 CFR Part 288), effective August 1, 1967, by amending the table in § 288.7(a)(1) to read as follows:

§ 288.7 Reasonable level of compensation.

* * * * * *

(a) * * *

(1) Performed with turbine-powered aircraft:

Aircraft type	Passengers, per passenger-mile		Cargo, per ton-mile		Convertible		Mixed passenger-cargo, per revenue plane-mile			
							Round trip		One way	
	Round trip	One way	Round trip	One way	Passenger leg, per passenger-mile	Cargo leg, per ton-mile	Variable	Fixed	Variable	Fixed
Turboprops:										
CL–44	2.00¢	3.60¢	9.36¢	17.19¢	2.15¢	10.67¢				
L–382			10.05¢	19.64¢						
Regular turbojets	1.86¢	3.40¢	7.45¢	14.81¢	2.01¢	8.78¢				
Passenger-pallets:										
165 and 0							$3.32	$3.07	$5.86	$5.61
117 and 3							3.21	2.97	5.80	5.55
105 and 4							3.19	2.94	5.78	5.54
93 and 5							3.16	2.92	5.76	5.52
81 and 6							3.13	2.89	5.75	5.51
63 and 7							3.10	2.85	5.73	5.48
51 and 8							3.07	2.83	5.71	5.47
0 and 12							2.96	2.72	5.64	5.41
DC–8F–61, –63	1.67¢	3.05¢	6.77¢	13.46¢	1.80¢	7.83¢				
Passenger-pallets:										
219 and 0							$3.94	$3.66	$6.96	$6.68
159 and 5							3.77	3.49	6.79	6.51
65 and 12							3.51	3.23	6.52	6.24
47 and 13							3.46	3.18	6.47	6.19
0 and 18							3.33	3.05	6.34	6.06
B–727/CV–880	2.55¢	4.66¢	12.50¢	24.85¢	2.79¢	15.15¢				
Passenger-pallets:										
105 and 0							$2.93	$2.68	$5.15	$4.89
61 and 2							2.75	2.50	4.97	4.72
50 and 3							2.70	2.45	4.92	4.67
46 and 4							2.69	2.44	4.91	4.66
0 and 7							2.50	2.25	4.72	4.47

* * * * * *

(Secs. 204, 403, 416, Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758, 771, as amended; 49 U.S.C. 1324, 1373, 1386)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 67–8636; Filed, July 25, 1967; 8:46 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER B—STANDARD REFERENCE MATERIALS

PART 230—STANDARD REFERENCE MATERIALS

Subpart D—Standards of Certified Properties and Purity

VISCOMETER CALIBRATING LIQUIDS; DISCONTINUANCE

The FEDERAL REGISTER of Friday, February 3, 1967 (32 F.R. 2388), gave notice that effective July 1, 1967, the National Bureau of Standards would discontinue supplying viscometer calibrating liquids. Accordingly, § 230.8–8, Viscometer Calibrating Liquids, of Title 15 of the Code of Federal Regulations, is revoked in its entirety.

The viscometer calibrating liquids, identified as Oils D, H, I, J, K, L, M, N, OB, P, SB, and SF, are now available from the Cannon Instrument Co., Post Office Box 16, State College, Pa. 16801, sponsored and supervised by Research Division VII, Section A of American Society for Testing and Materials Committee D–2. After July 1, 1967, orders for delivery of these liquids should be sent to the Cannon Instrument Co. at the above mentioned address.

Effective date: July 1, 1967.

(Sec. 9, Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies Sec. 7, 70 Stat. 959, 15 U.S.C. 275a)

Dated: June 29, 1967.

I. C. SCHOONOVER, *Acting Director.*

[F.R. Doc. 67–8648; Filed, July 25, 1967; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart—Provisional Regulations

POSTPONEMENT OF CLOSING DATES OF PROVISIONAL LISTING; CANCELLATION OF CERTIFICATES

The color additive amendments of 1960 (Public Law 86–618; 74 Stat. 404; 21 U.S.C. 376, note) authorize the Secretary of Health, Education, and Welfare to

postpone the closing date of a provisional listing of a color additive on his own initiative or upon application of an interested person. Requests have been received to postpone the closing dates of provisional listings of a number of color additives because scientific investigations necessary for listing these color additives under section 706 of the Federal Food, Drug, and Cosmetic Act have not been completed.

The Commissioner of Food and Drugs finds that postponement of the closing dates of the provisionally listed color additives included in this order is consistent with the protection of the public health. These extensions are granted on condition that, where applicable, progress reports be supplied on or before January 1, 1968.

The closing dates of the provisional listing of D&C Brown No. 1, Ext. D&C Yellow No. 3, Ext. D&C Red No. 8, Ext. D&C Violet No. 2, and Ext. D&C Orange No. 3 as color additives for use in externally applied drugs and cosmetics are not postponed and the provisional listings are therefore terminated as of July 1, 1967. These color additives had been provisionally listed on the basis that scientific investigations were under way preparatory to submission of petitions for permanent listings. The sponsor of these investigations has concluded that he no longer has a commercial interest in these color additives and the Food and Drug Administration knows of no other investigations under way. To allow for an orderly change in drug and cosmetic formulations containing the color additives being delisted, their certificates are canceled effective July 1, 1968.

The closing dates of the provisional listing of carminic acid and cochineal as color additives for use in foods and drugs are not postponed and, accordingly, the provisional listings are terminated. These color additives had been provisionally listed only until action on a petition to list carmine (the aluminum or calcium-aluminum lake of carminic acid on an aluminum hydroxide substrate) had been completed.

Therefore, pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 203(a)(2), Public Law 86-618; 74 Stat. 404; 21 U.S.C. 376, note), delegated by the Secretary to the Commissioner (21 CFR 2.120), the provisional regulations are amended in the following respects:

1. Section 8.501, except for paragraph (g) which is unchanged, is revised to read as follows:

§ 8.501 Provisional lists of color additives.

The Commissioner of Food and Drugs finds that the following lists of color additives are provisionally listed under section 203(b) of the Color Additives Amendments of 1960 (sec. 203(b), 74 Stat. 405; 21 U.S.C. 376, note). Except for color additives for which petitions have been filed, progress reports are required by January 1, 1968, and at 6-month intervals thereafter. Specifications for color additives listed in paragraphs (a), (b), and (c) of this section appear in Part 9 of this chapter.

(a) *Color additives previously and presently subject to certification and provisionally listed for food, drug, and cosmetic use.*

	Closing date		Restrictions
	Food use	Drug and cosmetic use	
FD&C Green No. 3 (§ 9.23 of this chapter)	Mar. 31, 1968	June 30, 1968	
FD&C Yellow No. 5 (§ 9.40 of this chapter)	do	June 30, 1969	
FD&C Yellow No. 6 (§ 9.41 of this chapter)	do	June 30, 1968	
FD&C Red No. 2 (§ 9.61 of this chapter)	do	do	
FD&C Red No. 3 (§ 9.62 of this chapter)	do	June 30, 1969	
FD&C Red No. 4 (§ 9.63 of this chapter)	do	June 30, 1968	§8.503.
FD&C Blue No. 1 (§ 9.80 of this chapter)	do	June 30, 1969	
FD&C Blue No. 2 (§ 9.81 of this chapter)	do	June 30, 1968	
FD&C Violet No. 1 (§ 9.90 of this chapter)	do	do	

(b) *Color additives previously and presently subject to certification and provisionally listed for drug and cosmetic use.*

	Closing date	Restrictions
D&C Green No. 5 (§ 9.103 of this chapter)	Dec. 31, 1967	
D&C Green No. 6 (§ 9.104 of this chapter)	do	
D&C Green No. 8 (§ 9.106 of this chapter)	do	
D&C Yellow No. 7 (§ 9.130 of this chapter)	June 30, 1968	§ 8.503.
D&C Yellow No. 8 (§ 9.131 of this chapter)	do	Do.
D&C Yellow No. 10 (§ 9.133 of this chapter)	Dec. 31, 1967	
D&C Yellow No. 11 (§ 9.134 of this chapter)	do	
D&C Red No. 6 (§ 9.151 of this chapter)	June 30, 1969	
D&C Red No. 7 (§ 9.152 of this chapter)	do	
D&C Red No. 8 (§ 9.153 of this chapter)	do	§ 8. 503.
D&C Red No. 9 (§ 9.154 of this chapter)	do	Do.
D&C Red No. 10 (§ 9.155 of this chapter)	do	Do.
D&C Red No. 11 (§ 9.156 of this chapter)	do	Do.
D&C Red No. 12 (§ 9.157 of this chapter)	do	Do.
D&C Red No. 13 (§ 9.158 of this chapter)	do	Do.
D&C Red No. 17 (§ 9.162 of this chapter)	June 30, 1968	
D&C Red No. 19 (§ 9.164 of this chapter)	June 30, 1969	§ 8.503.
D&C Red No. 21 (§ 9.166 of this chapter)	do	
D&C Red No. 22 (§ 9.167 of this chapter)	do	
D&C Red No. 27 (§ 9.172 of this chapter)	do	
D&C Red No. 28 (§ 9.173 of this chapter)	do	
D&C Red No. 30 (§ 9.175 of this chapter)	Dec. 31, 1967	
D&C Red No. 31 (§ 9.176 of this chapter)	June 30, 1969	
D&C Red No. 33 (§ 9.178 of this chapter)	Dec. 31, 1967	§ 8.503.
D&C Red No. 34 (§ 9.179 of this chapter)	June 30, 1968	
D&C Red No. 36 (§ 9.181 of this chapter)	June 30, 1969	
D&C Red No. 37 (§ 9.182 of this chapter)	do	§ 8.503.
D&C Orange No. 4 (§ 9.201 of this chapter)	June 30, 1968	Do.
D&C Orange No. 5 (§ 9.202 of this chapter)	June 30, 1969	Do.
D&C Orange No. 10 (§ 9.207 of this chapter)	do	
D&C Orange No. 11 (§ 9.208 of this chapter)	do	
D&C Orange No. 17 (§ 9.214 of this chapter)	do	§ 8.503.
D&C Blue No. 4 (§ 9.240 of this chapter)	do	
D&C Blue No. 6 (§ 9.242 of this chapter)	Dec. 31, 1967	
D&C Blue No. 9 (§ 9.245 of this chapter)	June 30, 1968	Surgical suture use only.
D&C Violet No. 2 (§ 9.270 of this chapter)	do	

(c) *Color additives previously and presently subject to certification and provisionally listed for use in externally applied drugs and cosmetics.*

	Closing date	Restrictions
Ext. D&C Yellow No. 1 (§ 9.301 of this chapter)	Dec. 31, 1967	
Ext. D&C Yellow No. 7 (§ 9.307 of this chapter)	June 30, 1968	
Ext. D&C Green No. 1 (§ 9.400 of this chapter)	Dec. 31, 1967	

(d) [Reserved]

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

	Closing date	Restrictions
Carbon black (prepared by the "impingment" or "channel" process)	Dec. 31, 1967	
Carrot oil	do	
Iron oxide	do	For dog, cat, and mink foods only.
Riboflavin	do	
Xanthophyll	do	

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

	Closing date	Restrictions
Carbon black ("impingement" or "channel" process)	Dec. 31, 1967	
Chromium-cobalt-aluminum oxide	June 30, 1968	Polyethylene surgical suture use only.
Ferric ammonium citrate	do	As a component of iron pyrogallol color additive for surgical suture use only.
Fustic	do	Surgical suture use only.
Logwood	do	Do.
Pyrogallol	do	Do.

* * * * *

2. Section 8.510 is amended by adding thereto the following new paragraph:

§ 8.510 Cancellation of certificates.

* * * * *

(e) Certificates issued for the following color additives and all mixtures containing these color additives are canceled and have no effect after July 1, 1968, and use of such color additives in the manufacture of drugs or cosmetics after that date will result in adulteration:

D&C Brown No. 1 (§ 9.230 of this chapter).
Ext. D&C Yellow No. 3 (§ 9.303 of this chapter).
Ext. D&C Red No. 8 (§ 9.347 of this chapter).
Ext. D&C Violet No. 2 (§ 9.411 of this chapter).
Ext. D&C Orange No. 3 (§ 9.422 of this chapter).

In order to allow orderly withdrawal from the market of carminic acid, cochineal, and carmine (magnesium-aluminum lake of carminic acid) and in the absence of information that the continued use of these color additives will adversely affect the public health the Food and Drug Administration will not institute regulatory action against the color additives or the articles in which they have been permitted to be used solely for the reason that they are not provisionally or permanently listed as color additives for the period ending December 31, 1967.

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

Effective date. This order is effective as of July 1, 1967.

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

Dated: July 17, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-8560; Filed, July 25, 1967; 8:45 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 60—IMMIGRATION; AVAILABILITY OF, AND ADVERSE EFFECT UPON, AMERICAN WORKERS

Miscellaneous Amendments

Pursuant to section 212(a)(14) of the Immigration and Nationality Act of 1952, as amended by Public Law 89-236, I hereby amend 29 CFR Part 60 as set forth below.

As these changes involve only procedure and general statements of policy, notice of proposed rule making, public participation, and delay in effective date are not required by section 4 of the Administrative Procedure Act (5 U.S.C. 553). I do not believe such participation and delay will serve a useful purpose here. Accordingly, these amendments shall become effective immediately.

1. Paragraph (b) of § 60.3 is amended to read as follows:

§ 60.3 Request for certification not covered by § 60.2.

* * * * *

(b) Any alien seeking admission to the United States otherwise subject to the provisions of paragraph (a) of this section whose category of employment is described in Schedule C shall request a 212(a)(14) certification by filing a Form ES-575-A describing his qualifications and shall omit filing a Form ES-575-B describing his prospective employment in the United States. Instructions for filing in these circumstances are available from U.S. Consular offices abroad and Embassies and Immigration and Naturalization Service offices. Such instructions will where appropriate require aliens to indicate where they will reside. When the Consular offices abroad or the Immigration and Naturalization Service send the ES-575-A's to the Department of Labor, all sources of labor available for the area of intended residence will be reviewed and certification will be issued depending on the circumstances at that time. If the review shows workers are available, or that wages or working conditions of workers similarly employed will be adversely affected, the certification will not be issued. Applications should not be sent directly to the U.S. Department of Labor by the alien.

* * * * *

2. A new § 60.5 is added to read as follows:

§ 60.5 Validity.

Certifications issued pursuant to this part are invalid if the representations upon which they are based are incorrect. They are applicable only to the positions as described in the Form ES-575-B or as defined in the applicable schedule.

3. A new § 60.6 is added to read as follows:

§ 60.6 Matters to be considered.

In determining whether prospective employment offered in accordance with § 60.3(a) will adversely affect "wages" or "working conditions" of American workers within the meaning of section 212(a)(14) of the Act, the following standards will be among the matters considered:

(a) That such employment will be for wage rates no less than those prevailing for U.S. workers similarly employed in the area of employment; *Provided, however,* That such wages are not lower than any applicable wage rates prescribed by the Secretary of Labor pursuant to law as the minimum rates which will not adversely affect the wages of American workers similarly employed (20 CFR 602.10b). Where available, such prevailing wages shall generally be the rates determined to be prevailing for the occupations and in localities involved pursuant to the provisions of the Davis-Bacon and related Acts (40 U.S.C. 276a; § 1.1 of this subtitle), the McNamara-O'Hara Service Contract Act (41 U.S.C. 351), or the National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. 954(j); § 505.3 of this title), or set forth on Wage Board rate schedules applicable to Federal installations in the area (5 U.S.C. 5341). Where a current determination under one of these laws is not applicable, the prevailing wage rate will be determined in accordance with the criteria established pursuant to the Davis-Bacon Act (§ 1.2(a) of this subtitle) which is as follows:

(1) The rate of wages paid in the area in which the work is to be performed, to the majority of those employed in that classification * * *; (2) in the event that there is not a majority paid at the same rate, then the rate paid to the greater number: *Provided,* Such greater number constitutes 30 percent of those employed; or (3) in the event that less than 30 percent of those so employed receive the same rate, then the average rate.

(b) That such employment will include the furnishing of fringe benefits that prevail for U.S. workers similarly employed in the area of employment;

(c) That such employment will involve adherence to prevailing working conditions including customs in the area

of employment regarding the furnishing of board, lodging and other facilities;

(d) That such employment will not involve positions (1) that are vacant because the former occupants are on strike or are being locked out in the course of a labor dispute or (2) the filling of which is at issue in a labor dispute;

(e) That such employment will not involve any discrimination with regard to race, creed, color or national origin; and

(f) That such employment or any term or condition thereof is not contrary to any provisions of Federal, State, or local law.

4. The provision in Schedule A of Part 60 entitled "Nursing" is revised to read as follows:

NURSING

The application of the art and science of nursing which reflects comprehension of principles derived from the physical, biological, and behavioral sciences. Nursing generally includes the making of clinical judgments concerning the observation, care, and counsel of persons requiring nursing care; the administering of medicines and treatments prescribed by the physician or dentist; the participation in activities for the promotion of health and the prevention of illness in others.

Preparation for nursing practice is generally obtained through an organized program of study approved by a governmental or other competent authority in the alien's country. High school graduation or its equivalent is usually a prerequisite. A program of study generally includes theory and practice in clinical areas such as: obstetrics, surgery, pediatrics, psychiatry, medicine.

(79 Stat. 911)

Signed at Washington, D.C., this 19th day of July 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 67-8621; Filed, July 25, 1967; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4252]

[Idaho 04836]

IDAHO

Withdrawal for Wildlife Management Area; Partial Revocation of Public Land Order No. 4153

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

1. Subject to valid existing rights and the provisions of existing withdrawals the following described land, which is under the jurisdiction of the Secretary of the Interior, is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for management by the Department of the Interior in a manner to facilitate the management and utilization of the C. J. Strike Wildlife Management Area:

BOISE MERIDIAN

T. 5 S., R. 7 E.,
Sec. 35, SW¼SE¼.

The area described contains 40 acres.

2. Public Land Order No. 4153 of February 9, 1967, withdrawing lands for the C. J. Strike Wildlife Management Area, is hereby revoked so far as it affects the following described land:

BOISE MERIDIAN

T. 5 S., R. 7 E.,
Sec. 35, NE¼SE¼.

The area described contains 40 acres.

3. Until 10 a.m. on January 17, 1968, the State of Idaho shall have a preferred right of application to select the land described in paragraph 2 above, as provided by R.S. 2276, as amended (43 U.S.C. 852). After that time, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on January 17, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The land released from withdrawal by paragraph 2 of this order will be open to location under the U.S. mining laws at 10 a.m. on January 17, 1968. It has been open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 18, 1967.

[F.R. Doc. 67-8662; Filed, July 25, 1967; 8:48 a.m.]

[Public Land Order 4253]

[Colorado 0124366]

COLORADO

Withdrawal for Reclamation Project

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

Subject to valid existing rights, the following described nonpublic lands are hereby withdrawn from appropriation under the U.S. mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, for reclamation purposes in connection with the Curecanti Unit, Colorado River Storage Project:

NEW MEXICO PRINCIPAL MERIDIAN

T. 49 N., R. 2 W.,
Sec. 26, N½NE¼NE¼, N½SW¼NE¼NE¼, SE¼SW¼NE¼NE¼, SE¼NE¼NE¼, N½NW¼NE¼, NW¼SW¼NW¼NE¼, N½SE¼NW¼NE¼, NE¼NW¼, NE¼NW¼NW¼, N½NW¼NW¼NW¼, SE¼NW¼NW¼NW¼, N½SE¼NW¼NW¼.

The areas described aggregate 127.5 acres in Gunnison County.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 18, 1967.

[F.R. Doc. 67-8663; Filed, July 25, 1967; 8:48 a.m.]

[Public Land Order 4254]

[Fairbanks 024151]

ALASKA

Withdrawal for Federal Aviation Agency Facilities

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C., 214), as amended, it is ordered as follows:

1. Subject to valid existing rights, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, for the maintenance of a Federal Aviation Agency air navigation facility:

FAIRBANKS MERIDIAN

T. 1 S., R. 2 W.,
Sec. 30, NE¼SE¼.

Containing 40 acres.

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

HARRY R. ANDERSON
Assistant Secretary of the Interior.

JULY 18, 1967.

[F.R. Doc. 67-8664; Filed, July 25, 1967; 8:48 a.m.]

[Public Land Order 4255]

[Arizona 019097]

ARIZONA

Partial Revocation of Public Land Order No. 1767

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

1. Public Land Order No. 1767 of December 15, 1958, with drawing lands for use by the Bureau of Prisons as a prison

campsite, is hereby revoked so far as it affects the following described lands:

GILA AND SALT RIVER MERIDIAN

T. 8 S., R. 26 E.,
Sec. 19, tracts A, B, C, D, E, F, and G.

The areas described aggregate 1.324 acres of public lands. The lands are southwest of Safford, Ariz., in Graham County.

2. The lands are hereby classified for sale under section 2455 of the Revised Statutes (43 U.S.C. 1171).

The State of Arizona has waived its preferance right of application granted by R.S. 2276 as amended (43 U.S.C. 852).

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 18, 1967.

[F.R. Doc. 67-8665; Filed, July 25, 1967; 8:48 a.m.]

[Public Land Order 4256]

[Sacramento 38]

CALIFORNIA

Withdrawal for National Forest Recreation Site

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

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

SIX RIVERS NATIONAL FOREST

HUMBOLDT MERIDIAN

Sanger Lake Campground

T. 17 N., R. 5 E.,
Sec. 4, W½W½ of lot 4;
Sec. 5, S½ and S½N½ of lot 1.

The areas described aggregate approximately 40 acres in Del Norte County.

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

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 18, 1967.

[F.R. Doc. 67-8666; Filed, July 25, 1967; 8:49 a.m.]

[Public Land Order 4257]

[I-766]

IDAHO

Withdrawal for National Forest Recreation Area

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

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

BOISE MERIDIAN

BOISE NATIONAL FOREST

South Fork Bridge Recreation Area

T. 15 N., R. 6 E.,
Sec. 11, W½SW¼NE¼NW¼, N½SW¼NW¼, N½S½SW¼NW¼, and W½NW¼SE¼NW¼.

The area described aggregates 40 acres in Valley County, Idaho.

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

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 18, 1967.

[F.R. Doc. 67-8667; Filed, July 25, 1967; 8:49 a.m.]

[Public Land Order 4258]

[Arizona 543]

ARIZONA

Modification of Stock Driveway Withdrawal To Permit Grant of Right-of-Way

By virtue of the authority vested in the Secretary of the Interior by section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

The departmental order of February 4, 1919, creating Stock Driveway Withdrawal No. 56, Arizona No. 2, as modified and defined by departmental order of February 10, 1942, is hereby further modified to the extent necessary to permit the grant of a highway right-of-way under section 2477, U.S. Revised Statutes (43 U.S.C. 932), to the County of Yavapai, Ariz., over the following described land, as delineated on maps on file with the Bureau of Land Management in A-543 entitled "Road for Black Canyon City Dump."

GILA AND SALT RIVER MERIDIAN

T. 8 N., R. 2 E.,
Sec. 10, N½NW¼.

Containing 80 acres.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 18, 1967.

[F.R. Doc. 67-8668; Filed, July 25, 1967; 8:49 a.m.]

[Public Land Order 4259]

[Montana 050235]

NORTH DAKOTA

Amendment of Public Land Order No. 3036

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

Public Land Order No. 3036 of April 15, 1963, which withdrew lands for use by the Department of the Army in connection with the Oahe Dam and Reservoir Project, is hereby amended by deleting the last paragraph thereof, reading as follows:

The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws, and the mineral leasing laws except for oil and gas.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 18, 1967.

[F.R. Doc. 67-8669; Filed, July 25, 1967; 8:49 a.m.]

[Public Land Order 4260]

[Arizona 319]

ARIZONA

Withdrawal for Administrative Site

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

1. Subject to valid existing rights the following described public lands which are under the jurisdiction of the Secretary of the Interior are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved as an administrative site for the maintenance of a facility of the Department of the Air Force:

GILA AND SALT RIVER MERIDIAN

T. 12 S., R. 9 E.,
Sec. 19, E½E½SW¼;
Sec. 20, SW¼SW¼;
Sec. 29, NW¼NW¼NW¼NW¼;
Sec. 30, N½N½NE¼.

The areas described aggregate approximately 127.59 acres.

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

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 19, 1967.

[F.R. Doc. 67-8670; Filed, July 25, 1967; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 52]

CANNED CLINGSTONE AND FREESTONE PEACHES

Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering an amendment to the U.S. Standards for Grades of Canned Clingstone Peaches (7 CFR 52.2561–52.2577) and to the U.S. Standards for Grades of Canned Freestone Peaches (7 CFR 52.2601–52.2616) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment should file the same in duplicate, not later than January 1, 1968, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Statement of considerations leading to the proposed amendments. The current U.S. Standards for Grades of Canned Clingstone Peaches have been in effect since July 23, 1961, as amended July 28, 1962. Those for Canned Freestone Peaches have been in effect since July 22, 1957.

In the case of both standards under the factor of color the minimum requirements for Grades A and B are the same with respect to yellow-orange color. The basic distinction between Grade A and Grade B color is the uniformity, or lack thereof, in color among the peach units. Sample units that are scored into the Grade B range for color may still be classified as Grade A provided the total score is not less than 90 points.

Since the grade standards for these products were last revised packing and marketing practices indicate a need for separate requirements to provide for a deeper orange color in Grade A than in Grade B. Results of a comprehensive color study performed by the Department during the peach canning season in 1966 support this concept.

Based on results of the aforementioned study the proposed amendment would provide for three separate grade levels for the factor of color. The minimum color requirements for Grade A and Grade C in the case of both clingstone and freestone peaches would be made slightly more restrictive while the minimum color requirement for Grade B for both products would be somewhat more lenient. The proposals also would require sample units scoring into the Grade B range for color be restricted to Grade B.

Color guides currently in use would be made obsolete by the proposed amendments. The Department is in the process of developing new guides to illustrate minimum color limits for the different grade classifications.

No other changes are proposed at this time.

Subpart—U.S. Standards for Grades of Canned Clingstone Peaches

The proposed amendments are as follows:

1. Change § 52.2563(a) to read as follows—

§ 52.2563 Grades of canned clingstone peaches.

(a) "U.S. Grade A" or "U.S. Fancy" is the quality of halves, quarters, slices, diced, or whole canned clingstone peaches that possess similar varietal characteristics, that possess a normal flavor and odor, that possess a good color, that are practically uniform in size and symmetry, that are practically free from defects, that possess a good character, and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 90 points: *Provided*, That the styles of halves, quarters, slices, diced, or whole may be reasonably uniform in size and symmetry, and may possess a reasonably good character, if the total score is not less than 90 points.

* * * * *

2. Change § 52.2572 in its entirety and substitute the following—

§ 52.2572 Color.

(a) *General.* (1) The color of canned clingstone peaches other than canned "spiced" peaches refers to the predominating and characteristic color on the backs of halved units, on the surface of whole units, and the exterior surface of other units, excluding such portions which were obviously near or part of the pit cavity. (2) The factor of color for canned "spiced" peaches is not based on any detailed requirement and is not scored but the color shall be normal for canned "spiced" peaches; the other three factors (uniformity of size and symmetry, absence of defects, and character as applicable) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score.

(b) *(A) Classification.* Canned clingstone peaches that possess a good color may be given a score of 18 to 20 points. Mixed pieces of irregular sizes and shapes that score 18 to 20 points shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a partial limiting rule). "Good color" means that the peaches possess a bright color ranging from yellowish orange to orange yellow; and that there may be present units which possess "reasonably good color" as follows:

(1) In the style of halves, quarters, slices, or whole, not more than 10 percent, by count, of the units may possess "reasonably good color"; or one unit in a container is permitted to possess "reasonably good color": *Provided*, That in all containers comprising the sample such units do not exceed an average of 10 percent of the total number of units; and

(2) In the styles of diced or mixed pieces of irregular sizes and shapes, not more than 10 percent, by weight, of the drained peaches may possess "reasonably good color."

(c) *(B) Classification.* Canned clingstone peaches that possess a reasonably good color may be given a score of 16 or 17 points. Canned peaches that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the canned clingstone peaches possess a reasonably bright color that may fail to meet minimum color requirements for Grade A but is equal to or better than light orangish-yellow, that the units are practically free from any slight brown color due to oxidation which color may no more than slightly affect the appearance or edibility, or both, of the product; and that there may be present units which possess "fairly good color" as follows:

(1) In the style of halves, quarters, slices, or whole, not more than 10 percent, by count, of the units may possess "fairly good color"; or one unit in a container is permitted to possess "fairly good color": *Provided*, That in all containers comprising the sample such units do not exceed an average of 10 percent of the total number of units; and

(2) In the style of diced or mixed pieces of irregular sizes and shapes, not more than 10 percent, by weight, of the drained peaches may possess "fairly good color."

(d) *(C), (D), and (C–SP) Classification.* Canned clingstone peaches and canned solid-pack clingstone peaches that possess a fairly good color may be given a score of 14 or 15 points. Canned clingstone peaches or canned "solid-pack" clingstone peaches that fall into this classification shall not be graded above U.S. Grade C or U.S. Grade C

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

Solid-Pack, whichever is applicable, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the peaches possess a color that may fail to meet minimum color requirements for Grade B but is equal to or better than greenish-yellow; that the units may possess slight brown color due to oxidation provided such color does not materially affect the appearance or edibility, or both, of the product; and that the units may possess other color as follows:

(1) In the style of halves, quarters, slices, or whole, not more than 5 percent, by count, of the units may fail to meet the minimum color for Grade C or may be off-color; or one unit in a container is permitted to possess such color: *Provided*, That in all containers comprising the sample such units do not exceed an average of 5 percent of the total number of units.

(2) In the style of diced or mixed pieces of irregular sizes and shapes, not more than 5 percent, by weight, of the drained peaches may consist of units that fail to meet the minimum color for Grade C or may be off-color: *Provided*, That such units do not materially affect the appearance of the product.

(e) *(SStd) and (SStd-SP) Classification.* Canned clingstone peaches and canned "solid-pack" clingstone peaches that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard or Substandard Solid-Pack, whichever is applicable, regardless of the total score for the product (this is a limiting rule).

§ 52.2577 [Amended]

3. Change § 52.2577 as follows: Change the footnote designation preceding 16–17 score points opposite (B) for the factor of color from "2" to "1."

Subpart—U.S. Standards for Grades of Canned Freestone Peaches

The proposed amendments are as follows:

1. Change § 52.2603(a) to read as follows—

§ 52.2603 Grades of canned freestone peaches.

(a) "U.S. Grade A" or "U.S. Fancy" is the quality of halves, quarters, slices, diced, or whole canned freestone peaches that possess similar varietal characteristics; that possess a normal flavor and odor, that possess a good color, that are practically free from defects, that possess a good character, and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 90 points: *Provided*, That halves, quarters, slices, diced, or whole canned freestone peaches may be reasonably uniform in size and symmetry, and may possess a reasonably good character, if the total score is not less than 90 points.

* * * * *

2. Change § 52.2610 in its entirety and substitute the following—

§ 52.2610 Color.

(a) *General.* (1) The color of canned freestone peaches other than canned "spiced" peaches refers to the predominating and characteristic color on the backs of halved units, on the surface of whole units, and the exterior surface of other units, excluding such portions which were obviously near or part of the pit cavity. (2) The factor of color for canned "spiced" peaches is not based on any detailed requirement and is not scored but the color shall be normal for canned "spiced" peaches; the other three factors (uniformity of size and symmetry, absence of defects, and character as applicable) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score.

(b) *(A) Classification.* Canned freestone peaches that possess a good color may be given a score of 18 to 20 points. Mixed pieces of irregular sizes and shapes that score 18 to 20 points shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a partial limiting rule). "Good color" means that the peaches possess a bright color ranging from pale yellowish-orange to orange yellow; and that there may be present units which possess "reasonably good color" as follows:

(1) In the style of halves, quarters, slices, or whole, not more than 10 percent, by count, of the units may possess "reasonably good color"; or one unit in a container is permitted to possess "fairly good color": *Provided*, That in all containers comprising the sample such units do not exceed an average of 10 percent of the total number of units; and

(2) In the style of diced or mixed pieces of irregular sizes and shapes, not more than 10 percent, by weight, of the drained peaches may possess "reasonably good color."

(c) *(B) Classification.* Canned freestone peaches that possess a reasonably good color may be given a score of 16 or 17 points. Canned peaches that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the canned freestone peaches possess a reasonably bright color that may fail to meet minimum color requirements for Grade A but is equal to or better than pale yellow; that the units are practically free from any slight brown color due to oxidation which color may no more than slightly affect the appearance or edibility, or both, of the product; and that there may be present units which possess "fairly good color" as follows:

(1) In the styles of halves, quarters, slices, or whole, not more than 10 percent, by count, of the units may possess "fairly good color"; or one unit in a container is permitted to possess "fairly good color": *Provided*, That in all containers comprising the sample such units do not exceed an average of 10 percent of the total number of units; and

(2) In the style of diced or mixed pieces of irregular sizes and shapes, 10 percent, by weight, of the drained peaches may possess "fairly good color."

(d) *(C), (D), and (C–SP) Classification.* Canned freestone peaches that possess a fairly good color and canned "solid-pack" freestone peaches that possess a fairly good color or better color may be given a score of 14 or 15 points. Canned freestone peaches or canned "solid-pack" freestone peaches that fall into this classification shall not be graded above U.S. Grade C or U.S. Grade C Solid-Pack, whichever is applicable, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the peaches possess a color that may fail to meet minimum color requirements for Grade B but is equal to or better than a dull greenish yellow; that the units may possess slight brown color due to oxidation provided such color does not materially affect the appearance or edibility, or both, of the product; and that the units may possess other color as follows:

(1) In the style of halves, quarters, slices, or whole, not more than 5 percent, by count of the units may fail to meet the minimum color for Grade C or may be off-color or one unit in a container is permitted to possess such color: *Provided*, That in all the containers comprising the sample such units do not exceed an average of 5 percent of the total number of units; and

(2) In the style of diced or mixed pieces of irregular sizes and shapes, not more than 5 percent, by weight, of the drained peaches may consist of units that fail to meet the minimum color requirements for Grade C or may be off-color: *Provided*, That such units do not materially affect the appearance of the product.

(e) *(SStd) and (SStd–SP) Classification.* Canned freestone peaches and canned "solid-pack" freestone peaches that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard or Substandard Solid-Pack, whichever is applicable, regardless of the total score for the product (this is a limiting rule).

§ 52.2616 [Amended]

3. Change § 52.2616 as follows: Change the footnote designation preceding 16–17 score points opposite (B) for the factor of color from "2" to "1."

Dated: July 21, 1967.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 67-8684; Filed, July 25, 1967; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67-CE-88]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at O'Neill, Nebr.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. 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.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A public instrument approach procedure has been developed to serve the O'Neill, Nebr., Municipal Airport. The present transition area designation in this terminal area does not provide adequate controlled airspace protection for aircraft executing the newly developed public instrument approach procedure. In order to provide this protection it is necessary to alter the O'Neill transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the following transition area is amended to read:

O'NEILL, NEBR.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of O'Neill Municipal Airport (latitude 42°28'00" N., longitude 98°42'00" W.); and within 2 miles each side of the O'Neill VORTAC 315° radial, extending from the 5-mile radius area to 12 miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of O'Neill VORTAC extending clockwise from the north edge of V-100 to the northwest edge of V-148; and within 7 miles north and 10 miles south of the O'Neill VORTAC 273° and 093° radials, extending from 20 miles west to 9 miles east of the VORTAC.

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

Issued at Kansas City, Mo., on July 10, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-8673; Filed July 25, 1967; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SO-70]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Asheboro, N.C., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications 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. 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 amendment. No hearing is comtemplated 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 Asheboro transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 8-mile radius of the Asheboro Municipal Airport (latitude 35°39'18" N., longitude 79°53'41" W.).

The proposed transition area is required for the protection of IFR operations at the Asheboro Municipal Airport. A prescribed instrument approach procedure to this airport utilizing the Greensboro VORTAC is proposed in conjunction with the designation of this transition area.

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.

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

Issued in East Point, Ga., on July 17, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-8679; Filed, July 25, 1967; 8:50 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 500]

REGULATIONS UNDER FAIR PACKAGING AND LABELING ACT

Extension of Time for Comments

The Federal Trade Commission's proposed mandatory regulations on the Fair Packaging and Labeling Act was published in the FEDERAL REGISTER of June 27, 1967 (32 F.R. 9109). The closing date for submission of written comments under that notice was 30 days from the date of its publication.

Notice is hereby given that the Commission has extended the closing date for submission of written views concerning the proposed mandatory regulations on the Fair Packaging and Labeling Act until August 28, 1967.

Issued: July 20, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-8627; Filed, July 25, 1967; 8:45 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Office of the Secretary

COLORADO, MICHIGAN, MISSOURI, 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 States of Colorado, Michigan, Missouri, and Nebraska natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

COLORADO

Adams.

MICHIGAN

Antrim.
Charlevoix.
Huron.
Mason.
Oceana.
Sanilac.
Van Buren.

MISSOURI

Franklin.
Monroe.
Pettis.
Warren.

NEBRASKA

Cedar.
Dixon.
Douglas.
Lincoln.
Logan.
McPherson.
Pawnee.
Sarpy.
Saunders.
Washington.

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 20th day of July 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-8625; Filed, July 25, 1967; 8:45 a.m.]

GENERAL COUNSEL

Delegation of Authority

The delegation of authority at 30 F.R. 8722 (July 9, 1965), relating to the settlement of claims under the provisions of the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, 31 U.S.C. 240-243, is amended by adding the following sentence: "The General Counsel may redelegate, in whole or in part, to other attorneys in the Office of the General Counsel authority to determine, settle, and pay such claims."

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

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 67-8626; Filed, July 25, 1967; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-103; NDA No. 12-268 et al.]

PUREX CORP.

Cutitone Acne Cream and All Other Drugs for Human Use Containing Bithionol; Notice of Opportunity for Hearing

Correction

In F.R. Doc. 67-8300, appearing at page 10615 of the issue for Wednesday, July 19, 1967, the matter of the first paragraph which precedes item (1) should read as follows:

Notice is hereby given to the Purex Corp., Wilmington, Calif. 90746, and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) (21 U.S.C. 355(e)) of the Federal Food, Drug, and Cosmetic Act * * *.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES-0929; Survey Group 142]

FLORIDA

Notice of Filing of Plats of Survey

JULY 20, 1967.

The plats of dependent resurvey and extension survey, including lands erroneously omitted from the original survey and the survey of islands in secs. 19, 24, 25, 30, 31, and 36, T. 24 S., Rs. 36 and 37 E., Tallahassee meridian, Florida, were accepted on June 26, 1967. The two plats will be officially filed in this Office effective at 10 a.m., on August 28, 1967. The plat of the same area, accepted on January 26, 1966, was canceled on June 26, 1967.

The character of the lands omitted from the original surveys and included in these surveys is similar in every respect to the lands included in the surveys of 1859. They were above ordinary high-water elevation in 1845, when Florida was admitted into the Union, and therefore have the status of public lands.

All subdivisions of sections surveyed herein are classified as being over 50 percent swamp land within the meaning of the Swamp and Overflowed Lands Act of September 28, 1850. Title to the lands inured to the State of Florida as of that date, and the lands are therefore open only to application by the State of Florida under the 1850 Act. They will not be open to any other applications for use or disposition under the public land laws, including the mining and mineral leasing laws.

The lands are described as follows:

T. 24 S., R. 36 E., Tallahassee meridian, Florida,
Sec. 24, S½SE¼, lots 6, 7, 8, and 9;
Sec. 25, N½NE¼, lots 6, 7, 8, 9, and 10;
Sec. 36, lot 5.
T. 24 S., R. 37 E., Tallahassee meridian, Florida,
Sec. 19, lot 8;
Sec. 30, lots 9 and 10;
Sec. 31, lot 8.

Containing an aggregate of 461.67 acres.

All inquiries relating to these lands should be sent to the Manager, Eastern States Land Office, Bureau of Land Management, Silver Spring, Md. 20910.

JOSEPH P. HAGAN,
Acting Manager, Land Office.

[F.R. Doc. 67-8620; Filed, July 25, 1967; 8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

DELEGATION OF AUTHORITY AND ALLOCATIONS AND PRIORITIES FOR TRANSPORTATION DURING RAIL STRIKE

Notice of Termination

Notice is hereby given that the Secretary of Transportation hereby terminates the requests of, and delegation of authority to, the Secretary of Commerce, the Chairman of the Interstate Commerce Commission, and the Chairman of the Civil Aeronautics Board, made under the authority of Executive Order 11362, and published in the FEDERAL REGISTER on July 18, 1967 (32 F.R. 10521).

(Sec. 101(a), Defense Production Act of 1950, as amended (50 U.S.C. App. 207(a)); Executive Order 10480; Executive Order 11362; sec. 4(a), Department of Transportation Act (80 Stat. 933))

Issued in Washington, D.C., on July 19, 1967.

ALAN S. BOYD,
Secretary of Transportation.

[F.R. Doc. 67-8681; Filed, July 25, 1967; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18694]

AEROLINEAS ARGENTINAS

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 August 4, 1967, at 2:30 p.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 19, 1967.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 67-8635; Filed, July 25, 1967; 8:46 a.m.]

[Docket No. 18792]

TORONTO AIRWAYS, LTD.

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 27, 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 19, 1967.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 67-8634; Filed, July 25, 1967; 8:46 a.m.]

[Docket No. 18361]

BERMUDA SERVICE INVESTIGATION

Amended Order of Consolidation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 12th day of July 1967.

By Order E-25254, dated June 6, 1967, the Board, inter alia, amended its original order of investigation, Order E-24935, to include Philadelphia as a coterminal point. Applicants were given until June 20, 1967, to amend their applications to serve Philadelphia.

Amendments to designate Philadelphia as a coterminal point and motions to consolidate were filed by Allegheny, Amendment No. 1 to Docket 18458; Braniff, Amendment No. 1 to Docket 18452; Delta, Amendment No. 2 to Docket 18435; Eastern, Amendment No. 4 to Docket 16093; National, Amendment No. 1 to Docket 18451; Northeast, Amendment No. 1 to Docket 18449; Northwest, Amendment No. 2 to Docket 18453; and Trans Caribbean, Amendment No. 3 to Docket 15974.

Accordingly, it is ordered:

1. That ordering paragraph 1 of Order E-24935 be and it hereby is amended to read:

1. That an investigation to be known as the Bermuda Service Investigation be, and it hereby is, instituted in Docket 18361, pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require the alteration, amendment or modification of carrier authorizations so as to certificate one or more air carriers to provide foreign air transportation between the coterminal points Chicago, Detroit, Boston, New York/Newark, Philadelphia, Washington, Baltimore, and Washington-Baltimore, on the one hand, and the terminal point Bermuda, on the other hand;

2. That ordering paragraph 4 of Order E-24935 be and it hereby is amended to read:

4. That the following applications or parts thereof, to the extent they conform to the scope of this proceeding, be and they hereby are consolidated with Docket 18361: Allegheny, Amendment No. 1 to Docket 18458; Braniff, Amendment No. 1 to Docket 18452; Delta, Amendment No. 2 to Docket 18435; Eastern, Amendment No. 4 to Docket 16093; National, Amendment No. 1 to Docket 18451; Northeast, Amendment No. 1 to Docket 18449; Northwest, Amendment No. 2 to Docket 18453; Pan American, Docket 15819; and Trans Caribbean, Amendment No. 3 to Docket 15974.

3. That this order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-8737; Filed, July 25, 1967; 8:51 a.m.]

FEDERAL RESERVE SYSTEM

BARNETT NATIONAL SECURITIES CORP.

Notice of Applications for Approval of Acquisition of Shares of Banks

Notice is hereby given that applications have been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Barnett National Securities Corp., which is a bank holding company located in Jacksonville, Fla., for the prior approval of the Board of the acquisitions by Applicant of 80 percent or more of the voting shares of each of the American National Bank & Trust Co. in Winter Haven, Winter Haven, Fla., and the American National Bank in Cypress Gardens, Cypress Gardens, Fla.

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

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

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

Dated at Washington, D.C., this 18th day of July 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-8618; Filed, July 25, 1967; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-266]

WISCONSIN MICHIGAN POWER CO.

Notice of Issuance of Provisional Construction Permit

Notice is hereby given that, pursuant to the initial decision of the Atomic Safety and Licensing Board, dated July 18, 1967, the Director of the Division of Reactor Licensing has issued Provisional Construction Permit No. CPPR-32 to Wisconsin Michigan Power Co. for the construction of a pressurized water nuclear reactor on the applicant's site which is located in the town of Two Creeks, Manitowoc County, Wis. The reactor, known as the Point Beach Unit No. 1, is designed for initial operation at approximately 1,396 thermal megawatts.

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

Dated at Bethesda, Md., this 19th day of July 1967.

For the Atomic Energy Commission.

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

[F.R. Doc. 67-8617; Filed, July 25, 1967; 8:45 a.m.]

CIVIL SERVICE COMMISSION

ELECTRICIANS ET AL.

Notice of Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found that there is a manpower shortage for the following positions:

Series, code and grade	Position	Location	Effective date
Wage board positions	Electrician, Electronics Mechanic, Fire Control Mechanic, Sheet Metal Worker, Joiner, Boilermaker, Pipefitter, Toolmaker, Instrument Mechanic (Electrical).	City of Philadelphia, Pa.	Oct. 7, 1966
WB-11	Electronics Mechanic (Ordnance)	Naval facilities in Keyport, Bangor, Bremerton, Wash.	Oct. 26, 1966
WB-12	Electronics Mechanic.		
Wage board positions	Machinist (Marine)	Naval facilities in Keyport, Bremerton, Wash.	Nov. 14, 1966
	Machinist (Maintenance).		
W-5407-10 [1]	Power Plant Controlman	Adak, Alaska	Jan. 26, 1967
Journeyman	Toolmaker	Puget Sound Naval Shipyard, Bremerton, Wash.	Mar. 20, 1967
Wage board positions	Pipefitter, Machinist (Marine), Electrician, Radio Mechanic.	Portsmouth Naval Shipyard, Portsmouth, N.H.	Apr. 28, 1967
GS-1020-7 [1]	Medical Illustrator	William Beaumont General Hospital, El Paso, Tex.	Nov. 4, 1966
GS-110-14 [1]	Regional Economist	Department of the Army, Lower Mississippi Valley Division, Corps of Engineers, Vicksburg, Miss.	Dec. 5, 1966
GS-110-13 [1]	Economist	Department of the Army, Lower Mississippi Valley Division, Corps of Engineers, Vicksburg, Miss.	Jan. 13, 1967
GS-334-9/12	Digital Computer, Programer, Digital Computer, Systems Analyst.	Internal Revenue Service, U.S. Treasury Department, Detroit, Mich.	Feb. 9, 1967
GS-1670-11 [1]	Equipment Specialist (Electronics)	Columbus Air Force Base, Columbus, Miss.	Feb. 10, 1967
GS-188-5/9	Recreation Specialist (all options)	Fort Leonard Wood, Mo.	Feb. 24, 1967
GS-662-11 [1]	Optometrist	U.S. Naval Air Station, Alameda, Calif.	Mar. 29, 1967
GS-018-11 [1]	Safety Officer	Adak, Alaska	Apr. 13, 1967
GS-2181-11 [1]	Test Pilot/Specialist	John F. Kennedy International Airport, Jamaica, N.Y.	Apr. 25, 1967
GS-699-5/11	Blind Rehabilitation Specialist (all options).	Veterans Administration Hospital, Palo Alto and Menlo Park, Calif.	May 1, 1967
GS-665-10 [1]	Speech Pathologist	Veterans Administration Hospital, St. Louis, Mo.	May 25, 1967

[1] This finding will terminate when the position is filled.

Appointees to these positions may be paid for the expenses of travel and transportation to their first duty station.

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

[F.R. Doc. 67-8639; Filed, July 25, 1967; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17378; FCC 67M-1207]

CABLE VISION, INC.

Order Scheduling Hearing

In re petition by Cable Vision, Inc., Lewiston and Auburn, Maine, Docket No. 17378, File No. CATV 100-20; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Portland-Poland Spring television market.

At a conference held today the Examiner explained to the parties that his order vacating the then scheduled hearing date (FCC 67M-1135) was necessitated by conflict in his own calendar. Under the circumstances, all parties agreed that hearing in this matter would be scheduled for September 6, 1967.

So ordered.
Issued: July 20, 1967.
Released: July 21, 1967.

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

[F.R. Doc. 67-8640; Filed, July 25, 1967; 8:46 a.m.]

[Docket Nos. 11227, 17588; FCC 67-825]

CITY OF NEW YORK MUNICIPAL BROADCASTING SYSTEM (WNYC) AND MIDWEST RADIO-TELEVISION, INC. (WCCO)

Memorandum Opinion and Order Designating Application for Hearing and Modifying Issues

In re application of City of New York Municipal Broadcasting System (WNYC), New York, N.Y., Docket No. 11227, File No. BSSA-226; for special service authorization to operate additional hours from 6 a.m., e.s.t., to sunrise New York, N.Y., and from sunset Minneapolis, Minn., to 10 p.m., e.s.t.

In re applications of City of New York Municipal Broadcasting System (WNYC), New York, N.Y., Docket No. 17588, File No. BP-16148; has: (a) 830 kc, 1 kw, DA, L-WWCO, Class II; and (b) special service authorization to operate additional hours from 6 a.m., e.s.t., to sunrise New York, N.Y., and from sunset Minneapolis, Minn., to 10 p.m., e.s.t.; requests: 830 kc, 50 kw, DA-2, Specified hours (6 a.m., e.s.t., to 10 p.m., e.s.t.), Class II; and Midwest Radio-Television, Inc. (WCCO), Minneapolis, Minn.; has: 830 kc, 50 kw, U, Class I-A; requests: 830 kc, 750 kw, DA-N, U, Class I-A; for construction permits.

1. The Commission has before it for consideration: (a) The above-captioned and described applications;[1] (b) a petition for reconsideration, filed by Midwest Radio-Television, Inc. ("WCCO"), objecting to the Commission's memorandum opinion and order in Docket No. 11227, adopted November 17, 1965 (1 FCC 2d 1370, 6 RR 2d 455), accepting the City of New York Municipal Broadcasting System ("WNYC") construction permit application for filing; (c) a petition by WCCO for waiver of the rules to permit acceptance of its construction permit application; (d) a WNYC pleading entitled, "Motion To Strike WCCO's Petition for Waiver of the Rules, To Return the Accompanying Application, and for Other Relief"; (e) a petition, filed by Hubbard Broadcasting, Inc. (licensee of standard broadcast Station KSTP, St. Paul, Minn.), for denial of WCCO's construction permit application; (f) informal objections to the proposed WCCO 750 kw operation by the Buckley-Jaeger Broadcasting Corp. of Minnesota (licensee of standard broadcast Station WWTC, Minneapolis, Minn.), and the North Dakota Broadcasters' Association; and (g) related pleadings, affidavits et al.

2. At the outset of its petition for reconsideration, WCCO asserts that it presents arguments therein which for the first time go to the merits of WNYC's construction permit application and accompanying request for waiver, rather than merely to their alleged procedural deficiencies. WCCO acknowledges that its substantive arguments were not previously presented only because WCCO chose to go forward initially on procedural grounds alone, in hopes that, at its request, we would divide our threshold determination, as to the acceptability of the WNYC application for filing, into two stages: first a decision regarding procedural deficiencies, and then, if necessary, after submission of further pleadings, a decision on the substantive

[1] The Midwest Radio-Television, Inc., construction permit application was tendered in the form of an amendment to a previously tendered developmental station application for authority to operate WCCO(AM), Minneapolis, Minn., with 750 kw.

merits. This explanation does not constitute sufficient warrant for the presentation of new arguments at this time. Nonetheless we will consider them, treating WCCO's petition for reconsideration, to the extent that it raises new substantive arguments, as if it were a petition to deny.

3. Apart from its particular opposition to WNYC's 50 kw proposal, WCCO's petition for reconsideration expresses the petitioner's long-standing opposition to any pre-sunrise or nighttime broadcast service by WNYC, whether regularly licensed or pursuant to a year-to-year special authorization; whether conducted with WNYC's present facilities, equipment, and site, or those now proposed. The petition's arguments regarding that may be viewed as a summary presentation of WCCO's position on the basic question of whether the public interest would be better served by (i) a continuation of WNYC broadcast service from 6 a.m., e.s.t., to sunrise New York City and from sunset Minneapolis to 10 p.m., e.s.t., or (ii) a removal of the interference that such WNYC broadcast service has, for the past 23 years, caused to a portion of WCCO's 0.5 mv/m-50 percent skywave secondary service area. WNYC holds one view; WCCO holds another. Our intention is to refrain from judgment on the matter until we have had an opportunity to fully consider the detailed evidence and arguments contained in the final record of the proceeding in Docket 11227.

4. In addition to the foregoing, WCCO objects to our acceptance of WNYC's 50 kw proposal on two general grounds: First, that the proposal is so inconsistent with established Commission allocation policies as not even to warrant acceptance for filing, and, second, that the manner of acceptance of WNYC's proposal was unfair, violative of due process, and discriminatory.

5. In support of the first of these grounds, WCCO contends that WNYC's proposed 50 kw operation would constitute an inefficient use of the channel; that it would cause "substantially the same destruction of WCCO's service" as does the present operation (petition, par. 12) or increase interference to WCCO (Id., par. 13(iv)); and that WNYC has failed to demonstrate that it needs, either for daytime or nighttime operation, the increase to 50 kw which it seeks.

6. With respect to all three of these subsidiary arguments, it should be noted, first of all, that the WNYC presunrise and nighttime proposal—assuming that it provides at least as much protection to WCCO as does WNYC's present operation—is clearly within the scope of the Commission's invitation. On October 24, 1963, the Commission adopted a memorandum opinion and order in Docket No. 11227 which called upon WNYC to submit a construction permit application for regularly licensed operation from 6 a.m. to 10 p.m., e.s.t., and which stated, regarding that: "[T]here is a possibility that should WNYC operate nighttime in a manner somewhat different than at present, it conceivably could utilize higher power and still afford WCCO as much or even greater protection than at present. The parties should consider this possibility in connection with the regular application to be filed by WNYC." This suggestion to WNYC by the Commission was quite obviously made in recognition of the size of New York City with its seven and a half million residents, and the possibility that service could be improved. The phrase, "The parties should consider this possibility," was hardly intended to give WCCO any veto power, but rather reflected the hope that consultation between WNYC and WCCO might result in a mutually satisfactory proposal.

7. Regarding WCCO's contention that WNYC's proposed 50 kw operation would constitute an inefficient use of the channel, WCCO will be given every opportunity in hearing to develop its case. For that purpose, an issue will be specified to determine whether, because of the interference received, the proposed nighttime operation of Station WNYC would be inconsistent with the requirements of the note to § 73.24(b) of the Commission's rules and, if so, whether circumstances exist which would warrant a waiver of that section.

8. Regarding WCCO's second subpoint, WNYC has submitted an engineering study in support of its contention that interference with WCCO's nighttime secondary service would be substantially reduced, and that daytime radiation toward WCCO would be reduced as well, by the substitution of its proposed 50 kw operation; WCCO has thus far challenged that study only with a general statement[2] which it attributes to the Commission but for which it supplies neither adequate citation (other than a docket number) nor a clear explanation of its specific application to the matter at hand.

9. It is conceivable that the WNYC 50 kw proposal would cause more damage to existing cochannel or other broadcast operations, and potential adjacent-channel operations, than appears on the basis of the evidence submitted thus far. That, however, remains to be shown; and WCCO will be given every opportunity, as a party to the proceeding, to bring evidence and arguments to the Commission's attention to persuade it that that is so. Appropriate hearing issues will be specified for that purpose. These will include, inter alia, issues to determine the extent to which the WNYC proposal would cause interference to WCCO or other existing standard broadcast stations, whether the proposal would seriously prejudice future consideration of the 820 and 840 kilocycle Class I–A channels, and, in addition, issues to determine whether the site is satisfactory, and whether the array can be adjusted and maintained as proposed.

10. As for WCCO's contention that WNYC has failed to demonstrate the superiority of the proposed site, and 50 kw daytime and nighttime operations thereon, as compared with other alternatives which it should have explored—we find, first, that WCCO has failed to submit specific evidence sufficient to raise a substantial question as to whether WNYC misused the Commission's above-cited invitation by refraining from consideration of alternative transmitter-antenna sites from which it could, with lower power, adequately serve New York area residents and, at the same time, provide sufficient protection to WCCO et al.; and, second, that unless WNYC's proposed daytime operation at the Staten Island site would adversely affect existing broadcast operations or seriously prejudice future consideration of the 820 and 840 kilocycle Class I–A channels, there would seem to be no particular advantage in obligating WNYC to maintain separate transmitter-antenna systems at two different sites. For these reasons, this objection will not be further entertained.

11. In addition to the foregoing, an issue will be specified concerning the nature and character of the program services respectively proposed to be rendered by WNYC and WCCO. This issue is intended to encourage the submission of evidence designed to facilitate an evaluation of the importance of WNYC's daytime and nighttime programing to residents of its primary service area, in the light of competing available services; and, similarly, an evaluation of the importance of WCCO's programing, during the hours of interference, to residents of that part of its 0.5 mv/m-50 percent skywave secondary service area in which it would suffer interference from WNYC.

12. WCCO also alleges that the procedures adopted by the Commission in connection with its acceptance of the WNYC 50 kw application "unfairly discriminate in favor of WNYC and violate due process." In support of that allegation WCCO attacks the Commission's rectitude in (i) accepting WNYC's daytime proposal; (ii) deciding, in its October 24, 1963, remand memorandum opinion and order, to consolidate consideration of the then-anticipated WNYC construction permit application with its then-pending SSA application in the proceeding in Docket No. 11227; (iii) allowing a cutoff period of "only" 40 days after acceptance of the WNYC construction permit application; (iv) indicating in the cutoff public notice that applications for "substantially the same facilities" as those sought by WNYC would be accepted during the cutoff period; and (v) not calling up WNYC's regularly licensed operation for renewal.

13. The Commission's reason for accepting the WNYC daytime proposal for filing is explained in paragraph 10 supra. The issues to be specified in this order have been designed to give WCCO full opportunity to submit evidence, in hearing, as to the alleged undesirability of a grant of the WNYC daytime proposal.

14. WCCO's objection to that portion of our October 24, 1963, memorandum opinion and order which provides for consolidated consideration of the WNYC special service authorization and construction permit applications is both untimely and unwarranted. Consolidated

[2] I.e., that a reasonably accurate prediction of actual radiation requires adding 10 percent of the RMS or RSS field strength to the theoretical field in any direction.

consideration of matters involving common questions of law or fact is a commonplace occurrence in both administrative and judicial procedure. It had no adverse effect on WCCO whatsoever. As for the possible effect on potential rivals for the facilities to be sought by WNYC, it should suffice to point out that WNYC's application was tendered on March 16, 1964, and was not accepted for filing until November 17, 1965, just a year and a half later. Potential competitors thus had ample time, prior to acceptance of the WNYC application, to prepare rival applications for submission.[2] This fact should also fully dispose of WCCO's contention that our allowance of a 40-day cutoff period was insufficient.

15. WCCO objects to the words, "substantially the same facilities," in the "cutoff" public notice on the ground that its plain intendment was to bar acceptance to all applicants except those interested in an assignment on 830 kc in New York City. This objection is singularly inappropriate. The Commission made it perfectly clear in its Clear Channel rule-making decision (report and order in Docket 6741 (1961), 31 FCC 565, at paragraphs 75–76, and, adopted therein, Note 2 to § 73.25 of the rules) that, with respect to the 830 kc frequency, immediate provision was being made only for consideration of a construction permit application for a Class II station operating on 830 kc at New York, N.Y., during specified nighttime hours.

16. Exceptional treatment was given to the question of 830 kc utilization because of the fact that WNYC, New York, a nonrevenue, municipal-government operated broadcast station with program service objectives different from those of a commercial station, had been operating during certain presunrise and postsunset hours since 1943 pursuant to a year-to-year special service authorization—a makeshift arrangement which was unsatisfactory to all concerned. In adopting Note 2 to § 73.25 (then § 3.25), the Commission sought to provide for an ultimate regularization, one way or another, of WNYC's operating schedule. Nothing in either the governing statutes or the Commission's own rules and practices obligated the Commission, under these circumstances, to especially encourage applications competitive to WNYC's by also requiring that WNYC concurrently file, for consolidation with its above-captioned applications, an application for renewal of the broadcast license then in its possession. Needless to say, any potential applicants seeking to supplant WNYC entirely, with a new station of their own, could still file a competing application at WNYC's regular license-renewal time.

17. WCCO's construction permit application for 750 kw operation[4] is accompanied by a petition for waiver of the Commission's rules barring acceptance of the application.[5] In support of its request for waiver, WCCO asserts that 750 kw operation by Station WCCO would provide improved and expanded skywave and groundwave broadcast service to wide areas which now receive insufficient service, and notes the fact that the Commission has designated 830 kc as one of the 12 frequencies on which it may, at some future time, authorize broadcast service with power in excess of 50 kw. It points out that in 1963, WCCO (like other stations on those 12 frequencies) filed a petition for institution of rule-making looking towards 750 kw operation, that in 1964 it filed a 750 kw developmental station application, and that the Commission has not yet acted on either of these submissions. However, WCCO continues, in 1965 the Commission, did (over WCCO's objections) accept for filing the above-captioned WNYC application which would cause objectionable interference to a large part of WCCO's present nighttime secondary service area, and to an even larger part of WCCO's proposed service area. WCCO's proposed 750 kw operation, it adds, would impose a high limitation upon WNYC's proposed 50 kw nighttime operation. Thus, WCCO argues, the WNYC and WCCO power-increase proposals are mutually exclusive; and, therefore, since the Commission waived its rules to permit acceptance of the WNYC application, failure to do the same for WCCO would be discriminatory and, in addition, would negate the Commission's previous decision to refrain generally from actions prejudicial to the possibility of future utilization of the 830 kc frequency by broadcast stations with more than 50 kw of power.

18. WCCO's petition for waiver, and for acceptance of its 750 kw construction permit application, will be denied.[6] We have no doubt that a grant of authority to WCCO to operate with 15 times as much power as any other Commission-licensed standard broadcast station in the United States would enable WCCO to improve the quality and enlarge the range of its broadcast signal. The Commission has made it abundantly clear, however, that the matter of 750 kw clear channel licensing will not be settled on a piecemeal, case-by-case basis. The issues involved, affecting as they do the entire fabric of standard broadcast service in the United States, are too broad and far-reaching for such a haphazard approach to be permissible. Though the Commission has not formally acted thus far on requests for the institution of rule-making proceedings, this does not mean that the question of "superpower" has been lying fallow. The matter is definitely under study at this time, and if the pace of our preliminary exploration seems too slow for WCCO, we can only urge it to reflect upon the complexity of the issues involved. Regarding WCCO's contention that failure to consider its 750 kw proposal in the WNYC proceeding would be prejudicial to the future prospects of that proposal, note should be taken of the fact that the intent of the Clear Channel decision with respect to the "specific problem" concerning utilization of the 830 kc frequency—as demonstrated by the discussion in it of that frequency, and Note 2 to § 73.25(a) of the rules[7]—was to give priority treatment to the question of regular New York City 830 kc broadcast operations, in isolation from the question of possible impact upon potential higher-power operations by WCCO; and then, at some later date, to consider the question of superpower on 830 kc in the light of, among other things, the conclusions reached in the WNYC proceeding.

19. In view of the foregoing, the Commission is unable to make the statutory finding that a grant of the WNYC construction permit application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing in the proceeding in Docket No. 11227 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 City of New York Municipal Broadcasting System application is designated for hearing in the present proceeding in Docket No. 11227 together with the above-captioned amended application for extension of a special service authorization.

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[2] WCCO criticizes the Commission's decision to consolidate consideration of WNYC's special service authorization and construction permit applications on the ground that it prevented potential rivals of WNYC from knowing, prior to acceptance of the WNYC application for filing, whether the Commission would accept any applications for the facilities sought by WNYC. In this argument, WCCO would seem to be accusing the Commission of unfairness, discrimination, et al. because the Commission adopted a procedure which had the incidental effect of placing potential rivals for the facilities sought by WNYC in the same uncertain position, prior to our acceptance of the WNYC application, that WNYC was in when it undertook to prepare its construction permit application.

[4] Tendered in the form of an amendment to a previously tendered developmental station application for authority to operate WCCO with 750 kw.

[5] Cited in particular by WCCO are §§ 73.25(a), 73.21(a)(1), 73.41, and 73.182(a)(1) of the Commission's rules.

[6] As indicated in note 1 supra, WCCO's construction permit "application" was tendered in the form of an amendment to a previously tendered WCCO 750 kw development station application. Our decision to deny WCCO's request for waiver and to return its amendment will of course in no way change the status of WCCO's previously tendered developmental station application.

[7] Clear Channel decision, pars. 75 and 76, and ordering clause 6. In particular, note the explicit statement, in the first sentence of par. 76, that the clear channel decision is not intended to have a prejudicial effect upon the ultimate decisions in the WNYC adjudicatory proceeding.

It is further ordered, That the issues in the aforementioned proceeding are modified to read as follows: *

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed (a) daytime, and (b) presunrise and postsunset, operations of WNYC and the availability of other primary service to such areas and populations.

2. To determine whether the proposals of the City of New York Municipal Broadcasting System would cause objectionable interference to Station WCCO, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary and secondary service to such areas and populations.

3. To determine whether, in light of the interference that it would receive, the proposed 50 kw nighttime operation of Station WNYC would be consistent with the requirements of the note to § 73.24(b) of the Commission's rules and, if not, whether circumstances exist which would warrant a waiver of that section.

4. To determine whether the 50 kw proposal of the City of New York Municipal Broadcasting System would seriously prejudice future consideration of the 820 and 840 kilocycle Class I–A channels.

5. To determine whether the 50 kw transmitter site proposed by the City of New York Municipal Broadcasting System is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

6. To determine whether the City of New York Municipal Broadcasting System will be able to adjust and maintain the 50 kw directional antenna system as proposed in the instant application.

7. To determine the type and character of the program services respectively proposed to be rendered by Stations WNYC and WCCO; whether and to what extent WNYC daytime and nighttime proposed programing would serve special needs and requirements of the population and areas proposed to be served; and whether and to what extent WCCO's programing, during the hours of interference to it from WNYC, would meet special needs and interests of residents of those areas in which such interference would occur.

8. To determine whether or not there is any unusual and temporary need for the requested special service authorization, and if there is, the nature and extent thereof.

9. To determine whether or not a grant of either proposal would tend towards a fair, efficient, and equitable distribution of radio service among the several States and communities, as contemplated by section 307(b) of the Communications Act of 1934, as amended.

10. To determine which of the proposals would best serve the public interest.

11. To determine, in the light of the evidence adduced with respect to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That the Midwest Radio-Television, Inc., "Petition for Reconsideration" of our November 17, 1965, memorandum opinion and order accepting for filing the City of New York Municipal Broadcasting System application for a construction permit and amendment to an application for extension of a special service authorization, is denied.

It is further ordered, That Midwest Radio-Television, Inc.'s "Petition for Waiver" of the rules concerning acceptance of its application for a construction permit for 750 kw operation of standard broadcast Station WCCO, Minneapolis, Minn., is denied, and that the amendment tendered December 29, 1965, to its 750 kw experimental application shall be returned as unacceptable for filing.

It is further ordered, That Midwest Radio-Television, Inc., is made a party with respect to the above-captioned City of New York Municipal Broadcasting System construction permit application.

It is further ordered, That the requests, petitions, et al. filed in this matter are granted to the extent indicated above, and are denied in all other respects.

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: July 12, 1967.

Released: July 21, 1967.

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

[F.R. Doc. 67–8641; Filed, July 25, 1967; 8:46 a.m.]

[Docket Nos. 17200–17208; FCC 67M–1206]

FETZER CABLE VISION ET AL.

Order Scheduling Further Hearing Conference

In re petitions by Fetzer Cable Vision, Kalamazoo, Mich., Docket No. 17200, File No. CATV 100–12; Booth American Co., North Muskegon, Muskegon, Muskegon Township, Muskegon Heights, Norton Township, and Roosevelt Park, Mich., Docket No. 17201, File No. CATV 100–45; Allegan Tele-Ception, Inc., Allegan, Mich., Docket No. 17202, File No. CATV 100–116; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Grand Rapids-Kalamazoo Market (ARB–36); et al., Docket Nos. 17203, 17204, 17205, 17206, 17207, 17208.

The Hearing Examiner is in receipt of a communication dated July 18, 1967, from counsel for Allegan Tele-Ception, Inc., requesting a hearing conference in this proceeding;

It appearing, that good cause exists why said request should be granted:

Accordingly, it is ordered, That there will be a further hearing conference in this matter on August 1, 1967, 10 a.m., in the Commission's offices, Washington, D.C.

Issued: July 19, 1967.

Released: July 21, 1967.

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

[F.R. Doc. 67–8642; Filed, July 25, 1967; 8:47 a.m.]

[Docket No. 10834, etc.; FCC 67–798]

FLORIDA-GEORGIA TELEVISION CO., INC., ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Florida-Georgia Television Co., Inc., Jacksonville, Fla., Docket No. 10834, File No. BPCT–1624; Community First Corp., Jacksonville, Fla., Docket No. 17582, File No. BPCT–3681; The New Horizons Telecasting Co., Inc., Jacksonville, Fla., Docket No. 17583, File No. BPCT–3731; Florida Gateway

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* Former issue 7 (i.e., "To determine whether or not the proposed operation conforms to and complies with the Rules and Regulations of the Commission, including the Standards of Good Engineering Practice Concerning Standard Broadcast Stations"), adopted Sept. 21, 1955, pursuant to a petition to enlarge issues, has been deleted, on our own motion, in accordance with the Commission's present policy favoring greater specificity of issues. In doing so, we note that WCCO may at this time file a new motion to enlarge, change, or delete issues, pursuant to § 1.229 of the rules. Particular note is taken of paragraph (c) of that section, which provides that "Such motions * * * shall contain specific allegations of fact sufficient to support the action requested * * * [and that] Such allegations of fact, except for those of which official notice may be taken, shall be supported by affidavits of a person or persons having personal knowledge thereof."

* Commissioners Bartley, Cox, and Loevinger absent.

Television Co., Jacksonville, Fla., Docket No. 17584, File No. BPCT-3732; for construction permit for new television broadcast station.

1. The Commission has before it for consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 12, Jacksonville, Fla. The applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. The Commission also has before it a Petition for Hearing and Audit, filed by Harold S. Cohn, Sr., a director and 19 percent stockholder of Florida-Georgia. No certification of service was filed with the petition. If we treat the petition as a Petition to Deny, it was not timely filed in accordance with the requirements of § 1.580(i) of the Commission's rules. The petition asks the Commission to order an audit of the books of Florida-Georgia when designating the application. The petition also asks that issues be raised in the hearing order on whether the majority of stockholders have improperly diverted funds and mismanaged the business affairs of the corporation. No factual allegations of fraud have been made by Mr. Cohn. The relief he seeks can be applied for in the appropriate state court. The petition will therefore be dismissed.

3. Ordinarily, the Commission requires applicants for a new broadcast station to show the availability of sufficient funds to construct and operate the proposed station for 1 year. Where an applicant relies, in whole or in part, on advertising revenues to meet its costs of operation in the first year, the Commission requires that the applicant demonstrate the validity of its estimate of revenues by a comprehensive showing.[1] In the present case, however, each of the applicants (except Florida-Georgia), seeks to replace a station which has an established record of advertising revenues stretching over a prolonged period of time; the availability of revenues is beyond dispute. For this reason, we do not believe that it is necessary to require the applicants to meet the requirements of the Ultravision decision. We will, therefore, apply our former standard which required an applicant to show that it had sufficient funds to construct and operate the proposed station for three months without revenues.[2]

a. In connection with the application of Community First Corp.:

(1) Based on information contained in the application, cash of approximately $995,000 will be required for the construction and operation of the proposed station.[3] To meet these requirements, the applicant relies upon existing capital of $33,100, stock subscriptions of $100,000, a bank loan of $2,000,000, for a total of $2,133,100.

(2) It appears that the applicant has $33,100 available to it in existing capital and not more than $10,000 available in funds from financially qualified subscribers. Except for Mr. Ernest A. Allsopp, none of the other subscribers has submitted a balance sheet or financial statement as required by section III, paragraph 4(d), FCC Form 301.[4] The letter from the Florida National Bank of Jacksonville, dated February 25, 1966, upon which the applicant relies to support the availability of a loan of $2 million does not set forth the terms or conditions upon which the loan is to be made, but states that financing will be arranged "under appropriate and legal conditions." In addition, the letter fails to mention the security to be required, if any.

b. In connection with the application of Florida Gateway Television Co.:

(1) Based on information contained in the application, cash of approximately $863,000 will be required for the construction and operation of the proposed station.[5] The exact amount of cash required cannot be determined because the bank letter fails to set forth the terms and conditions under which the loan is to be made. To meet these requirements, the applicant relies upon existing capital of $44,469 and a bank loan of $2 million for a total of $2,044,469.

(2) It appears that the applicant has $44,469 available to it in existing capital. The letter from the Florida National Bank of Jacksonville, dated February 25, 1966, upon which the applicant relies to support the availability of a loan of $2 million does not set forth the terms or conditions upon which the loan is to be made or the security to be required, if any.

c. In connection with the application of New Horizons Telecasting Co.:

(1) Based on information contained in the application, cash of approximately $1,891,800 will be required for the construction and operation of the proposed station.[6] The exact amount of cash required cannot be determined because the bank letter fails to set forth the terms and conditions under which the loan is to be made. To meet these requirements, the applicant relies on existing capital of $17,171, a bank loan of $2 million, and stock subscriptions of $107,892 for a total of $2,125,063.

(2) It appears that the applicant has available to it, $17,171, in existing capital. None of the proposed stockholders has filed a balance sheet or financial statement to show current and liquid assets (as defined in paragraph 4(d), section III, FCC Form 301) in excess of current liabilities in sufficient amount to meet his commitments to the applicant. Of the thirteen subscribers only Mr. Bernard E. Karlen has submitted a balance sheet, but it does not indicate current and liquid assets in excess of current liabilities sufficient to meet his commitment to the applicant. The letter from the Florida National Bank of Jacksonville, dated April 19, 1966, upon which the applicant relies to support the availability of a loan of $2 million does not set forth the terms and conditions upon which the loan is to be made, or the security required, if any.

4. Since Federal Aviation Administration approval has not been obtained for New Horizons Telecasting Co.'s proposed tower height and location, an air menace issue will be specified, and the Federal Aviation Administration will be made a party thereto.

5. In connection with the statement concerning commercial practices made in the application of New Horizons Telecasting Co., an issue has been specified to determine under what circumstances the applicant may depart from its general commercial practices and the limitations which will be applicable in those circumstances.

6. Except as indicated by the issues specified below, the Commission finds that the applicants are qualified to construct, own and operate the proposed television broadcast station. The applications are, however, mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. The Commission is, therefore, unable to make the statutory finding that grant of the applications would serve the public interest, convenience and necessity and is of the opinion that the applications must be designated for hearing in a consolidated proceeding 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

[1] Ultravision Broadcasting Co., FCC 65-581, 5 RR 2d 343.

[2] Orange Nine, Inc., FCC 67-416, Released Apr. 7, 1967.

[3] Consisting of down payment for equipment, interest and curtails ($444,366), land, down payment and interest ($29,000), miscellaneous expenses, less equipment ($207,000), cost of operation ($315,025). Total: $995,391. It has been assumed that in accordance with the terms of the bank letter, repayment will not begin until 1 year after the loan is made and therefore we have not included in the amount of cash needed figures for loan repayment.

[4] Persons who will furnish funds are required to submit balance sheets or financial statements although they may show the availability of bank loans in sufficient amount to meet their commitments to the applicant. Kansas State Network, Inc., FCC 66-977, 5 FCC 2d 572.

[5] Consisting of down payment on equipment ($315,499), equipment payments ($59,156), equipment interest ($1,916), other items ($50,000), assumed bank loan interest, 5 years at 6 percent ($30,000), assumed bank loan curtails ($100,000), operating expenses ($306,250). Total $862,821.

[6] Consisting of down payment on equipment ($320,907), equipment, interest and curtails ($62,577), land ($45,000), buildings ($450,000), other items ($548,598), assumed bank loan interest, 5 years at 6 percent ($30,000), assumed bank loan curtails ($100,000), operating expenses ($334,687). Total $1,891,769.

above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. In connection with the application of Community First Corp. to determine:

(a) Whether the subscribers, other than Mr. Ernest S. Allsopp, have current and liquid assets (as defined in section III, paragraph 4(d), FCC Form 301), in excess of current liabilities in sufficient amount to meet their commitments to the applicant.

(b) The terms, conditions and security, if any, required in connection with the proposed loan from Florida National Bank of Jacksonville.

(c) Whether, in the light of the evidence adduced pursuant to the foregoing, the applicant is financially qualified.

2. In connection with the application of Florida Gateway Television Co., to determine:

(a) The terms, conditions and security, if any, required in connection with the proposed loan from Florida National Bank of Jacksonville.

(b) Whether, in the light of the evidence adduced pursuant to the foregoing, the applicant is financially qualified.

3. In connection with the application of New Horizon Telecasting Co., to determine:

(a) Whether the subscribers have current and liquid assets (as defined in section III, paragraph 4(d), FCC Form 301) in excess of current liabilities in sufficient amount to meet their commitments to the applicant.

(b) The terms, conditions and security, if any, required in connection with the proposed loan from Florida National Bank of Jacksonville.

(c) Whether, in light of the evidence adduced pursuant to the foregoing, the applicant is financially qualified.

(d) Under what circumstances the applicant may depart from its general commercial practices and the limitations which will be applicable in those circumstances.

(e) Whether there is a reasonable possibility that the tower height and location proposed would constitute a menace to air navigation.

4. To determine which of the proposals would best serve the public interest.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the Federal Aviation Administration is made a party to this proceeding with respect to the application of New Horizons Telecasting Co.

It is further ordered, That the Petition Harold S. Cohen, Sr., is dismissed.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the 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 applicants 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, either individually or, if feasible, jointly, 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: July 5, 1967.

Released: July 21, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[†]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8643; Filed, July 25, 1967; 8:47 a.m.]

[Docket No. 17365; FCC 67M-1205]

GREAT SOUTHERN BROADCASTING CO.

Order Regarding Procedural Dates

In re application of William O. Barry, trading as Great Southern Broadcasting Co., Donelson, Tenn., Docket No. 17365, File No. BP-16707; for construction permit.

The Hearing Examiner having under consideration the "Consent Motion for Change of Procedural Dates" filed by the Broadcast Bureau on July 18, 1967, requesting modification of the presently scheduled procedural dates for further proceedings in the above-entitled case;

It appearing, that the applicant, Great Southern Broadcasting Co., has consented to the requested modification and to immediate consideration of such request; and

It further appearing, that good cause has been shown for a grant thereof:

It is ordered, That the above "Consent Motion for Change of Procedural Dates," be, and the same is, hereby granted, and that the presently scheduled procedural dates are changed as follows:

Preliminary exchange of exhibits presently scheduled for August 14, 1967, is continued to September 6, 1967;

Final exchange of exhibits presently scheduled for August 24, 1967, is continued to September 15, 1967;

Notification of witnesses presently scheduled for August 28, 1967, is continued to September 20, 1967; and

Hearing presently scheduled for September 6, 1967, is continued to October 3, 1967.

Issued: July 19, 1967.

Released: July 20, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8644; Filed, July 25, 1967; 8:47 a.m.]

[†] Concurring and dissenting statement of Commissioner Bartley filed as part of original document; Commissioner Lee not participating; Commissioner Wadsworth absent.

[Docket No. 17559; FCC 67M-1203]

NORTH SHORE BROADCASTING CORP. (WESX)

Order Continuing Hearing

In re application of North Shore Broadcasting Corp. (WESX), Salem, Mass., Docket No. 17559, File No. BP-16938; for construction permit.

Pursuant to agreements reached at the prehearing conference held on July 18, 1967: *It is ordered*, That the evidentiary hearing in the above-entitled proceeding now scheduled for September 13, 1967, is continued to September 14, 1967, beginning at 10 a.m. in the offices of the Commission, Washington, D.C.

Issued: July 18, 1967.

Released: July 20, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8645; Filed, July 25, 1967; 8:47 a.m.]

[Docket Nos. 17575, 17576; FCC 67-791]

TRI-CITIES BROADCASTING CORP. AND PALMER-DYKES BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Tri-Cities Broadcasting Corp., Gate City, Va., Docket No. 17575, File No. BPH-5654, requests: 104.9 mc, No. 285; 1.175 kw; 449 feet; Paul Dykes and Basil J. Palmer, doing business as Palmer-Dykes Broadcasting Co., Kingsport, Tenn., Docket No. 17576, File No. BPH-5701, requests: 104.9 mc, No. 285; 3 kw (horizontal) 2.58 kw (vertical); 298 feet; for construction permits.

1. The Commission has under consideration the above captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. The respective proposals are for different communities. Consequently, it will be necessary to determine pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

3. Consideration of the programming proposals under the contingent comparative issue is required because of the substantial and material difference between the proposals in the amount of AM programming to be duplicated. Tri-Cities proposes substantial duplication (initially 60.31 percent while Palmer-Dykes proposes independent operation. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. The showing permitted under the standard comparative issue when duplicated programming is proposed will be limited to evidence concerning the benefits to be derived from the proposed duplication, and

a full comparison of the applicants' program proposals will not be permitted in the absence of a specific programming inquiry—Jones T. Sudbury —— FCC 2d ——, FCC 67-614, (1967). Nevertheless, the parties are free to seek enlargement of the issues to include a special programming issue—see Chapman Radio & Television Co., 7 FCC 2d 213, FCC 67-234 (1967) and Jones T. Sudbury, supra.

4. According to its application, Palmer-Dykes will require $60,453 to construct and operate the proposed station for one year without revenue. To meet this requirement, Palmer-Dykes is relying on a $1,000 bank deposit, a $30,000 line of credit and contributions from the two partners of $11,000 (which their balance sheet show they have available in cash and life insurance surrender value). Thus, a total of only $42,000 is shown to be available. Therefore, we will specify an issue to determine whether the additional $18,453 is available.

5. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, as is of the opinion that the applications must be designated for hearing on the issues set forth below.

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

1. To determine whether Palmer-Dykes Broadcasting Co. has available to it the additional $18,453 necessary to construct and operate for one year without revenue and thus demonstrate that it is financially qualified.

2. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the event it is concluded that a choice between applications should not be based solely on considerations relating to section 307(b), which of the proposals would better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicant(s), 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 applicants 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, either individually or, if feasible and consistent with the rules, jointly, 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: July 5, 1967.

Released: July 18, 1967.

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

[F.R. Doc. 67-8646; Filed, July 25, 1967; 8:47 a.m.]

[Docket Nos. 17575, 17576; FCC 67M-1213]

TRI-CITIES BROADCASTING CORP. AND PALMER-DYKES BROADCASTING CO.

Order Scheduling Hearing

In re applications of Tri-Cities Broadcasting Corp., Gate City, Va., Docket No. 17575, File No. BPH-5654; Paul Dykes and Basil J. Palmer, doing business as Palmer-Dykes Broadcasting Co., Kingsport, Tenn., Docket No. 17576, File No. BPH-5701; for construction permits:

It is ordered, That Jay A. Kyle shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 11, 1967, at 10 a.m.; and that a prehearing conference shall be held on September 21, 1967, commencing at 9 a.m.: *And it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: July 11, 1967.

Released: July 21, 1967.

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

[F.R. Doc. 67-8647; Filed, July 25, 1967; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

[No. 65-5]

OVERCHARGE CLAIMS

Time Limit on the Filing; Notice of Hearing

JULY 21, 1967.

On June 28, 1966, the Federal Maritime Commission issued a report and order in the subject proceeding in which it declined to promulgate a proposed rule which would have prohibited the limitation of time within which claims for adjustment of freight charges may be presented to carriers to less than 2 years after date of shipment. By order served March 1, 1967 (FEDERAL REGISTER of Mar. 7, 1967, p. 3792), the Commission reopened and assigned this proceeding for public hearing. A prehearing conference was held July 6, 1967. The hearing will be held before the undersigned beginning at 10 a.m., September 25, 1967, in Room 705, 45 Broadway, New York, N.Y.

An initial decision will be issued.

JOHN MARSHALL,
Presiding Examiner.

[F.R. Doc. 67-8685; Filed, July 25, 1967; 8:50 a.m.]

CALIFORNIA ASSOCIATION OF PORT AUTHORITIES

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 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. C. R. Nickerson, Executive Secretary, California Association of Port Authorities, 9 First Street, San Francisco, Calif. 94105.

Agreement No. 7345-12 between the members of the California Association of Port Authorities modifies the basic agreement which provides for establishment and maintenance of just and reasonable terminal rates, rules and regulations at members' terminals at ports in the State of California. The modification makes certain changes in the administrative structure of the Association.

Dated: July 20, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-8686; Filed, July 25, 1967; 8:50 a.m.]

COLUMBUS LINE/PACIFIC AUSTRALIA DIRECT LINE

Notice of Proposed Cancellation of Agreement

Notice is hereby given that a request for cancellation of the following agreement, pursuant to section 15 of the

Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814) has been filed with the Commission.

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 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 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 intent to cancel Agreement 9539 filed by:

James McFall, Vice President, Columbus Line, Inc., 26 Broadway, New York, N.Y. 10004.

Agreement 9539, approved on May 11, 1966, between Columbus Line and Pacific Australia Direct Line established a cooperative working arrangement between the parties for the chartering of one vessel for one voyage from Australia to Pacific Coast ports of the United States. The parties have notified the Commission of the completion of performance under Agreement 9539 and have requested the cancellation of the subject agreement.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

JULY 21, 1967.

[F.R. Doc. 67-8687; Filed, July 25, 1967; 8:50 a.m.]

EVANS PRODUCTS CO. AND RETIA STEAMSHIP CO.

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 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:

Amy Scupi, Attorney, 1824 R Street NW., Washington, D.C. 20009.

Agreement No. T-2069 between Evans Products Co. (Evans) and Retla Steamship (Retla) is a service agreement covering premises in Long Beach, Calif., leased by Evans from the city of Long Beach under Federal Maritime Commission Agreement No. T-1985. Retla will act as operating manager of the terminal assuming responsibility for the operation, but subject to supervision and direction by Evans. Retla will collect wharfage, dockage, wharf storage, and other charges in accordance with published tariffs and pay such revenues to Evans. As compensation, Retla will receive a portion of the revenues in accordance with a schedule set forth in the agreement. The agreement will continue for the duration of Agreement No. T-1985 subject to termination by either party upon 30 days' notice.

Dated: July 20, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-8688; Filed, July 25, 1967; 8:50 a.m.]

ITALY, SOUTH FRANCE/U.S. GULF 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. G. Ravera, Secretary, Italy, South France/U.S. Gulf Conference, Vico San Luca No. 4, Genoa, Italy.

Agreement 9522-6, between the member lines of the Italy, South France/U.S. Gulf Conference, amends Article 9 of the basic agreement to provide that shippers' requests and complaints of an urgent nature shall be dealt with by telephone polls conducted by the Secretary when Italian rates are involved, and by telephone, telex, or circular telex poll conducted by the Chairman of the Marseilles Rate Committee when French rates are involved

Dated: July 21, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-8689; Filed, July 25, 1967; 8:50 a.m.]

MANCHESTER LINERS, LTD., AND IRISH SHIPPING, 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. Burton H. White, Burlingham, Underwood, Barron, Wright & White, 25 Broadway, New York, N.Y. 10004.

Agreement 9643, between Manchester Liners, Ltd., and Irish Shipping, Ltd., provides for their operation of vessels between ports in the United Kingdom and Eire on the one hand, and U.S. Atlantic Coast ports on the other. The parties will mutually agree upon the scheduling, loading, discharging and solicitation of freight, advertising and the appointing of ships' agents in accordance with the terms and conditions set forth in the agreement.

Dated: July 21, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-8690; Filed, July 25, 1967; 8:50 a.m.]

PORT OF SEATTLE AND KIMBRELL-LAWRENCE TRANSPORTATION, INC.

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 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. Wade Thompson, Port of Seattle, Post Office Box 1209, Seattle, Wash. 98111.

Agreement No. T-2068 between the Port of Seattle (Port) and Kimbrell-Lawrence Transportation, Inc. (Kimbrell), covers the lease of a portion of Pier 66 and adjacent office and warehouse space, at a fixed monthly rental. The premises will be used by Kimbrell for the operation of a general steamship business and related terminal operations. Port reserves secondary berthing rights provided that such use shall not unreasonably interfere with the activities of Kimbrell.

Dated: July 21, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-8691; Filed, July 25, 1967; 8:50 a.m.]

[Docket No. 67-43]

SEA-LAND SERVICE, INC.

Cancellation of FMC Port-to-Port Rates—West Coast/Alaska Trade; Order of Suspension and Investigation

Sea-Land Service, Inc. (Sea-Land), has filed with the Federal Maritime Commission a publication designated Supplement No. 9 to Freight Tariff No. 116, FMC-F No. 5, to become effective July 30, 1967.

Supplement No. 9 contains a cancellation notice stating:

> The local All Water rates published in this tariff subject to the jurisdiction of and filed with the Federal Maritime Commission are hereby canceled. For local all water rates see Sea-Land Tariff No. 137, FMC-F No. 14.
>
> Joint motor water, water motor or motor water motor rates subject to the jurisdiction of and filed with the Interstate Commerce Commission remain in effect.

Sea-Land publishes a tariff which the aforementioned supplement would amend, jointly filed with the Interstate Commerce Commission (ICC) and the Federal Maritime Commission (FMC) which contains local, joint and proportional, class and commodity rates, between Oregon and Washington, on the one hand, and Alaska on the other. The tariff bears joint numbers; i.e., ICC No. 23, FMC-F No. 5, and provides therein (Item No. 101):

> The rates between points in Oregon and Washington making reference to this Item and points in Alaska taking Rate Group A are port-to-port rates subject to the jurisdiction of the Federal Maritime Commission.

Rate Group A provides for rates between Seattle, Washington and Anchorage, Alaska.[1] These port-to-port rates include incidental motor pickup and delivery service within the port cities of Anchorage and/or Seattle, Wash.

Effective July 30, 1967, Sea-Land would withdraw the majority of these rates from FMC's jurisdiction.[2] Specifically, Sea-Land has chosen to file with the ICC a tariff which provides for a "joint" arrangement,[3] between Sea-Land and its incidental port service motor carrier rather than maintain its "local" port-to-port services which have embodied, up to now, these identical terminal services. Local "port-to-port" tariffs are filed with and are under the control of the FMC while joint rates between FMC water carriers and ICC motor carriers are filed with the ICC. There are no apparent physical changes in Sea-Land's operation, the change merely representing a change in the tariff mechanics of publication. The tariff is now called a "joint" tariff rather than a "local and joint" tariff. This "joint" tariff has not been filed with this Commission and the FMC number designation (No. 5) has been deleted.

The FMC has jurisdiction over port-to-port rates between the State of Alaska and the contiguous states, and has long accepted port-to-port rates (as opposed to pier-to-pier) which provide for incidental pickup and delivery services within the port area.[4]

The FMC is of the belief that Congress did not intend that port-to-port services which embody incidental port services be subject to change in regulatory forum.[5] The FMC is of the belief that the rates proposed to be removed from FMC jurisdiction are port-to-port rates fully subject to its jurisdiction regardless of the publishing device seeking to escape that jurisdiction.

Moreover, the cancellation of this tariff from FMC jurisdiction would severely limit the FMC's pending general investigation of Sea-Land, instituted with good cause against its practices and rates in the Alaska trade.[6] That order (see footnote 6) provides that all "changed matter in Sea-Land's tariffs applicable from, to and between Alaska be included in the investigation." Many of the rates which are presently under investigation by the FMC could be changed in a manner which would remove them from the pending investigation, contrary to the Commission's order in that proceeding if a change in regulatory forum by Sea-Land is successful.[7]

Upon consideration of said Supplement No. 9 and the cancellation matter shown thereon, there is reason to believe that the new tariff practice to be accomplished by the proposed supplement, if permitted to become effective, would result in Sea-Land engaging in transportation subject to the jurisdiction of this Commission without the filing of tariffs required by section 18(a) of the Shipping Act, 1916 and section 2 of the Intercoastal Shipping Act, 1933.

The issues raised herein do not present any disputed issues of fact which necessitate an evidentiary hearing and require a prompt determination by the Commission. Should any of the parties to this proceeding consider that there are disputed issues of fact which are relevant

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[1] Rate Group A also includes Anchorage International Airport, Elmendorf Air Force Base, Fort Richardson, Mountain View, Spenard, Alaska, Bellevue, Wash., Kirkland, Wash., Renton, Wash., Tukwila, Wash., Tacoma, Wash., and Portland, Oreg. (via direct water service of Sea-Land only).

[2] The only rates that Sea-Land would be filing with the FMC are those applicable to operations which do not include pickup and delivery services and which represent a minor portion of its port-to-port services, namely, airplanes, airplane parts, camper bodies, boats, empty return carriers, household goods, vehicles, and salt.

[3] Public Law 87-595, enacted Aug. 24, 1962, permits common carriers by water, including water common carriers subject to the Shipping Acts, and motor carriers subject to the Interstate Commerce Act, to enter into through routes and joint rates. The joint rates so established are subject to the applicable provisions of the Interstate Commerce Act.

[4] Matson Navigation Co./Container Freight Tariff, 7 FMC 480 (January 1963).

[5] Alaska Statehood Act (enacted July 7, 1958) (72 Stat. 339 (351)) provides in pertinent part:

> (b) Nothing contained in this or any other Act should be construed as depriving the Federal Maritime Board of the exclusive jurisdiction heretofore conferred on it over common carriers engaged in transportation by water between any port in the State of Alaska and other ports in the United States, its territories or possessions or as conferring upon the Interstate Commerce Commission jurisdiction over transportation by water between any such ports.

[6] In Sea-Land Service, Inc., General Investigation West Coast/Alaska Trade, First Supplemental Order, Docket No. 67-7 (served April 27, 1967), FMC instituted an investigation into the lawfulness of all of Sea-Land's rates and practices in the Seattle/Alaska trade.

[7] For example, Sea-Land, effective July 30, 1967, proposes to amend its tariff FMC-F No. 5 by increasing class rates which, among other places, applies between Seattle and Anchorage, Alaska. In the event the cancellation notice becomes effective, these rates, too, would be automatically transferred to the jurisdiction of the ICC.

to this proceeding, such facts shall be specified with particularity by means of affidavits seeing forth such facts, together with a statement of their relevance to the issues in question. Should any other parties dispute these facts by a similar affidavit, the disputed issues of fact, if relevant, will be set down for an evidentiary hearing, if such hearing is requested.

Therefore, it is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916 and section 3 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into (1) the lawfulness of the removal of port-to-port rates from Federal Maritime Commission jurisdiction where such rates embody incidental pickup and delivery services performed by or on behalf of a common carrier by water within the port area in which it holds itself out to perform such incidental pickup and delivery services in connection with its line-haul water carrier operation, according to its applicable tariffs, and (2) the lawfulness of Sea-Land's practices with respect to its application of its proposed tariff device which would permit a change in regulatory forum by redesignating a "local" port-to-port service as a "joint" port-to-port service.

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, the operation of the said Supplement No. 9 to FMC–F No. 5 is suspended and the use thereof be deferred to and including November 29, 1967, unless otherwise ordered by this Commission.

It is further ordered, That there shall be filed immediately with the Commission by Sea-Land, a consecutively numbered supplement to the aforesaid schedule which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspension matter is described and shall state that the aforesaid matter is suspended and may not be used until November 30, 1967, unless otherwise authorized by the Commission; and the rates, charges, and provisions which were to be removed from FMC jurisdiction by the suspended matter shall remain under FMC jurisdiction during the period of suspension, and the matter suspended may not be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by this Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedule in the Bureau of Domestic Regulation of the Federal Maritime Commission;

It is further ordered, That the Sea-Land Service, Inc. be named as respondent in this proceeding.

It is further ordered, That this proceeding shall be conducted by submission of affidavits and memoranda and oral argument. The affidavits of fact and memoranda of law shall be filed by respondent and any interveners supporting respondent, no later than close of business August 7, 1967, replies thereto shall be filed by Hearing Counsel and interveners, if any, opposing respondent, no later than close of business August 21, 1967. An original and fifteen (15) copies of affidavits of fact, memoranda of law, and replies are to be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Copies of any papers filed with the Secretary should also be served upon all parties hereto. Oral argument before the Commission will be heard at 9:30 a.m., September 6, 1967, in Room 114, 1321 H Street NW., Washington, D.C.

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

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) [46 CFR 502.72].

By the Commission, July 20, 1967.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 67-8692; Filed, July 25, 1967; 8:50 a.m.]

CANADIAN NATIONAL RAILWAY CO.

Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Notice of Application for Certificate [Casualty]

Notice is hereby given that pursuant to the provisions of section 2, Public Law 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, Amendment 2 (46 CFR Part 540) the following persons have applied to the Federal Maritime Commission for a certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages:

Canadian National Railway Co. (Canadian National Railway).

Dated: July 21, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-8693; Filed, July 25, 1967; 8:51 a.m.]

KLOSTERS REDERI A/S ET AL.

Application for Certificate of Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Notice of Issuance of Certificate [Casualty]

Notice is hereby given that pursuant to the provisions of section 2, Public Law 89–777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20 (46 CFR Part 540) that a certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages has been issued to the following (all effective on August 7, 1967):

Klosters Rederi A/S, Certificate No. C 1,031.
Home Lines, Inc. (Home Lines), Certificate No. C 1,032.
Det Bergenske Dampskibsselskab (Bergen Steamship Co., Inc.) (Bergen Line), Certificate No. C 1,033.

Dated: July 21, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-8694; Filed, July 25, 1967; 8:51 a.m.]

PRINCESS CRUISES CORP., INC.

Indemnification of Passengers for Nonperformance of Transportation; Notice of Issuance of Certificate [Performance]

Notice is hereby given that pursuant to the provisions of section 3, Public Law 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20 (46 CFR Part 540) that a certificate of financial responsibility for indemnification of passengers for nonperformance of transportation has been issued to the following:

Princess Cruises Corp., Inc. (Princess Cruises), Certificate No. P-57, Effective date: July 14, 1967.

Dated: July 21, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-8695; Filed, July 25, 1967; 8:51 a.m.]

OFFICE OF EMERGENCY PLANNING

NEBRASKA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85–763, and Public Law 87–296; by virtue of the Act of September 30, 1950, entitled "An Act to Authorize Federal Assistance to States and Local Governments in Major Disasters, and for Other Purposes" (42 U.S.C. 1855–1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter dated July 18, 1967, reading in part as follows:

I have determined that the damage in various areas of the State of Nebraska, adversely affected by severe storms and flooding beginning on or about June 5, 1967, is of sufficient severity and magnitude to warrant assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of Nebraska to have

been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 18, 1967:

The counties of:

Adams.	Hamilton.
Antelope.	Harlan.
Arthur.	Hayes.
Boone.	Howard.
Boyd.	Jefferson.
Brown.	Kearney.
Buffalo.	Keya Paha.
Burt.	Knox.
Butler.	Lancaster.
Cass.	Madison.
Cedar.	Merrick.
Cherry.	Nance.
Clay.	Pawnee.
Colfax.	Phelps.
Cuming.	Platte.
Dakota.	Polk.
Dixon.	Richardson.
Dodge.	Saline.
Douglas.	Sarpy.
Fillmore.	Saunders.
Franklin.	Seward.
Frontier.	Sherman.
Furnas.	Stanton.
Gage.	Thayer.
Gosper.	Thurston.
Greeley.	Wayne.
Hall.	York.

Dated: July 20, 1967.

FARRIS BRYANT,
Director,
Office of Emergency Planning.

[F.R. Doc. 67-8675; Filed, July 25, 1967; 8:49 a.m.]

KANSAS

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act To Authorize Federal Assistance to States and Local Governments in Major Disasters, and for Other Purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter dated July 18, 1967, reading in part as follows:

I have determined that the damage in various areas of the State of Kansas, adversely affected by tornadoes, severe storms and flooding beginning on or about May 31, 1967, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 81-875.

I do hereby determine the following areas in the State of Kansas to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 18, 1967:

The counties of:

Anderson.	Leavenworth.
Atchison.	Linn.
Chase.	Lyon.
Cloud.	Marion.
Coffey.	Miami.
Crawford.	Mitchell.
Doniphan.	Ness.
Douglas.	Osage.
Finney.	Pottawatomie.
Franklin.	Republic.
Jackson.	Shawnee.
Jefferson.	Wabaunsee.
Kingman.	Washington.

Dated: July 20, 1967.

FARRIS BRYANT,
Director,
Office of Emergency Planning.

[F.R. Doc. 67-8674; Filed, July 25, 1967; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI68-5]

HUMBLE OIL & REFINING CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

JULY 14, 1967.

Humble Oil & Refining Co. (Humble)[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated June 13, 1967.
Purchaser and producing area: Gas Gathering Corp.[2]
Rate schedule designation: Supplement No. 9 to Humble's FPC Gas Rate Schedule No. 120.
Effective date: July 17, 1967.[3]
Amount of annual increase: $48,534.
Effective rate: 15.75 cents per Mcf.[4] [5]
Proposed rate: 20.625 cents per Mcf.[5]
Pressure base: 15.025 p.s.i.a.

[1] Address is Post Office Box 2180, Houston, Tex. 77001, Attention: Mr. John J. Carter.

[2] Gas Gathering Corp. resells subject gas to Transcontinental Gas Pipe Line Corp. under its FPC Gas Rate Schedule No. 2 at a composite rate of 21.25 cents per Mcf which is effective subject to refund in Docket No. RI66-262.

[3] The stated effective date is the first day after expiration of the statutory notice.

[4] Settlement rate as approved by Commission order issued July 8, 1964, in Docket Nos. G-9287 and G-9288 et al., as amended. Moratorium for filing increased rates expired June 1, 1967.

[5] Subject to a downward B.t.u. adjustment.

Humble requests an effective date of June 1, 1967, the date of expiration of the filing moratorium for rate increases to levels in excess of the area rate ceiling pursuant to terms of company-wide settlement in Docket Nos. G-9287 and G-9288 et al., for its proposed rate increase. Humble also requests that should the Commission suspend its rate filing that the suspension period be for a maximum of 1 day, or as short a period as possible. Good cause has not been shown for granting Humble's request for an earlier effective date, or for limiting to 1 day the suspension period with respect to such rate filing and Humble's request is denied.

Humble has submitted a notice of change in rate proposing a rate increase, from 15.75 cents rate approved by the Commission in Humble's company-wide settlement, to 20.625 cents for gas sold to Gas Gathering Corp. (Gas Gathering) from the Bayou Des Glaise Field, Iberville Parish, South Louisiana Area. Humble's proposed rate exceeds the area increased rate ceiling of 14.0 cents per Mcf for the South Louisiana Area as announced in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

Gas Gathering resells the subject gas, together with gas it purchases from other producers in the area, to Transcontinental Gas Pipe Line Corp. (Transco) pursuant to Gas Gathering's Rate Schedule No. 2 at a composite rate of 21.25 cents, effective subject to refund in Docket No. RI66-262. Gas Gathering's composite rate is based on the effective rate of each of its producer-suppliers plus its service charge for gathering, metering, dehydrating and delivering such gas to Transco.

Gas Gathering's composite 21.25 cents rate is based in part on the current 15.75 cents effective rate Humble is receiving for its share of gas. Humble's proposed rate will thus require a change in such composite rate (estimated to be approximately 22.0 cents) if Gas Gathering is to maintain the existing spread for the services it performs between its purchased gas costs and the composite rate it collects from Transco. Under these circumstances, we conclude that Humble's proposed rate increase should be suspended for 5 months from July 17, 1967, the date of expiration of the statutory notice.

The proposed changed rate and charge may be unjust, unreasonable, unduly

discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 9 to Humble's FPC Gas Rate Schedule No. 120 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 9 to Humble's FPC Gas Rate Schedule No. 120.

(B) Pending such hearing and decision thereon, Supplement No. 9 to Humble's FPC Gas Rate Schedule No. 120 is hereby suspended and the use thereof deferred until December 17, 1967, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f) on or before August 29, 1967.

By the Commission.

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

[F.R. Doc. 67-8649; Filed, July 25, 1967; 8:47 a.m.]

[Docket Nos. RI68-6 etc.]

SIGNAL OIL & GAS CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JULY 18, 1967.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

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

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

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

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 1, 1967.

By the Commission.

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

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68-6	Signal Oil & Gas Co. (Operator) et al., 1010 Wilshire Blvd., Los Angeles, Calif. 90017, Attn: Michael P. Kelly, Esq.	7	6	El Paso Natural Gas Co. (University Lease, Andrews County, Tex.) (R.R. District No. 8) (Permian Basin Area).	$96	6-19-67	[2] 7-20-67	12-20-67	13.5	[3] [4] 14.5	RI60-305.
RI68-7	A. A. Cameron d.b.a. Cameron Oil Co. (Operator) et al., 1100 Kermac Bldg., Oklahoma City, Okla. 73102.	2	[5] 5	Cities Service Gas Co. (South Sterling Area, Comanche County, Okla.) (Oklahoma "Other" Area).	3,955	6-19-67	[2] 7-20-67	12-20-67	[6] 15.0	[4] [7] 16.0	
		2	[8] 6		1,350	6-21-67	[2] 7-22-67	12-22-67	[6] 15.0	[4] [7] 16.0	

[2] The stated effective date is the first day after expiration of the statutory notice.
[3] "Fractured" rate increase. Respondent contractually due 15.0 cents per Mcf on Aug. 1, 1964.
[4] Pressure base is 14.65 p.s.i.a.
[5] Applicable to Sallie No. 1 and Amy No. 1 Units.
[6] Periodic rate increase.
[7] Subject to a downward B.t.u. adjustment.
[8] Applicable to State "S" Unit.

Signal Oil & Gas Co. (Operator) et al., (Signal) request that their proposed rate increase be permitted to become effective on July 1, 1967. A. A. Cameron doing business as Cameron Oil Co. (Operator) et al. (Cameron), request waiver of the statutory notice to permit retroactive effective dates of October 1, 1966, and December 23, 1966, for their proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Signal and Cameron's rate filings and such requests are denied.

Signal and Cameron's proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 67-8650; Filed, July 25, 1967; 8:47 a.m.]

[Docket No. CP68-9]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

JULY 18, 1967.

Take notice that on July 10, 1967, Consolidated Gas Supply Corp. (Applicant), 445 West Main Street, Clarkesburg, W. Va. 26301, filed in Docket No. CP68-9 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the replacement, construction, and operation of certain interstate pipeline facilities located in Nicholas County, W. Va., for the transportation and sale of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to replace 6.4 miles of 6-inch and 8-inch pipeline with 13.6 miles of 6-inch and 8-inch pipeline. The pipelines to be replaced are (1) the northernmost 5.4 miles of the 6-inch Line H-183 between its junctions with Lines H-19457 and H-144, and (2) the southernmost 1.0 mile of the 8-inch Line H-144 between its junction with Line H-183 and the former site of a compressor station referred to as Meek Station. The pipelines to be replaced will be retired in place and not salvaged.

The replacement pipeline to be constructed and operated will consist of (1) 9.1 miles of 8-inch pipeline extending

from a connection to be made with Line H–144 near the site known as Meek Station to a connection to be made with Line H–20036 at State Route 41 near Summersville, and (2) 4.5 miles of 6-inch pipeline extending from the junction of pipelines H–20036 and H–19457 near Persinger to a connection to be made with Line H–183 near Beaver.

The total estimated cost of the proposed facilities is $490,735, which cost is to be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 14, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8653; Filed, July 25, 1967; 8:47 a.m.]

[Docket No. CP68-12]

EL PASO NATURAL GAS CO.

Notice of Application

JULY 18, 1967.

Take notice that on July 10, 1967, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex. 79999, filed in Docket No. CP68-12 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce to The Washington Water Power Co. (Water Power) for transportation to and resale and general distribution in the community of Asotin, Wash., and environs, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant requests authorization to sell and deliver natural gas to Water Power at the outlet of Applicant's existing Lewiston-Clarkston Meter Station.

Applicant states that Water Power will transport the natural gas to points of resale and distribution in the community of Asotin, Wash., through the facilities to be constructed by Water Power at a cost of $201,985. Applicant further states that no additional facilities need be constructed by itself.

The total third year peak day and annual requirements of the proposed new service are 154 Mcf and 12,757 Mcf, respectively.

The proposed sale and delivery by Applicant to Water Power will be initiated by Applicant in accordance with and at rates contained in its Rate Schedule DL–1 of Applicant's FPC Gas Tariff, Original Volume No. 3.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 14, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8654; Filed, July 25, 1967; 8:48 a.m.]

[Docket No. CP68-11]

MICHIGAN GAS AND ELECTRIC CO. AND NORTHERN NATURAL GAS CO.

Notice of Application

JULY 18, 1967.

Take notice that on July 10, 1967, Michigan Gas and Electric Co. (Applicant), 100 South Main Street, Three Rivers, Mich. 49093, filed in Docket No. CP68-11 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Northern Natural Gas Co. (Respondent) to construct and operate natural gas transmission facilities and to sell and deliver natural gas in interstate commerce for resale and distribution in Ontonagon County, Mich., all as more fully set forth in the application which is on file with the Commission.

Specifically, Applicant requests that Respondent be ordered to extend its transportation facilities to the facilities to be constructed by Applicant and to sell and deliver volumes of natural gas for resale and distribution by Applicant to the White Pine Copper Co. and to the Village of White Pine in Carp Lake Township, Ontonagon County, Mich. For this service three points of delivery are requested by Applicant in the application and the exhibits thereto.

The total estimated third year peak day and annual requirements of Applicant's proposed service are as follows:

	Peak day	Annual
White Pine Copper Co.	1,800 Mcf (firm)	1,557,000 Mcf (firm and interruptible).
Village of White Pine.	259 Mcf (firm)	39,991 Mcf (firm).

The total estimated cost of Applicant's distribution system to the industrial, commercial, and residential customers is $120,420.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 14, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8655; Filed, July 25, 1967; 8:48 a.m.]

[Docket No. CP68-4]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

JULY 12, 1967.

Take notice that on July 3, 1967, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP68-4 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of additional volumes of natural gas in interstate commerce to existing customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to sell and deliver up to 50,000 Mcf per day of natural gas under a new WS Rate Schedule for the period December 1, 1967 through April 30, 1968, to be apportioned among four existing customers as follows:

Customer	Daily winter service quantity (Mcf)
Iowa-Illinois Gas & Electric Co.	6,711
Iowa Power & Light Co.	386
Northern Indiana Public Service Co.	13,763
The Peoples Gas Light & Coke Co.	31,140
Total	[1] 52,000

[1] "Equivalent to 50,000 Mcf on an as metered basis."

Applicant states that no additional facilities are required to render the service proposed above.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and

procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 9, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8656; Filed, July 25, 1967; 8:48 a.m.]

[Docket No. CP68-3]

NATURAL GAS SERVICE, INC.

Notice of Application

JULY 14, 1967.

Take notice that on July 3, 1967, Natural Gas Service, Inc. (Applicant), 1630 North Meridian Street, Indianapolis, Ind. 46202, filed in Docket No. CP68-3 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities or, as an alternative, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval to abandon by sale or transfer the following natural gas facilities:

(1) Approximately 8.35 miles of 6-inch pipeline extending from a point of connection with Texas Gas Transmission Corp. (Texas) approximately 8 miles east of the Madison-Milton Bridge to a point of connection with Applicant's distribution system in the city of Madison, Ind., by sale to Ohio River Pipeline Corp. (Pipeline);

(2) Approximately 0.46 of a mile of 5-inch pipeline looping the 6-inch pipeline described in (1) above, by sale to Pipeline;

(3) A regulator and metering station near the sales metering station of Texas at the interconnection described in (1) above, by sale to Pipeline;

(4) A metering station near the connection with Applicant's distribution system in the city of Madison, Ind., as described in (1) above, by sale to Pipeline;

(5) Line connections between the 5-inch and 6-inch pipelines described in (1) above, by sale to Pipeline;

(6) Approximately 7.60 miles of 5-inch transmission pipeline extending from the point of interconnection with Texas described in (1) above to a point just north of the city of Milton, Ky., by sale to Ohio River Gas Co., Inc. (Ohio); and

(7) Approximately 0.32 of a mile of 5-inch pipeline extending from a point of connection with the city of Madison distribution system to a point at the Indiana end of the Madison-Milton Bridge, by transfer to Indiana Gas & Water Co., Inc. (Indiana).

Applicant states that the natural gas facilities proposed to be sold to Pipeline are now used exclusively to serve Applicant's Indiana and Kentucky local distribution systems and after the proposed sale will continue to be used by Pipeline exclusively for such service. Applicant further states that the facilities proposed to be sold to Ohio are now used as a part of Applicant's Kentucky local distribution system and will continue to be used as such after the proposed sale. Applicant further states that the facilities proposed to be transferred to Indiana are now a part of Applicant's Indiana local distribution system and will continue to be used as such after the proposed transfer. Applicant also states that the proposed abandonments are a part of a program to simplify Applicant's operations and enable it to establish lower retail distribution rates.

Applicant states that it has agreed to sell and Pipeline and Ohio have agreed to purchase the respective natural gas facilities at the net book cost thereof. Applicant further states that it has agreed to transfer its remaining properties and assets, including the natural gas facilities described in (7) above, to Indiana, its parent company, under a plan of reorganization in exchange for the surrender of all its outstanding capital stock owned by Indiana, after which it is proposed that Applicant will be dissolved.

In the event that permission and approval for Applicant's proposed abandonments is denied, Applicant seeks authorization to operate the above-setforth natural gas facilities, previously constructed, to serve its local distribution systems in Indiana and Kentucky.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 9, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate or permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8657; Filed, July 25, 1967; 8:48 a.m.]

[Docket Nos. CP67-194, CP66-98]

NORTHERN NATURAL GAS CO.

Notice of Petition To Amend

JULY 17, 1967.

Take notice that on July 10, 1967, Northern Natural Gas Co. (Petitioner), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket Nos. CP67-194 and CP66-98 a petition to amend the orders of the Commission issued May 19, 1967, and December 13, 1965, respectively, by authorizing Petitioner to relocate certain natural gas facilities, change distributors for initial natural gas service to nine communities and relocate a measuring station, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the above-mentioned order in Docket No. CP67-194, petitioner was authorized, inter alia, to construct and operate approximately 1.6 miles of 2-inch pipeline and a town border station to serve the community of New Providence (Providence), Hardin County, Iowa. Petitoner was further authorized, inter alia, by the above-mentioned order in Docket No. CP66-98, to construct and operate a measuring station on its 20-inch pipeline to Waterloo, Iowa, which is used for the sale of natural gas to Iowa Electric Light & Power Co. (Iowa) for resale to Lawn Hill Elevator (Hill). By the instant filing, Petitioner seeks authorization to relocate the proposed pipeline to serve Providence by purchasing and utilizing the 4,000 foot pipeline presently owned and operated by Iowa and used to serve Hill, said pipeline extending from Petitioner's measuring station to Hill which is 1 mile from Providence. Petitioner also proposes to construct an additional mile of 2-inch pipeline branch from Hill to Providence and relocate its measuring station at the site of Hill.

Petitioner also seeks authorization to transfer distributors for nine of the communities, all located in Minnesota, certificated for initial natural gas service in Docket No. CP67-194 as follows:

Community	Certificated distributor	Proposed distributor
Appleton	Great Plains Natural Gas Co. (Great Plains).	Peoples Division of Northern Natural Gas Co. (Peoples).
Cottonwood	Great Plains	Peoples.
Hancock	Great Plains	Peoples.
Lamberton	Great Plains	Peoples.
Madison	Great Plains	Peoples.
Sanborn	Great Plains	Peoples.
Cyrus	Peoples	Minnesota Natural Gas Co. (Minnesota).
Lowry	Peoples	Minnesota.
Morris	Minnesota Western Gas Co.	Minnesota.

Petitioner states that the above proposed changes will not result in any change in contract demand as previously authorized nor will there be any change in service rendered.

Petitioner estimates the total cost of the facilities proposed to serve the community of Providence at approximately $17,920, which includes $13,520 for the proposed 1 mile of pipeline and $4,400 for the purchase of the pipeline from Iowa, said cost being $980 less than the cost of the facilities originally proposed in Docket No. CP67-194 for said natural gas service.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 14, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8658; Filed, July 25, 1967; 8:48 a.m.]

[Docket No. CP68-10]

NORTHERN NATURAL GAS CO.

Notice of Application

JULY 18, 1967.

Take notice that on July 10, 1967, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP68-10 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce to the Northern Helex Co. (Helex), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to sell and deliver to Helex up to 7,500 Mcf per day at a price of $900 per annum plus 28 cents per Mcf for gas delivered. The natural gas is to be delivered on a standby basis for use in Helex's helium extraction plant near Bushton, Kans.

The standby gas is to be used for plant fuel during the periods of interruption or curtailment of Helex's intrastate source of gas.

Applicant states that the service will be provided through existing facilities with no additional facilities needed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 14, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8659; Filed, July 25, 1967; 8:48 a.m.]

[Docket No. CP68-2]

OHIO RIVER PIPELINE CORP.

Notice of Application

JULY 14, 1967.

Take notice that on July 3, 1967, Ohio River Pipeline Corp. (Applicant), 1630 North Meridian Street, Indianapolis, Ind. 46202, filed in Docket No. CP68-2 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to acquire and operate the following natural gas facilities presently owned by Natural Gas Service, Inc. (Natural):

(1) Approximately 8.35 miles of 6-inch pipeline extending from a point of interconnection with Texas Gas Transmission Corp. (Texas) approximately 8 miles east of the Madison-Milton Bridge, to a point of connection with Natural in the city of Madison, Ind.;

(2) Approximately 0.46 of a mile of 5-inch pipeline looping the line described in (1) above;

(3) A regulator and metering station near the sales metering station of Texas at the interconnection set forth in (1) above;

(4) A metering station near the interconnection with the city of Madison distribution system; and

(5) Line connections between the 5-inch and 6-inch pipelines set forth in (1) and (2) above.

Applicant states that the natural gas facilities described above are now used exclusively to serve the Indiana and Kentucky local distribution systems of Natural and Applicant further states that after acquisition and purchase, said facilities will continue to be used for the exclusive service of such systems. Applicant also states that the proposed acquisition is part of a program to simplify the operations of Natural and enable Natural to lower their retail distribution rates.

Applicant states that it has agreed to purchase and Natural has agreed to sell said natural gas facilities at the net book cost thereof.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 7, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8660; Filed, July 25, 1967; 8:48 a.m.]

[Docket No. CP66-43]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Petition to Amend

JULY 18, 1967.

Take notice that on July 7, 1967, Texas Eastern Transmission Corp. (Petitioner), Post Office Box 2521, Houston, Tex. 77001, filed in Docket No. CP66-43 a petition to amend the order issued by the Commission April 29, 1966, by authorizing Petitioner to provide additional storage service to an existing storage customer and to provide storage service to three new storage customers, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the abovementioned order, Petitioner was authorized to provide storage service to certain customers and to construct and operate certain natural gas

facilities necessary to provide such storage service. By the instant filing, Petitioner seeks authorization to provide natural gas storage service to three new storage customers and additional natural gas storage service to an existing storage customer as follows:

Customer	Maximum daily quantity (Mcf)	Maximum annual quantity (Mcf)
Huntingdon Gas Co.	242	16,922
Lewistown Gas Co. (Joint Buyers)	778	54,480
Philadelphia Electric Co.	10,200	714,019
New Jersey Natural Gas Co.[1]	24,481	1,713,646
Total	35,701	2,499,067

[1] These volumes are in addition to those previously authorized in this docket.

Petitioner proposes to initiate the service proposed above November 1, 1967. Petitioner states that the storage facilities originally authorized in this docket will permit it to render natural gas storage service in an aggregate amount of a maximum daily quantity of 153,000 Mcf and a maximum annual storage volume of 10,700 MMcf. By the order issued by the Commission in this docket April 29, 1966, Petitioner was authorized to provide natural gas storage service to its customers totaling 115,653 Mcf of maximum daily quantity and 8,095,696 Mcf of maximum annual storage volume. Petitioner states that it therefore has the uncommitted storage capacity to render the natural gas storage service proposed above. Petitioner further states that no new or additional facilities are proposed to render the service proposed above.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 14, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8661; Filed, July 25, 1967; 8:48 a.m.]

[Docket No. E-6957]

DEPARTMENT OF THE INTERIOR SOUTHEASTERN POWER ADMINISTRATION, JIM WOODRUFF PROJECT

Notice of Request for Approval of Rate Schedules; Correction

JUNE 29, 1967.

In the notice of request for approval of rate schedules, issued June 12, 1967 and published in the FEDERAL REGISTER June 17, 1967 (F.R. Doc. 67-6825, 32 F.R. 8738), correct the second sentence of the second paragraph of the text to read as follows after deleting "five of" "The entire output of the Project is now being sold by SEPA to six preference customers and to Florida Power Corporation (Florida Power), which delivers the energy sold to the preference customers over its facilities for the account of SEPA."

Also correct the seventh sentence of paragraph two to read: "In addition, SEPA pays for support service furnished by Florida Power at a rate of $2.55 per kw, plus 6.4 mills per kwh before adjustment for fuel. Interior * * *."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8651; Filed, July 25, 1967; 8:47 a.m.]

[Docket Nos. Ar64-1 etc.]

AREA RATE PROCEEDING (HUGOTON-ANADARKO AREA) ET AL.

Order Permitting Withdrawal of Increased Rate Filing, Severing and Terminating Proceeding; Correction

JUNE 29, 1967.

Area Rate Proceeding et al. (Hugoton-Anadarko Area), Docket Nos. Ar64-1, etc.; Jewel Osborn, Betty Osborn Biedenharn, Osborn-Barrett Petroleum, Inc., and W. B. Osborn, Jr. (Operator), et al., Docket No. RI64-153.

In the order permitting withdrawal of increased rate filing, severing and terminating proceeding, issued June 8, 1967, and published in the FEDERAL REGISTER June 16, 1967 (F.R. Doc. 67-6755, 32 F.R. 8685), make the following corrections: Change "Area Rate Proceeding, et al. (Other Southwest Area), Docket Nos. AR67-1 et al., to read "Area Rate Proceeding et al. (Hugoton-Anadarko Area), Docket Nos. AR64-1 et al."

Correct footnote 1 to read:

[1] The proceeding in Docket No. RI64-153 was consolidated with Area Rate Proceeding et al. (Hugoton-Anadarko Area), Docket Nos. AR64-1 et al., by the Commission's order issued July 17, 1964.

Change ordering paragraph (B) in its entirety to read as follows:

(B) The proceeding in Docket No. RI64-153 is severed from Appendix "C" (Supplement), Docket Nos. AR64-1 et al., Area Rate Proceeding et al. (Hugoton-Anadarko Area), and is terminated.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8652; Filed, July 25, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION

JULY 13, 1967.

The current description of the central and field organization of the Interstate Commerce Commission published on page 8690 of the June 16, 1967, issue of the FEDERAL REGISTER, is amended as follows:

1. In Item 2, entitled "Public Information," paragraph (d) is revised to read as follows:

2. *Availability of Information.*

* * * * *

(d) *Inspection of Records.* The following specific files and records in the custody of the Secretary are available to the public (secs. 16, 204, 316, and 417, of the Act, 49 U.S.C. 16, 304, 916, and 1017), and may be inspected at the Commission's office in Washington upon reasonable request:

(1) Copies of tariffs, rate schedules, Section 22 quotations or tenders, classifications, powers of attorney, concurrences and contracts filed with the Commission pursuant to sections 6, 22, 217, 218, 306, 405, and 409 of the Act (49 U.S.C. 6, 22, 317, 318, 906, 1005, and 1009).

(2) Annual and other periodic reports filed with the Commission pursuant to sections 20, 220, 313, and 412 of the Act (49 U.S.C. 20, 320, 913, and 1012).

(3) Annual reports, maps, profiles, and other data filed with the Commission pursuant to section 19a.

(4) All docket files, including pleadings, depositions, exhibits, transcripts of testimony, recommended and proposed reports, exceptions, briefs, and reports and orders of the Commission in any proceedings.

(5) File of instruments or documents recorded pursuant to section 20c and index thereto.

(6) Other files and records, depending on their nature may be available for public inspection where the disclosure would be consistent with the public interest and duties of the Commission. Request to inspect such records when such request is not made during a formal proceeding, shall be addressed to the Secretary. If the Secretary rules that such records cannot be made available because they are exempt under the provisions of P.L. 90-23 (sec. 1, 81 Stat. 54; 5 U.S.C. 552), appeal from such ruling may be addressed to the Chairman whose decision shall be administratively final.

(7) Requests to inspect public records should be made at the Secretary's Office or at one of the public reference rooms, in the Commission's Washington Office. Copies of certain rate schedules, tariffs, reports and operating authorities filed by and applicable to motor carriers are available for inspection at field offices where personnel of the Bureau of Operations are located.

(8) Copies of and extracts from public records will be certified by the Secretary, under the seal of the Commission. Persons requesting the Commission to prepare such copies should clearly state the material to be copied, and whether it shall be certified. A charge will be made for certificate and for the preparation of copies.

2. In Item 3, entitled "Bureau and Office Organization," the functional statements of the Office of Proceedings, appearing as paragraph (f) and the Bureau of Accounts, appearing as paragraph (g) are revised to read as follows:

3. *Bureau and Office Organization.*

* * * * *

(f) *Office of Proceedings.* This Office performs duties in connection with the quasi-judicial administrative proceedings which come before the Commission pursuant to the various provisions of the

Interstate Commerce Act and other related Acts. Such proceedings generally involve rail carriers, motor carriers, water carriers, freight forwarders, brokers, and pipelines subject to the Commission's jurisdiction and relate to: authority to construct, acquire, or abandon lines of a railroad or the operation thereof; proposed discontinuance or changes in the operation by railroads of trains or ferries; contracts and agreements for the pooling or division of traffic and earnings; authority to consolidate, merge, transfer ownership, or acquire control of carriers; authority for a railroad to acquire trackage rights over, or joint ownership or use of, railroad lines and terminals and the use by one railroad of terminal facilities of another, authority to issue securities or to assume obligations and liabilities with respect to securities of others; authority to sell securities without competitive bidding; authority to alter or modify outstanding securities and obligations; transfers of broker's licenses and of certificates and permits of motor carriers and water carriers, and permits of freight forwarders; authority to hold position of officer or director of more than one railroad; the guaranty of loans to railroads in financing additions or betterments or other capital expenditures, or for the financing of expenditures for maintenance of property; under provisions of the Uniform Bankruptcy Act, the approval of plans of reorganization, the submission thereof to creditors and stockholders for acceptance or rejection, the recommendation of formulas for the segregation of earnings, the ratification of trustees, the fixing of maximum limits of allowances to trustees and other parties in interest, and the authorization of persons, including protective committees, to solicit and act under proxies, authorizations, or deposit agreements in connection with railroad reorganization or receivership proceedings; applications for certificates, permits, and licenses to perform services as motor common and contract carriers, brokers of motor carrier transportation, water carriers, and freight forwarders; requests for exemptions under the various sections of the Act relative to operating authority matters; the suspension, change, or revocation of certificates, permits, and licenses; applications for Certificates of Registration under section 206(a) (6) and (7) of the Act; requests for authority under the deviation rules; proceedings relative to rates, fares, charges, and practices; applications for relief from anti-trust laws relative to collective ratemaking agreements; proceedings arising under a number of miscellaneous provisions of the Act and other acts such as the Railway Mail Service Pay Act, Railroad Retirement Act, etc., which require Commission findings and determinations; investigations looking to the prescription of rules and regulations governing operations of carriers; and formal complaints and investigations concerning failure of carriers to comply with the Act or any requirements established thereunder.

The Director's Office is responsible for overall effective management of the Office of Proceedings, including direction of the operating sections and employee boards; maintaining case processing and other statistical records; providing case status information; performing special studies and projects; handling Joint Board appointments; performing necessary administrative support functions for the Office; examining applications for operating rights; and preparing certificates, permits, and licenses specifying permanent grants of authorities approved by the Commission and related orders reissuing, vacating, or amending such authorities after action by the Commission.

(1) *Policy Review Committee.* This Committee provides the Commission with top-level staff analyses and review of major transportation policy issues; provides advice and assistance both in connection with those policy issues which are embodied in specific formal cases and those which transcend individual cases or anticipate potential future developments in the transportation industry; reviews and recommends disposition of appeals filed with the Commission seeking substantive review of Commission decisions.

(2) *Section of Hearings.* This Section schedules hearings in all proceedings processed by the Office which require an oral hearing; handles procedural questions arising in connection therewith at all processing steps up to and including service of a report and recommended order; conducts hearings; prepares initial reports; and releases for service all initial reports and recommended orders.

(3) *Section of Opinions.* This section performs all processing steps other than oral hearing and preparation of reports and recommended orders in cases handled by the Office of Proceedings including initial receipt and handling of cases processed under the modified procedure; the preparation of draft final reports and orders for consideration by the Commission, a division or an Employee Board in cases handled under modified procedure and cases submitted on exceptions to, or orders staying, reports and recommended orders of hearing officers or joint boards; preparation of memoranda of recommendations on petitions filed with the Commission; and handling of requests for extensions of dates for filing pleadings and other procedural matters involving any of the processing steps for which this Section is responsible.

After analysis of the record and consideration of briefs, exceptions, other pleadings, and oral argument, if any, report writers assigned to this section prepare draft final reports and orders under the direction and supervision of the Commissioner or Board Member to whose personal docket the case has been assigned or, in cases which have not been assigned to individual Commissioners or Board Members, independently prepare draft reports and orders for circulation to the Commission, a division, or an Employee Board for consideration and adoption. Report writers assigned to this section also independently prepare and review memoranda recommending the action the Commission, a division, or an individual Commissioner should take on petitions for rehearing, reargument, or reconsideration, and petitions for other relief.

(4) *Review Board No. 1.* See Item 7.12 of the Organization Minutes as amended for functions and duties.

(5) *Review Board No. 2.* See Item 7.12 of the Organization Minutes as amended for functions and duties.

(6) *Review Board No. 3.* See Item 7.12 of the Organization Minutes as amended for functions and duties.

(7) *Review Board No. 4.* See Item 7.12 of the Organization Minutes as amended for functions and duties.

(8) *Review Board No. 5.* See Item 7.12 of the Organization Minutes as amended for functions and duties.

(9) *Finance Board.* See Item 7.6 of the Organization Minutes as amended for functions and duties.

(10) *Operating Rights Board.* See Item 7.11 of the Organization Minutes as amended for functions and duties.

(11) *Temporary Authorities Board.* See Item 7.4 of the Organization Minutes as amended for functions and duties.

(12) *Transfer Board.* See Item 7.5 of the Organization Minutes as amended for functions and duties.

(g) *Bureau of Accounts.* Performs the accounting, cost finding, valuation and reporting functions necessary in the regulatory work of the Commission to bring about accurate, uniform and comprehensive disclosure of financial data by carriers in the public interest. This includes the development of uniform systems of accounts, valuation regulations, regulations governing the destruction of carrier records, statistical and accounting reporting requirements of annual and periodic reports, and other related regulations for all transportation companies subject to the Act; examining the accounts, records, reports, and financial statements filed by such companies to ascertain compliance with Commission accounting and related regulations; compilation and publication of transportation statistics; development of equitable and reasonable depreciation rates for carrier property; preparing studies and analyses of the costs and revenues of transportation service of carriers subject to the Act; maintaining inventories of railroad and pipeline properties, and developing property valuation data; preparing accounting, cost and valuation data for use in proceedings before the Commission; and analyzing cost evidence presented by other parties in rate proceedings. Rendering assistance in accounting matters in finance proceedings; preparation of financial analyses in connection with Commission's proceedings involving authority to construct, acquire, or abandon lines of railroads, approval for regulated industry to enter into contracts for the pooling or division of traffic in earnings; to consolidate, merge,

transfer ownership or acquire control of carriers. Also responsible for the administration of the loan guaranty program provided for by the Transportation Act of 1958.

(1) *Section of Accounting.* Prepares uniform systems of accounts and general accounting rules applicable to carriers in the several modes of transportation subject to Commission regulation; prepares modifications and revisions of such systems and rules; furnishes interpretations of accounting and related rules as required; renders assistance in proceedings before the Commission, the courts and Congressional Committees involving the application of accounting rules and principles; prepares regulations governing the destruction of carrier records, and forms and recording of passes; and prepares correspondence relating thereto. Reviews and evaluates all reports and related working papers pertaining to general accounting and valuation examinations made by the Bureau's field staff. Reviews and disposes of accounting entries submitted by carriers pursuant to Commission orders in finance proceedings. Reviews for approval by the Commission agreements between common carriers with persons furnishing protective services.

(2) *Section of Cost Finding.* Prepares cost formulas and studies to reflect the cost of transportation by railroads; motor carriers; inland, coastal and intercoastal water carriers. Furnishes cost data for use in considering rate proposals. Analyzes cost evidence submitted by carriers in petitions for vacation of suspension orders and in rate proceedings, and evaluates the adequacy of the studies in relation to the issues. Prepares cost exhibits and supplies witnesses in a variety of cases when directed by the Commission.

(3) *Section of Financial Analysis.* Prepares accounting and financial analyses for use by Commissioners and their immediate staffs, members of employee boards, hearing examiners, attorney advisors, adjudicators and other officials of the Commission in connection with pending applications involving railroads, motor carriers and other carriers subject to the Commission's jurisdiction for authority to purchase, lease, merger, consolidate or acquire stock control; to issue securities or assume obligation and liability in respect thereof; for modification of capital structures; for reorganizations; for abandonment of a line of railroad; and for discontinuance of a passenger train. Also administers the Commission's Part V loan program involving the receipt and analysis of reports showing the financial and operating condition of the debtor railroads, and the analysis of and recommendation of action to be taken by the Commission on petitions for modification of the outstanding loans such as extension of maturities and release or substitution of collateral.

(4) *Section of Reports.* In cooperation with other bureaus and offices prepares the statistical and accounting reporting requirements of carriers subject to the IC Act, and Clayton antitrust Act; sets forth policies and practices to be followed in filing the annual and periodic reports, examines and vertifies carrier reports to determine accuracy, completeness and compliance with reporting requirements and conducts correspondence with carriers regarding same; performs accounting review of annual reports for adequacy and compliance with accounting provisions, rules and regulations; initiates action leading to institution of appropriate proceedings against carriers failing to observe reporting requirements; compiles and prepares for publication, transportation statistics based on reports submitted by the carriers covering such matters as finances and operations; prepares special tabulations based on reports for the Commission, Congress, and other governmental agencies; and advises industry, Government agencies, and others regarding the scope and content of the reports and related matters.

(5) *Section of Valuation and Depreciation.* Performs work necessary to ascertain the value of railroad and pipeline properties and to determine equitable and reasonable depreciation rates for carrier property as required by the Interstate Commerce Act. This includes maintaining current inventories of carrier property; ascertaining the original and current reproduction cost of carrier property; ascertaining the present value of land and the development of other pertinent information for finding final property values.

(6) *Field Staff.* Examines accounts and records of carriers to ascertain compliance with accounting, valuation and related regulations prescribed by the Commission. Ascertains that the payments made by railroads or express companies are just and reasonable and in accordance with agreements with persons furnishing protective services. Provides expert testimony in courts of law and proceedings before the Commission with respect to matters developed in field examinations and investigations.

(7) *Accounting and Valuation Board.* See Item No. 7.13 of the Organization Minutes as amended for functions and duties.

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[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-8628; Filed, July 25, 1967; 8:46 a.m.]

[Notice 456]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 21, 1967.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2263 (Deviation No. 1) LAUREL TRANSPORT CORPORATION, 1036 North Shore Road, Route 9, Post Office Box 438, Rio Grande, N.J. 08242, filed July 12, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction New Jersey Highway 49 and the New Jersey Turnpike over the New Jersey Turnpike to junction Interstate Highway 295, thence over Interstate Highway 295 across the Delaware Memorial Bridge to the Delaware Turnpike (Interstate Highway 95), thence over the Delaware Turnpike to junction with the Maryland Turnpike (Interstate Highway 95), thence over the Maryland Turnpike to junction with the Northeastern Expressway (at a point approximately 8 miles northeast of Baltimore, Md.), thence over the Northeastern Expressway to Baltimore, Md., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Rio Grande, N.J., over U.S. Highway 9 to Clermont, N.J., thence over New Jersey Highway 83 to South Dennis, N.J., thence over New Jersey Highway 47 to Millville, N.J., thence over New Jersey Highway 49 to junction U.S. Highway 40, thence over U.S. Highway 40 to Baltimore, Md., and return over the same route.

No. MC 20994 (Deviation No. 1), INTER-CITY AUTO FREIGHT, INC., 3441 Second Avenue South, Seattle, Wash. 98134, filed May 22, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Tacoma, Wash., over Interstate Highway 5 to Seattle, Wash., (2) from Seattle, Wash., over Interstate Highway 5 to Burlington, Wash., thence over Washington Highway 20 to Sedro Woolley, Wash., thence over Washington Highway 20 to Newhalem, Wash., (3) from Everett, Wash., over Interstate Highway 5 to Seattle, Wash., and (4) from Seattle, Wash., over Interstate Highway 5 to Burlington, Wash., thence over Washington Highway 20 to Sedro Woolley, Wash., thence over Washington Highway 20 to Marblemount, Wash., thence over Washington Highway 20 to Newhalem, Wash., thence over Washington Highway 20 to Diablo Dam, Wash., and

return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Tacoma, Wash., over U.S. Highway 99 to Seattle, Wash., (2) from Seattle, Wash., over U.S. Highway 99 to Burlington, Wash., thence over Washington Highway 1F to Sedro Woolley, Wash., thence over Washington Highway 17A to Marblemount, Wash., thence over Washington Highway 17 to Newhalem, Wash., (3) from Everett, Wash., over U.S. Highway 99 to Seattle, Wash., and (4) from Seattle, Wash., over the route specified in (2) above to Marblemount, Wash., thence over unnumbered highway to Diablo Dam, Wash., and return over the same routes.

No. MC 65660 (Deviation No. 4), WARNER & SMITH MOTOR FREIGHT, INC., 66 Third Street, Post Office Box 96, Masury, Ohio 44438, filed July 12, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 19 and Interstate Highway 79, south of the Borough of Zelienople, Pa., over Interstate Highway 79 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 19, south of Mercer, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Pittsburgh, Pa., and Erie, Pa., over U.S. Highway 19.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 392) (Cancels Deviation No. 347), GREYHOUND LINES, INC. (Southern Division), 219 East Short Street, Lexington, Ky. 40507, filed July 10, 1967. Carrier proposes to operate as a common carrier, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 51 and Interstate Highway 55 at Brooks Road in Memphis, Tenn., over Interstate Highway 55 to junction Mississippi Highway 7, thence over Mississippi Highway 7 (an access road) to junction U.S. Highway 51, approximately seven miles north of Grenada, Miss., (2) from Canton, Miss., over Mississippi Highway 22 (an access road) to junction Interstate Highway 55, thence over Interstate Highway 55 to Jackson, Miss., (3) from Jackson, Miss., over Interstate Highway 55 to junction Mississippi Highway 472 (an access road), thence over Mississippi Highway 472 to junction U.S. Highway 51, one mile north of Hazlehurst, Miss. (also over Mississippi Highway 27 (an access road) from junction Interstate Highway 55, one mile west of Crystal Springs, Miss., to Crystal Springs, Miss.), and (4) from junction U.S. Highway 51 and U.S. Highway 98 near Summitt, Miss., over U.S. Highway 98 (an access road) to junction Interstate Highway 55, thence over Interstate Highway 55 to junction Louisiana Highway 16 (an access road), thence over Louisiana Highway 16 to junction U.S. Highway 51 at Amite, La., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From St. Louis, Mo., over U.S. Highway 67 to Mehlville, Mo., thence over U.S. Highway 61 to junction old U.S. Highway 61 at a point approximately one mile northeast of Turrell, Ark., thence over old U.S. Highway 61 to Turrell, Ark., thence over U.S. Highway 61 via Clarksdale, Miss., to Vicksburg, Miss., (2) from Clarksdale, Miss., over U.S. Highway 49 to Tutwiler, Miss., thence over U.S. Highway 49E to a point approximately 1.3 miles north of Yazoo City, Miss., thence over old U.S. Highway 49E to Yazoo City, Miss., thence over U.S. Highway 49 to Jackson, Miss., and (3) from Jackson, Miss., over U.S. Highway 51 to Laplace, La., and return over the same routes.

No. MC 1515 (Deviation No. 393) (Cancels Deviation No. 275), GREYHOUND LINES, INC. (EASTERN GREYHOUND LINES DIVISION), 1400 West Third Street, Cleveland, Ohio 44113, filed July 13, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage* and *express* and *newspapers*, in the same vehicle with passengers, over deviation routes as follow: (1) From Newport News, Va., Patrick Henry Interchange, Interstate Highway 64 (junction Interstate Highway 64 and Virginia Highways 143 and 168), over Interstate Highway 64 to junction Virginia Highway 168, Camp Peary Interchange, Interstate Highway 64 (northwest of Williamsburg, Va.); (2) from junction Interstate Highway 64 and Virginia Highway 105 (Newport News, Va.), over Virginia Highway 105 to junction U.S. Highway 60 (Newport News, Va.); (3) from junction Interstate Highway 64 and Virginia Highway 105 (Newport News, Va.), over Virginia Highway 105 to junction Virginia Highway 168 (Newport News, Va.); (4) from Williamsburg, Va., eastbound over Virginia Highway 168 to junction access road to Interstate Highway 64 near the western city limits of Newport News, Va., thence over access road to Interstate Highway 64; (5) from junction Interstate Highway 64 and access road to Virginia Highway 168 west of York-James City county line, over access road to Virginia Highway 168, thence over Virginia Highway 168 to Williamsburg, Va.; (6) from Williamsburg, Va., over Virginia Highway 168 to junction Interstate Highway 64 at Camp Peary Interchange, Interstate Highway 64; (7) from Bottoms Bridge, Va. (junction U.S. Highway 60 and Virginia Highway 33), over Virginia Highway 33 to junction Interstate Highway 64, thence over Interstate Highway 64 to junction U.S. Highway 360 (also known as Mechanicsville Turnpike) in Richmond, Va.; (8) from junction Virginia Highway 672 (Laburnum Avenue) and Interstate Highway 64 over Virginia Highway 672 to Richmond; (9) from Interchange Interstate Highway 64 and 60 Connector Access Highway, over 60 Connector Access Highway to junction U.S. Highway 60 west of Sandston, Va.; and (10) from Interstate Highway 64, Camp Peary Interchange via the Camp Peary Interchange and Security Road, to Camp Peary; and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follow: (1) From Morrison, Va., over U.S. Highway 60 to Lee Hall, Va., thence over Virginia Highway 168 to junction Virginia Highway 238, thence over Virginia Highway 238 to Yorktown, Va.; (2) from Fortress Monroe, Va., over U.S. Highway 60 via Newport News, Va., to junction U.S. Highway 17; (3) from Lee Hall, Va., over U.S. Highway 60 to junction Virginia Highway 174, thence over Virginia Highway 174 to junction Virginia Highway 238, thence return over Virginia Highway 174 to junction U.S. Highway 60, thence over U.S. Highway 60 to Richmond, Va.; (4) from Williamsburg, Va., over Virginia Highway 5 (formerly shown as portion of Virginia Highway 168), to junction Virginia Highway 168, thence over Virginia Highway 168 to Newport News, Va.; (5) from Williamsburg, Va., over the Colonial Highway (formerly National Highway) to Yorktown, Va., thence over U.S. Highway 17 to junction Virginia Highway 168; (6) from Norfolk, Va., over Hampton Roads Bridge-Tunnel route to junction Virginia Highway 168; (7) from junction Virginia Highways 168 and 162 over Virginia Highway 168 via junction Virginia Highway 31 to junction Virginia Highway 168Y, thence over Virginia Highway 168Y to junction U.S. Highway 60; and (8) from Williamsburg, Va., over Virginia Highway 31 to junction Virginia Highway 168; and return over the same routes.

No. MC 2835 (Deviation No. 2) (Cancels Deviation No. 1), ADIRONDACK TRANSIT LINES, INC., 495 Broadway, Kingston, N.Y. 12401, filed July 10, 1967. Carrier's representative: Martin J. Kelly, Jr., 70 Pine Street, New York, N.Y. 10005. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Albany, N.Y., over Interstate Highway 87 to Plattsburgh, N.Y., with the following access routes: (1) In the town of Colonie, Albany County, N.Y., over New York Highway 7 between Interstate Highway 87 and U.S. Highway 9, (2) in the town of Clifton Park, Saratoga County, N.Y., over New York Highway 146 between Interstate Highway 87 and U.S. Highway 9 (also Ushers Road), (3) in the town of Malta, Saratoga County, N.Y., over Round Lake Road between Interstate Highway 87 and U.S. Highway 9 (also New York Highway 67), (4) in the city of Saratoga Springs, Saratoga County, N.Y., over Route 9P (Union Avenue) between Interstate Highway 87

and the grandstand entrance to the racetrack (also New York Highway 50 (Excelsior Avenue) between Interstate Highway 87 and Maple Avenue), (5) in the town of Queensbury, Warren County, N.Y., over Corinth Road between Interstate Highway 87 and Richardson Street (also on Aviation Road between Interstate Highway 87 and U.S. Highway 9), (6) in the town of Caldwell, Warren County, N.Y., over New York Highway 9N between Interstate Highway 87 and U.S. Highway 9 (also over Diamond Point Road), (7) in the town of Chester, Warren County, N.Y., over New York Highway 8 between Interstate Highway 87 and U.S. Highway 9, (8) in the town of Chesterfield, Essex County, N.Y., over New York Highway 9N between Interstate Highway 87 and New York Highway 22, and (9) within the city of Albany, Albany County, N.Y., over Interstate Highway 787 between junction of Fourth Street and Green Street and Interstate Highway 787 and Interchange No. 23 of the New York State Thruway, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Saranac Lake, N.Y., over New York Highway 86 to Lake Placid, N.Y., thence over New York Highway 86A to Keene, N.Y., thence over New York Highway 9N to Elizabeth-Town, N.Y., thence over U.S. Highway 9 to Albany, N.Y., (2) from Lake George, N.Y., over U.S. Highway 9 to junction New York Highway 47, thence over New York Highway 47 to Hague, N.Y., thence over New York Highway 8 to Ticonderoga, N.Y., (3) from Saranac Lake, N.Y., over New York Highway 86 to junction New York Highway 365, thence over New York Highway 365 to junction New York Highway 192, thence over New York Highway 192 to junction New York Highway 10, thence over New York Highway 10 to Malone, N.Y., thence over New York Highway 37 to Massena, N.Y., (4) from Ticonderoga, N.Y., over New York Highway 22 to Port Henry, N.Y., thence over unnumbered highways via Moriah, Moriah Center, Wetherbee, and Mineville, N.Y., to Fisher Hill, N.Y. (also from Port Henry over unnumbered highways via Mineville to Wetherbee, N.Y.), (5) from Saranac Lake, N.Y., over New York Highway 3 to Bloomingdale, N.Y., thence over New York Highway 396 to junction New York Highway 192, thence over New York Highway 192 to Gabriels, N.Y., (6) from Warrensburg, N.Y., over New York Highway 28 to Blue Mountain Lake, N.Y., thence over New York Highway 10 to Long Lake, N.Y., (7) from Port Henry, N.Y., over New York Highway 22 to Plattsburgh, N.Y., and (8) from Malone, N.Y., over U.S. Highway 11 to Chateaugay, N.Y., thence over New York Highway 374 to junction New York Highway 3 near Cadyville, N.Y., thence over New York Highway 3 to Plattsburgh, N.Y., and return over the same routes.

No. MC 93443 (Deviation No. 2), NATIONWIDE TOURS, INC., 1344 Albany Street, Schenectady, N.Y. 12304, filed July 12, 1967. Carrier's representative: Louis H. Shereff, 292 Madison Avenue, New York, N.Y. 10017. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Interchange No. 28 in Fultonville, N.Y., to Interchange No. 25 in Schenectady, N.Y., over the New York State Thruway, with the following access roads: (1) New York Highway 30A from Fultonville, N.Y., to Interchange No. 28, (2) New York Highway 30 from New York Highway 5 to Interchange No. 27, and (3) New York Highway 5S from New York Highway 5 to Interchange No. 26, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: from Fultonville, N.Y., over New York Highway 30A to Fonda, N.Y., thence over New York Highway 5 to Schenectady, N.Y., and return over the same route.

By the Commission.

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

[F.R. Doc. 67-8629; Filed, July 25, 1967; 8:46 a.m.]

[Notice 1088]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 21, 1967.

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

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

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 25798 (Sub-No. 153) (Republication), filed June 23, 1967, published in FEDERAL REGISTER issue of July 13, 1967, and republished this issue. 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 confectionery 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. This republication is to reflect the hearing information.

HEARING: August 8, 1967, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Robert L. Irwin.

No. MC 35107 (Sub-No. 2) (Republication), filed February 23, 1967, published FEDERAL REGISTER issue of March 9, 1967, and republished this issue. Applicant: GLEN FLOYD, Beattie, Kans. 66406. Applicant's representative: Arthur L. Claussen, 303 New England Building, Topeka, Kans. 66603. By application filed February 23, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of the commodities specified below (except in tank vehicles), between Home, Kans., and St. Joseph, Mo., and Home, Kans., and Kansas City, Mo., serving all intermediate points and points in Nebraska and Kansas within 15 miles of Home, Kans. An order of the Commission, Operating Rights Board No. 1, dated June 30, 1967, and served July 13, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over *irregular routes*, of *processed mill feeds, soybean meal, bran, shorts, alfalfa meal, and alfalfa pellets*, in bulk, from Kansas City and St. Joseph, Mo., to points in Marshall County, Kans.; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 66582 (Sub-No. 31) (Republication), filed March 9, 1967, published FEDERAL REGISTER issue of March 23, 1967, and republished this issue. Applicant: ORANGE & BLACK BUS LINES, INC., 419 Anderson Avenue, Fairview, N.J. Applicant's representative: Edward F. Bowes, 1060 Broad Street, Newark, N.J. 07102. By application filed March 9, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of passengers and their baggage, in the same vehicle as passengers, between points in Fort Lee, N.J., as follows, from junction Marginal Highway and Fletcher Avenue, in Fort Lee, N.J., over Fletcher Avenue, to junction Main Street, thence over

Main Street, to junction Anderson Avenue, in Fort Lee, N.J., and on return from junction of Center Avenue, and Main Street in Fort Lee, N.J., over Main Street, to junction Fletcher Avenue, thence over Fletcher Avenue, to junction Cross Street, serving all intermediate points in Fort Lee, N.J. An order of the Commission, Operating Rights Board No. 1, dated June 29, 1967, and served July 13, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of *passengers and their baggage* in the same vehicle with passengers, between points in Fort Lee, N.J., as follows: (1) From junction Cross Street and Linwood Avenue over Linwood Avenue to junction Main Street, thence over Main Street to junction Anderson Avenue, thence over Anderson Avenue to junction Center Avenue, and return over the same route serving all intermediate points, (2) from junction Center Avenue and Tremont Avenue, over Tremont Avenue to junction Anderson Avenue and return over the same route, serving all intermediate points; and (3) from junction Main Street and Anderson Avenue over Main Street to junction Center Avenue, and return over the same route, serving all intermediate points; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 101010 (Sub-No. 19) (Republication), filed February 16, 1967, published FEDERAL REGISTER issue of March 9, 1967, and republished this issue. Applicant: ERIE-LACKAWANNA RAILROAD COMPANY, a corporation, 101 Prospect Avenue NW., Cleveland, Ohio 44115. Applicant's representative: J. R. Clark, 1336 Midland Building, Cleveland, Ohio 44115. By application filed February 16, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of the commodities, between the points, and in the manner substantially as indicated below, except that applicant seeks to operate between Buffalo and Alexander, N.Y., over U.S. Highway 5. An order of the Commission, Operating Rights Board No. 1, dated June 29, 1967, and served July 13, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle over regular routes, of *general commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Buffalo, N.Y., and Rochester, N.Y.; from Buffalo over New York Highway 130 to junction U.S. Highway 20, thence over U.S. Highway 20 to Alexander, N.Y., thence over New York Highway 98 to Batavia, N.Y., thence over New York Highway 5 to East Avon, N.Y., thence over U.S. Highway 15 to Rochester, and return over the same route, serving the intermediate points of East Buffalo, Cheektowaga, Depew, Lancaster, Town Line, Alden, Darien Center, Alexander, Batavia, Stafford, Le Roy, Caledonia, Avon, Industry, West Henrietta, and Mortimer, N.Y., and the off-route points of Fargo and Ray, N.Y., subject to the following conditions: (1) The service to be performed by carrier shall be limited to service which is auxiliary to, or supplemental of, its rail service, (2) the carrier shall not serve, or interchange, traffic at any point not a station on its rail lines, (3) the shipments transported by carrier by motor vehicle shall be limited to those which it receives from, or delivers to, its rail lines under a through bill of lading covering, in addition to a motor carrier movement by carrier, an immediately prior or immediately subsequent movement by rail; and (4) such further conditions as the Commission, in the future, may find it necessary to impose in order to restrict the carrier's operation to service which is auxiliary to, or supplemental of, rail service; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 111729 (Sub-No. 188) (Republication), filed January 30, 1967, published FEDERAL REGISTER issue of February 16, 1967, and republished this issue. Applicant: AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Claude J. Jasper, 111 South Fairchild Street, Madison, Wis. By applications filed January 30, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) cameras, projectors, tape recorders, electronic flash units, light meters, electronic components, and parts related to photographic equipment, limited to shipments not to exceed 75 pounds in weight per shipment between Cleveland, Ohio, on the one hand, and, on the other, points in Illinois, and Philadelphia, Pa., (2) ophthalmic goods and commercial papers (excluding plant removals), limited to shipments not to exceed 75 pounds in weight per shipment between Mansfield, Ohio, and Fort Wayne, Ind., (3) proofs, cuts, copy, photoengraving, art boards, type, supplies, and related commodities used by typesetting, between Indianapolis, Ind., on the one hand, and, on the other, Chicago, Ill., Cincinnati, Ohio, and Louisville, Ky., (4) drugs, narcotics, pharmaceuticals, and drug products, between Cleveland, Ohio, on the one hand, and, on the other, points in Kentucky, and West Virginia, and Marietta, Ohio, (5) business papers, records, and audit and accounting media of all kinds (excluding plant removals) (a) between Detroit, Mich., and Erie, Pa., (b) between Evansville, Ind., and Louisville, Ky., (c) between Columbus, Ohio, on the one hand, and, on the other, points in Marion County, Ind., (d) between Detroit, Mich., on the one hand, and, on the other, Rochester, N.Y., and Covington and Louisville, Ky., (6) small operative appliance parts, between Evansville, Ind., and Louisville, Ky., (7) business papers, records and audit and accounting media of all kinds (excluding plant removals) advertising material and samples moving therewith, between Milwaukee, Wis., and Elmhurst, Ind. An order of the Commission, Operating Rights Board No. 1, dated June 30, 1967, and served July 13, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) *cameras, projectors, tape recorders, electronic flash units, light meters, electronic components, and parts* related to photographic equipment, restricted against the transportation of packages or articles weighing in the aggregate more than 75 pounds from one consignor to one consignee on any one day, between Cleveland, Ohio, on the one hand, and, on the other, points in Illinois, and Philadelphia, Pa., (2) *ophthalmic goods and commercial papers* (except cash letters), restricted against the transportation of packages or articles weighing in the aggregate more than 75 pounds from one consignor to one consignee on any one day, between Mansfield, Ohio and Fort Wayne, Ind., (3) *proofs, cuts, copy, photoengraving, art boards, type, supplies, and related commodities* used by typesetting, between Indianapolis, Ind., on the one hand, and, on the other, Chicago, Ill., Cincinnati, Ohio, and Louisville, Ky., (4) *pharmaceuticals*, between Cleveland, Ohio, on the one hand, and, on the other, points in Kentucky and West Virginia and

Marietta, Ohio, (5) *business papers, records, and audit and accounting media* (except cash letters), (a) between Detroit, Mich., and Erie, Pa., (b) between Evansville, Ind., and Louisville, Ky., (c) between Columbus, Ohio, on the one hand, and, on the other, points in Marion County, Ind., (d) between Detroit, Mich., on the one hand, and, on the other, Rochester, N.Y., and Covington, and Louisville, Ky., and (6) *business papers, records, and audit and accounting media* (except cash letters), *advertising material* and samples moving therewith, between Milwaukee, Wis., and Elmhurst, Ind.; that the holding by applicant of the certificate authorized to be issued in this proceeding and of the permits in No. MC 112750 and subs thereunder, will be consistent with the public interest and the national transportation policy; and that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 116273 (Sub-No. 86) (Republication), filed January 30, 1967, published FEDERAL REGISTER issue of February 16, 1967, and republished this issue. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Robert G. Paluch (same address as applicant). By application filed January 30, 1967, applicant seeks a certificate of public convenience and necessity authorizing operations, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of flour, in pneumatic tank vehicles, from Chicago, Ill., to points in Michigan, Indiana, Wisconsin, and Ohio. An order of the Commission, Operating Rights Board No. 1, dated June 29, 1967, and served July 13, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *flour*, in tank vehicles, from Chicago, Ill., to points in Michigan, Indiana, and Ohio; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for order appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 118127 (Sub-No. 6) (Republication), filed February 24, 1967, published FEDERAL REGISTER issue of March 9, 1967, and republished this issue. Applicant: HALE DISTRIBUTING COMPANY, INC., 1315 East Seventh Street, Los Angeles, Calif. 90021. Applicant's representative: William J. Augello, Jr., 2 West 45th Street, New York, N.Y. 10036. By application filed February 24, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of frozen poultry products, when moving at the same time and in the same vehicle with commodities which are otherwise partially exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, from Moorefield, W. Va., to Flagstaff, Phoenix, and Tucson, Ariz., Denver, Colo., Las Vegas and Reno, Nev., Albuquerque, N. Mex., Portland, Oreg., Salt Lake City, Utah, Seattle, Wash., and points in California. An order of the Commission, Operating Rights Board No. 1, dated June 30, 1967 and served July 13, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) *Frozen poultry products*, when moving in the same vehicle and at the same time with commodities, the transportation of which is otherwise exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, as amended, and (2) *commodities*, the transportation of which is otherwise exempt from economic regulation under section 203(b)(6) of the act when moving in the same vehicle and at the same time with the commodities authorized in (1) above, from Moorefield, W. Va., to Flagstaff, Phoenix, and Tucson, Ariz., Denver, Colo., Las Vegas and Reno, Nev., Albuquerque, N. Mex., Portland, Oreg., Salt Lake City, Utah, Seattle, Wash., and points in California, with the authority in (1) above, restricted to the transportation of traffic originating at Moorefield, W. Va., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for order appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 120157 (Sub-No. 1) (Republication), filed December 22, 1966, published FEDERAL REGISTER issue of January 26, 1967, and republished this issue. Applicant: PURDIE EXPRESS LINES, INC., Stanley, N.Y. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. By application filed December 22, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of foodstuffs, in containers: A. (1) From Holley, N.Y., to Rochester, N.Y., over New York Highway 31; (2) from Holley, N.Y., to Niagara Falls, N.Y., over New York Highway 31; (3) from Hamlin, N.Y., to Rochester, N.Y., over New York Highway 18; (4) from Hamlin, N.Y., to Niagara Falls, N.Y., over New York Highway 18; (5) from Williamson, N.Y., to Rochester, N.Y., over U.S. Highway 104; (6) from Williamson, N.Y., to Oswego, N.Y., over U.S. Highway 104; B. thence via Rochester, Niagara Falls, and Oswego, N.Y., over the following routes: (1) From Niagara Falls, N.Y., to Binghamton, N.Y., from Niagara Falls over New York Highway 384 to Buffalo, N.Y., thence over New York Highway 5 to junction U.S. Highway 20, thence over U.S. Highway 20 to Westfield, N.Y., thence over New York Highways 17, 17C and 17E to Binghamton; (2) from Buffalo, N.Y., to junction New York Highways 17 and 62 over New York Highway 62 to junction New York Highways 17 and 62; (3) from Rochester, N.Y., to Buffalo, N.Y., from Rochester over New York Highway 33 to Batavia, N.Y., thence over New York Highway 5 to Buffalo; (4) from Buffalo, N.Y., to Albany, N.Y., from Buffalo over U.S. Highway 20 and New York Highway 5 to Auburn, N.Y., thence over U.S. Highway 20 and New York Highway 5 to Albany; (5) from Batavia, N.Y., to Andover, N.Y., from Batavia over New York Highway 63 to Dansville, N.Y., thence over New York Highway 36 to Hornell, N.Y., thence over New York Highway 21 to Andover; (6) from Pine Tavern, N.Y., to East Aurora, N.Y., over U.S. Highway 20A; (7) from Avon, N.Y., to Wellsville, N.Y., from Avon over New York Highway 39 to Fillmore, N.Y., thence over New York Highway 19 to Wellsville, N.Y.; (8) from Rochester, N.Y., to Painted Post, N.Y., from Rochester over U.S. Highway 15 and 15A to Springwater, N.Y., thence over U.S. Highway 15 to Painted Post; (9) from Geneva, N.Y., to Wayland, N.Y., from Geneva over New York Highway 245 to Wayland; (10) from Rochester, N.Y., to Waterloo, N.Y., over New York Highway 96; (11) from Rochester, N.Y., to junction New York Highways 31B and 5, from Rochester over New York Highway 31 to Weedsport, N.Y., thence over New York Highway 31B to

junction New York Highway 5; (12) from Geneva, N.Y., to Bath, N.Y., from Geneva over New York Highway 14A to Penn Yan, N.Y., thence over New York Highway 54A to Bath; (13) from Penn Yan, N.Y., to Elmira, N.Y., from Penn Yan over New York Highway 14A to Watkins Glen, N.Y., thence over New York Highway 14 to Elmira; (14) from Geneva, N.Y., to Watkins Glen, N.Y., from Geneva over New York Highway 96A to Ovid, N.Y., thence over New York Highway 414 to Watkins Glen; (15) from Ovid, N.Y., to Oswego, N.Y. A corrected order of the Commission, Operating Rights Board No. 1, dated May 31, 1967, and served July 14, 1967, finds that the president and owner of 99 percent of the outstanding capital stock of applicant also controls Howard's Express, Inc., which holds certificates Nos. MC 97006 (Sub-Nos. 1, 4, and 5), said common control or management not having been subject to prior Commission approval; that a grant of irregular-route authority here rather than the regular-route authority sought would be more appropriate in view (a) of the fact that only a single specified commodity is proposed to be transported, (b) of the limited number of origins, and (c) of the prolixity and complexity of the proposed regular-route. Cf. *Motor Common Carriers of Property—Routes and Service*, 88 M.C.C. 415, at 430; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *foodstuffs*, in containers, from Hamlin, Holley, and Williamson, N.Y., to those points in that part of New York on and west of U.S. Highway 9, on and south of New York Highway 49 and on and north of New York Highway 17; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that a certificate authorizing such operations should be granted, subject to the condition that the person or persons who control or manage the operations both of applicant and any other carrier operating in interstate or foreign commerce shall first obtain approval of such control or management under the provisions of section 5(2) of the Act. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 123920 (Sub-No. 1) (Republication), filed January 30, 1967, published FEDERAL REGISTER issue of February 24, 1967, and republished this issue. Applicant: ELDON H. RIECK, Bay City, Wis. Applicant's representative: Clinton R. Bently, Goodhue County National Bank Building, Red Wing, Minn. 55066. By application filed January 30, 1967, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of sand, machinery, machinery parts, consisting of screens used in processing and mining of sand, empty cloth bags used in packing and shipping of sand, and oil for lubricating machinery, from points in Pierce County, Wis., to points in Minnesota and Wisconsin, under contract with Maiden Rock Silica Sand Co., Maiden Rock, Wis. An order of the Commission, Operating Rights Board No. 1, dated June 30, 1967, and served July 13, 1967, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) *sand*, from points in Pierce County, Wis., to points in Dakota, Goodhue, Hennepin, Ramsey, Wabasha, and Washington Counties, Minn., and points in Wisconsin, and (2) *machinery, machinery parts, tools and supplies* used in the mining and treating of sand, from points in Dakota, Goodhue, Hennepin, Ramsey, Wabasha, and Washington Counties, Minn., to points in Pierce County, Wis., under a continuing contract with Maiden Rock Silica Sand Co., of Maiden Rock, Wis., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who may have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128468 (Republication), filed July 20, 1966, published FEDERAL REGISTER issue of August 18, 1966, and republished this issue. Applicant: HERBERT C. WHITE, doing business as WHITE'S TRUCKING CO., 1308 Starhaven Street, Duarte, Calif. 91010. By application filed July 20, 1966, applicant seeks a certificate of public convenience and necessity authorizing operations, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of steel corrugated culvert pipe, and rejected pipe, (1) between Irwindale, Calif., and construction sites in Arizona, and (2) between Irwindale, Calif., and construction sites in Nevada. An order of the Commission, Operating Rights Board No. 1, dated June 30, 1967, and served July 13, 1967, as amended, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier*, by motor vehicle, over irregular routes, of *steel corrugated culvert pipe*, from Irwindale, Calif., to points in Arizona and Nevada, under a continuing contract with Pacific Corrugated Culvert Co., of Irwindale, Calif., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128927 (Republication), filed March 6, 1967, published FEDERAL REGISTER issue of March 23, 1967, and republished this issue. Applicant: ALLAN L. MARTIN AND NORMAN V. MARTIN, doing business as VERN A. MARTIN & SONS, Wilton, Wis. 54670. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, Wis. 53705. By application filed March 6, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of wood pallets, moving on flat bed semitrailers, from Kendall, Wis., to points in Michigan, Illinois, Iowa, and Minnesota. An order of the Commission, Operating Rights Board No. 1, dated June 29, 1967, and served July 13, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *wood pallets*, from Kendall, Wis., to points in Michigan, Illinois, and Iowa (except Council Bluffs), and Minnesota, that applicants are fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period

of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATION FOR BROKERAGE LICENSE

MOTOR CARRIER OF PASSENGERS

No. MC 130033 (Republication), filed February 20, 1967, published FEDERAL REGISTER issue of March 16, 1967, and republished this issue. Applicant: SCANDINAVIAN SKI SHOP TOURS & RENTALS, INC., 45 East 59th Street, New York, N.Y. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. By application filed February 20, 1967, applicant seeks a license to engage in operations as a broker at White Plains, N.Y., in arranging for transportation, in interstate or foreign commerce, of passengers and their baggage and ski equipment, in round-trip, all expense tours from October 1 to June 1 of each year, beginning and ending at points in Westchester County, N.Y., and extending to points in New York, New Hampshire, Vermont, Massachusetts, and Connecticut. An order of the Commission, Operating Rights Board No. 1, dated June 29, 1967, and served July 13, 1967, finds that operation by applicant at White Plains, N.Y., as a *broker* in arranging for transportation by motor vehicle, in interstate or foreign commerce, of *passengers, their baggage, and their ski equipment*, in round-trip tours, in special and charter operations from October 1 to June 1, both inclusive of each year, beginning and ending at points in Westchester County, N.Y., and extending to points in New York, New Hampshire, Vermont, Massachusetts, and Connecticut will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that a license authorizing such operations should be issued, subject to the right of the Commission, which is hereby expressly reserved, to impose, after final determination of the proceeding in Ex Parte No. MC-29 (Sub-No. 2), such terms and conditions, if any, as may be deemed necessary to insure that the operations of applicant are limited to bona fide operations, as a broker of transportation by motor vehicle of passengers, their baggage, and their ski equipment in special and charter operations, in round-trip tours. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a license in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 106051 (Sub-No. 38) (Correction), filed June 19, 1967, published FEDERAL REGISTER issue of July 6, 1967, corrected July 12, 1967, and republished as corrected this issue. Applicant: OLD COLONY TRANSPORTATION CO., INC., 676 Dartmouth Street, South Dartmouth, Mass. Applicant's representative: Francis E. Barrett, Jr., 536 Granite Street, Braintree, Mass. 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Household goods*, (1) between points in Albany County, N.Y., (2) from points in Albany County N.Y., to points in Broome, Chemung, Clinton, Columbia, Delaware, Nassau, Niagara, Oneida, Onondaga, Orange, Dutchess, Erie, Essex, Franklin, Fulton, Otsego, Rensselaer, St. Lawrence, Saratoga, Schenectady, Greene, Herkimer, Jefferson, Monroe, Montgomery, Schoharie, Ulster, Warren, Washington, and Westchester Counties, N.Y., and New York, N.Y.; (3) from points in Clinton, Columbia, Erie, Fulton, Greene, Montgomery, Monroe, Otsego, Rensselaer, Schenectady, Schoharie, Ulster, Warren, Washington Counties and New York, N.Y.; to points in Albany County, N.Y., (4) from points in Rensselaer County, N.Y., to points in Chautauqua, Dutchess, Genesee, Greene, Fulton, Ontario, Otsego, Seneca, Suffolk and Tompkins Counties, N.Y.; (5) from points in Jefferson County, N.Y., to points in Rensselaer County, N.Y.; (6) from points in Schenectady County, N.Y., to points in Columbia and Washington Counties, N.Y.; (B) *General commodities*, (1) between points in Albany County, N.Y.; (2) from points in Albany County, N.Y. to points in Columbia, Dutchess, Fulton, Greene Herkimer, Montgomery, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, Ulster, Warren, Washington and Westchester Counties, N.Y.; (3) from points in Columbia, Dutchess, Fulton, Greene, Herkimer, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie, Ulster, Warren, Washington, and Westchester Counties, N.Y., to points in Albany County, N.Y. NOTE: The purpose of this republication is to show the destination point of "Albany County, N.Y." in paragraph (A) subparagraph (3) and paragraph (B) subparagraph (3), which was erroneously omitted in previous publication. Applicant states that the principal tacking point would be Albany, N.Y., and other points in the Albany, N.Y., area. This application is a matter directly related to Docket No. MC-F-9789, published FEDERAL REGISTER issue of June 28, 1967. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 107558 (Sub-No. 8), filed July 3, 1967. Applicant: ARROW TRANSPORTATION CO., INC., 288 Kinsley Avenue, Providence, R.I. 02903. Applicant's representative: Francis E. Barrett, Jr., Investors Building, 536 Granite Street, Braintree, Mass. 02184. 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, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Massachusetts. NOTE: Applicant states it could tack at Boston or Worcester, Mass., to its presently held authority wherein it is authorized to conduct operations in the States of New York, Massachusetts, Connecticut, Rhode Island, and New Jersey. This application is directly related to MC-F 9804 published FEDERAL REGISTER July 12, 1967. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

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

MOTOR CARRIERS OF PROPERTY

No. MC-F-9523 (Amendment) (THE CAPITOL CORPORATION—Control—SERVICE MOTOR FREIGHT, INC., and CRAIG TRUCKING, INC.; AND CRAIG TRUCKING, INC.—Control and merger—BEVERAGE TRANSPORTATION, INC., ET AL.), published in the September 14, 1966, issue of the FEDERAL REGISTER, on page 12036. Application approved and authorized by order of the Commission, Finance Board No. 1, decided December 6, 1966. By petition filed July 14, 1967, applicants seek approval of a substitute plan of reorganization for (1) acquisition by THE CAPITOL CORPORATION of control of SERVICE MOTOR FREIGHT, INC., and B&L MOTOR FREIGHT, INC., through an exchange of capital stock, and, in turn, by H. E. LE FEVRE, (2) acquisition by B&L MOTOR FREIGHT, INC., of control of ATLAS FREIGHT LINES, INC., also through an exchange of capital stock, and (3) merger of the operating rights and property of BEVERAGE TRANSPORTATION, INC., KATTELMAN TRUCKING SERVICE, INC., and ATLAS FREIGHT LINES, INC., into B&L MOTOR FREIGHT LINES, INC., for ownership, management and operation, and the acquisition, in turn, by THE CAPITOL CORPORATION of control of the operating rights and property through the transaction. CRAIG TRUCKING, INC., will remain a subsidiary of B&L MOTOR FREIGHT, INC.

No. MC-F-9817. Authority sought for purchase by APPLE LINES, INC., Madison, S. Dak., of a portion of the operating rights of MIDLANDS TRANSPORTATION COMPANY, Lincoln, Nebr., and

for acquisition by OMER E. APPELWICK, 225 South Van Epps, Madison, S. Dak., of control of such rights through the purchase. Applicants' attorney: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Operating rights sought to be transferred: *Malt beverages*, as a *common carrier*, over irregular routes, between Kansas City, Kans., and points in the Kansas City, Mo., commercial zone as defined by the Commission, with restriction, from New Athens, Ill., St. Louis, Mo., and Omaha, Nebr., to Colby, Kans., and points in that part of Kansas east of U.S. Highway 83, not including points in Cherokee, Crawford, Labette, and Montgomery Counties, Kans., from Council Bluffs, Iowa, to Colby, Kans., and points in that part of Kansas east of U.S. Highway 83, not including points in Cherokee, Crawford, Labette, and Montgomery Counties, Kans., Long Pine, Nebr., and points in that part of Nebraska east and south of a line beginning at the Nebraska-South Dakota State line and extending south along U.S. Highway 183 to Ansley, Nebr., thence along Nebraska Highway 2 to Hazard, Nebr., thence south along Nebraska Highway 10 (portion formerly unnumbered highway) to Kearney, Nebr., thence west along U.S. Highway 30 to North Platte, Nebr., and thence south along U.S. Highway 83 to the Nebraska-Kansas State line, from Omaha, Nebr., to points in Oklahoma, Minnesota, South Dakota, and Kansas, and from St. Paul and Minneapolis, Minn., to points in Kansas. Vendee is authorized to operate, as a *common carrier*, in Kansas, Oklahoma, South Dakota, Wyoming, Nebraska, Iowa, Minnesota, North Dakota, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9818. Authority sought for control and merger by HILT TRUCK LINE, INC., 3751 Sumner, Lincoln, Nebr., of the operating rights and property of BAUMANN BROS. TRANSPORTATION, INC., 1801 Yolande, Lincoln, Nebr., and for acquisition by LEROY HILT, also of Lincoln, Nebr., of control of such rights and property through the transaction. Applicants' attorney: Donald E. Leonard, Box 2028, 605 South 14th, Lincoln, Nebr. 68501. Operating rights sought to be controlled and merged: *agricultural implements and parts, twine, cocoa, wallpaper, paint*, and *paint material*, as a *common carrier*, over regular routes, from Chicago, Ill., to Lincoln and Geneva, Nebr., serving the intermediate points of Canton and Joliet, Ill., and Milford, Fried, and Exeter, Nebr., and the off-route points of Coal City, Ill., and Tobias, Western, Daykin, Fairbury, and Seward, Nebr.; *paint, paint material, groceries*, and *grocery store supplies*, serving points in Washington County, Nebr., as intermediate and off-route points; *groceries* and *grocery store supplies*, from Chicago, Ill., to Lincoln and Fairbury, Nebr., serving the intermediate and off-route points of Rochelle, Ill., and those in the Chicago, Ill., commercial zone as defined by the Commission in 1 M.C.C. 673, restricted to pickup only, and the intermediate point of Fremont, Nebr., restricted to delivery only; *eggs*, from Lincoln, Nebr., to Chicago, Ill., serving no intermediate points; *malt beverages*, from Dubuque and Davenport, Iowa, to Lincoln, Nebr., serving no intermediate points; *empty malt beverage containers*, from Lincoln, Nebr., to Dubuque and Davenport, Iowa, serving no intermediate points; *syrup*, from Cedar Rapids and Tama, Iowa, to Lincoln, Nebr., serving no intermediate points; *egg case fillers*, from Tama, Iowa, to Lincoln, Nebr., serving no intermediate points; *flour*, from Geneva, Nebr., to Ottumwa and Chelsea, Iowa, serving the intermediate point of Albia, Iowa; *canned goods*, from Brighton, Tipton, and Vinton, Iowa, to Lincoln, Nebr., serving no intermediate points but serving the off-route point of Fremont, Nebr.; *meats, meat products, and meat byproducts*, as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), over irregular routes, from Glenwood, Iowa, to points in Wisconsin; and *paint, paint materials, groceries*, and *grocery store supplies* (except in bulk), between Smith Center, Kans., and points in Nebraska, with restriction, HILT TRUCK LINE, INC., is authorized to operate, as a *common carrier*, in Nebraska, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, Colorado, Wyoming, Pennsylvania, Ohio, New Mexico, and Utah. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9819. Authority sought for control by BOSS-LINCO LINES, INC., 450 Genesee Building, 1 West Genesee Street, Buffalo, N.Y. 14240, of ATLANTIC COAST FREIGHT LINES, INC., 3200 James Street, Baltimore, Md., and for purchase by BOSS-LINCO LINES, INC. of the operating rights of ATLANTIC COAST FREIGHT LINES, INC., and for acquisition by VICTOR J. PALISANO and CHARLES J. PALISANO, both also of Buffalo, N.Y., SAMUEL J. PALISANO, 155 Great Arrow Avenue, Buffalo, N.Y., and JOSEPH S. PALISANO, 510 Smith Street, Buffalo, N.Y., of control of such rights through the transaction. Applicants' attorney: Harold G. Hernly, 711 14th Street, NW., Washington, D.C. 20005. Operating rights sought to be controlled and transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between New York, N.Y., and Richmond, Va., serving the intermediate and off-route points in the Philadelphia, Pa., and Washington, D.C., commercial zones, as defined by the Commission, Baltimore, Md., and points within 10 miles of Baltimore, Trenton, N.J., Bristol and Chester, Pa., Elkton, Md., Fredericksburg, and Quantico, Va., points in New Jersey within 10 miles of New York N.Y., and points within 5 miles of Richmond, between Baltimore, Md., and Buffalo, N.Y., and the intermediate point of Rochester, N.Y., and the intermediate and off-route points in New York within 30 miles of Buffalo, between Baltimore, Md., and junction U.S. Highways 15 and 111 near Harrisburg, Pa., and the intermediate point of Hampstead, Md., with service at Hampstead restricted to traffic originating at, destined to, or interchanged at Rochester and Buffalo, N.Y., or points within 30 miles of Buffalo, and with service at junction U.S. Highways 15 and 111 for joinder only; *cork rods*, in bulk, over irregular routes, from Baltimore, Md., to Buffalo, N.Y.; and *silver bullion*, from Baltimore, Md., to Rochester, N.Y. BOSS-LINCO LINES, INC., is authorized to operate, as a common carrier, in New York, Pennsylvania, and New Jersey. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9820. Authority sought for purchase by ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, N.Y., of a portion of the operating rights and certain property of DUNDEE TRUCK LINE, INC., 660 Sterling Street, Toledo, Ohio. Applicants' attorneys: Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington, D.C. 20036 and Mortimer A. Sullivan, 530 Walbridge Building, Buffalo, N.Y. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Chicago, Ill., and Toledo, Ohio, serving all intermediate points, and the off-route point of Rossford, Ohio, and four alternate routes for operating convenience only, serving no intermediate points, and serving Angola, Ind., and off-route points within ten miles of Angola via U.S. Highway 20. Vendee is authorized to operate, as a *common carrier*, in Massachusetts, Connecticut, New Jersey, Rhode Island, North Carolina, Tennessee, Virginia, Georgia, Ohio, Pennsylvania, Maryland, South Carolina, Delaware, West Virginia, Kentucky, Michigan, Indiana, Missouri, New York, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9821. Authority sought for control by THE COLONY COMPANY, 100 Constitution Plaza, Hartford, Conn., of THE ADLEY CORPORATION, 900 Chapel Street, New Haven, Conn., and for acquisition by E. CLAYTON GENGRAS, 1000 Asylum Avenue, Hartford, Conn., of control of THE ADLEY CORPORATION through the acquisition by THE COLONY COMPANY. Applicants' attorneys and representative: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn., Louis Evans, 109 Church Street, New Haven, Conn., Howard T. Gillis, 900 Chapel Street, New Haven, Conn., Herbert Burstein, 160 Broadway, New York, N.Y., and Arthur Sachs, 207 Orange Street, New Haven, Conn. Operating rights sought to be controlled: *General commodities*, with numerous exceptions, as a *common carrier*, over regular and irregular routes, from, to, and between certain specified points in the States of Massachusetts, Pennsylvania, Connecticut, New York, New Jersey, Virginia, Maryland, Delaware,

North Carolina, Vermont, New Hampshire, Maine, and the District of Columbia serving numerous intermediate and off-route points, with restrictions, and numerous other specified commodities over regular and irregular routes, from, to and between certain specified points in the States of New Jersey, Virginia, Georgia, West Virginia, Pennsylvania, Maryland, North Carolina, Delaware, New York, South Carolina, Ohio, New Hampshire, Maine, Massachusetts, and the District of Columbia, serving certain off-route points, with numerous restrictions, as more specifically described in Docket No. MC–2542 and subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. THE COLONY COMPANY holds no authority with this Commission, however, its subsidiary motor carrier, THE CONNECTICUT COMPANY, 53 Vernon Street, Hartford, Conn., is authorized to operate, as a *common carrier*, in Connecticut, New York, New Jersey, Pennsylvania, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Delaware, Maryland, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9822. Authority sought (1) for purchase by T.I.M.E. FREIGHT, INC., 2598 74th Street, Mail: Post Office Box 1120, Lubbock, Tex. 79408, of a portion of the operating rights of TEXAS-ARIZONA MOTOR FREIGHT, INC., Post Office Box 985, Oklahoma City, Okla. 73101, and for acquisition by LOYD LANOTTE, also of Lubbock, Tex., of control of such rights through the purchase; and (2) for control and merger by LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. 73108, of the remaining portion of the operating rights and properties of TEXAS-ARIZONA MOTOR FREIGHT, INC., and for acquisition by R. E. LEE and M. S. LEE, both also of Oklahoma City, Okla., of control of such rights and property through the transaction. Applicant's attorneys: W. D. Benson, Jr., Citizens Tower, Lubbock, Tex. 79401, Richard H. Champlin, Post Office Box 82488, Oklahoma City, Okla. 73108, and Roland Rice, 618 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Operating rights sought (1) to be transferred, and (2) to be controlled and merged: (1) *General commodities*, except those of unusual value, classes A and B explosives and ammunition and component parts of ammunition, however classified, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between certain specified points in Oklahoma, on the one hand, and, on the other, certain specified points in Texas, serving no intermediate or terminal points; and one alternate route for operating convenience only; and (2) between certain specified points in Oklahoma, on the one hand, and, on the other, points in Missouri, Indiana, Illinois, and Kansas, serving no intermediate or terminal points. (1) Vendee is authorized to operate, as a *common carrier*, in Texas, Oklahoma, New Mexico, Arizona, California, Tennessee, Arkansas, Kentucky, Ohio, Georgia, Missouri, Illinois, Indiana, Kansas, Alabama, Maryland, Pennsylvania, New York, New Jersey, Virginia, West Virginia, Massachusetts, Rhode Island, and Connecticut; (2) LEE WAY MOTOR FREIGHT, INC., is authorized to operate, as a *common carrier*, in Texas, Kansas, Oklahoma, Missouri, Illinois, Indiana, Ohio, Pennsylvania, West Virginia, New York, Arkansas, Arizona, New Mexico, California, and Colorado. Applications have been filed for temporary authority under section 210a(b).

By the Commission.

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

[F.R. Doc. 67–8630; Filed, July 25, 1967; 8:46 a.m.]

[Notice 11]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 21, 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–69374. By order of July 20, 1967, the Transfer Board approved the transfer to Fleming Van Lines, Inc., Tacoma, Wash., of that portion of certificate No. MC–9115, issued March 20, 1957, to Oregon-Nevada-California Fast Freight, Inc., Palo Alto, Calif., authorizing the transportation of household goods, between points in Jackson County, Oreg., on the one hand, and, on the other, points in California. George R. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101, attorney for applicants.

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

[F.R. Doc. 67–8631; Filed, July 25, 1967; 8:46 a.m.]

[Notice 424]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 20, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication is published in the FEDERAL REGISTER. tion, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 72442 (Sub-No. 20 TA), filed July 17, 1967. Applicant: AKERS MOTOR LINES, INCORPORATED, Post Office Drawer 579, Gastonia, N.C. 28052. 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, tobacco, liquor, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission), (1) between junction Georgia Highway 82 and unnumbered highway and the site of Akers Motor Lines, Inc., terminal at or near Dry Pond, Ga. (located on Georgia Highway 82 approximately 8 miles west of Commerce and 6 miles north of Jefferson, Ga.), over approximately 400 feet of unnumbered highway, and return over the same route, serving junction point for purpose of joinder only; (2) between Jefferson, Ga., and Dry Pond, Ga., over Georgia Highway 82, and return over the same route, serving Jefferson and Dry Pond for purpose of joinder only; (3) between Talmo, Ga., and Dry Pond, Ga.: From Talmo over Georgia Highway 346 to junction Georgia Highway 82, thence over Georgia Highway 82 to Dry Pond, and return over the same route, serving Talmo and Dry Pond for purpose of joinder only; (4) between Maysville, Ga., and Dry Pond, Ga., over Georgia Highway Spur 82, and return over the same route, serving Maysville and Dry Pond for purpose of joinder only; (5) between Maysville, Ga., and junction U.S. Highway 23 and Georgia Highway 52, over Georgia Highway 52, and return over the same route, serving Maysville and junction U.S. Highway 23 and Georgia Highway 52 for purpose of joinder only; (6) between Commerce, Ga., and Maysville, Ga., over Georgia Highway 98, and return over the same route, serving Commerce and Maysville for purpose of joinder only; (7) between Commerce, Ga., and Athens, Ga., over U.S. Highway 441, and return over the same route, serving Commerce

and Athens for the purpose of joinder only; (8) between Commerce, Ga., and Danielsville, Ga., over Georgia Highway 98, and return over the same route, serving Commerce and Danielsville for purpose of joinder only; (9) between Danielsville, Ga., and Comer, Ga., over Georgia Highway 98, and return over the same route, serving Danielsville and Comer for purpose of joinder only; (10) between Baldwin, Ga., and Commerce, Ga., over U.S. Highway 441 via Homer, Ga., and return over the same route, serving Baldwin, Homer and Commerce for purpose of joinder only; (11) between Lula, Ga., and Homer, Ga., over Georgia Highway 51, and return over the same route, serving Lula and Homer for purpose of joinder only; (12) between Homer, Ga., and junction Georgia Highways 51 and 59, over Georgia Highway 51, and return over the same route, serving Homer and junction Georgia Highways 51 and 59 for purpose of joinder only; (13) between junction Georgia Highways 51 and 59 and Franklin Springs, Ga., over Georgia Highway 51, and return over the same route, serving junction Georgia Highways 51 and 59 and Franklin Springs for purpose of joinder only; (14) between Homer, Ga., and Maysville, Ga., over Georgia Highway 98, and return over the same route, serving Homer and Maysville for purpose of joinder only; (15) between Boydville, Ga., and junction Georgia Highways 184 and 51, over Georgia Highway 184, and return over the same route, serving Boydville and junction Georgia Highways 184 and 51 for purpose of joinder only; (16) between Gainesville, Ga., and Jefferson, Ga., over U.S. Highway 129, via Talmo, Ga., and return over the same route, serving Gainesville, Talmo, and Jefferson for purpose of joinder only; (17) between Jefferson, Ga., and Athens, Ga., over U.S. Highway 129 via Arcade, Ga., and return over the same route, serving Jefferson, Arcade and Athens for purpose of joinder only; (18) between Arcade, Ga., and Statham, Ga.: From Arcade over Georgia Highway 82 to junction Georgia Highway 211, thence over Georgia Highway 211 to Statham, and return over the same route, serving Arcade and Statham for purpose of joinder only; (19) between Oakwood, Ga., and Winder, Ga., over Georgia Highway 53, and return over the same route, serving Oakwood and Winder for purpose of joinder only; (20) between Russell, Ga., and junction Georgia Highway 53 and U.S. Highway 78, over Georgia Highway 53, and return over the same route, serving Russell and junction Georgia Highway 53 and U.S. Highway 78 for purpose of joinder only; (21) between Watkinsville, Ga., and junction Georgia Highway 53 and U.S. Highway 78, over Georgia Highway 53, and return over the same route, serving Watkinsville and junction Georgia Highway 53 and U.S. Highway 78 for purpose of joinder only; (22) between Toccoa, Ga., and Lavonia, Ga., over Georgia Highway 17 to Lavonia, and return over the same route, serving Toccoa and Lavonia for purpose of joinder only; (23) between Lavonia, Ga., and Hartwell, Ga., over Georgia Highway 77 to Hartwell, and return over the same route, serving Lavonia and Hartwell for purpose of joinder only; (24) between Lavonia, Ga., and Royston, Ga., over Georgia Highway 17, and return over the same route, serving Lavonia and Royston for purpose of joinder only; and (25) between Royston, Ga., and Elberton, Ga., over Georgia Highway 17, and return over the same route, serving Royston and Elberton for purpose of joinder only; for 150 days. Supporting shippers: There are seven shippers' supporting statements attached to application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 206, 327 North Tryon Street, Charlotte, N.C. 28202. NOTE: Applicant states that it intends to tack with authority in MC 72442 and subs thereunder.

No. MC 92500 (Sub-No. 5 TA), filed July 17, 1967. Applicant: SEABOARD TRANSPORTATION CO., Post Office Box 98, Antioch, Calif. 94509. Applicant's representative: William B. Adams, 520 Southwest Yamhill Street, Portland, Oreg. 97204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from Camptonville, Calif., to West Sacramento, Calif.; for 150 days. Supporting Shipper: Cal-Ida Lumber Co., a division of J. R. Simplot Co., Post Office Box 752, Auburn, Calif. Send protests to: William E. Murphy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 36004, 450 Golden Gate Avenue, San Francisco, Calif. 94102.

No. MC 111201 (Sub-No. 7 TA), filed July 17, 1967. Applicant: J. N. ZELLNER & SON TRANSFER COMPANY, Post Office Box 818, East Point, Ga. 30044. 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: (1) *Glass containers and closures for such containers* and (2) *corrugated boxes or paper containers*, in mixed loads with glass containers and closures for such containers, on flatbed trailers, from Jacksonville, Fla., to points in Alabama, Georgia, North Carolina, South Carolina, and Tennessee; for 180 days. Supporting shipper: Anchor Hocking Glass Corp., Lancaster, Ohio 43130. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 300, 680 West Peachtree Street NW., Atlanta, Ga. 30308.

No. MC 111375 (Sub-No. 25 TA), filed July 18, 1967. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., 3567 Barnard Avenue, Cudahy, Wis. 53110. Applicant's representative: William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yeast and allied bakery products*, from Milwaukee, Wis., to Billings, Butte, and Missoula, Mont.; for 150 days. Supporting shipper: Universal Foods Corp., 433 East Michigan Street, Milwaukee, Wis. 53201. Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 113624 (Sub-No. 37 TA), filed July 17, 1967. Applicant: WARD TRANSPORT, INC., Post Office Box 133, Pueblo, Colo. 81002. Applicant's representative: D. S. Smith (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitric solution*, in bulk, in tank vehicles, from the plantsite of Yttrium Co. in Douglas County, Colo., 8 miles south of Littleton, Colo., on U.S. Highway 85, to the plantsite of Wycon Chemical Co. 4 miles west of Cheyenne, Wyo.; for 150 days. Supporting shipper: Wycon Chemical Co., Post Office Box 1087, Colorado Springs, Colo. 80901. Send protests to: Herbert C. Ruoff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 114165 (Sub-No. 5 TA), filed July 17, 1967. Applicant: PELICAN TRUCKING COMPANY, INC., Post Office Box 7127, 1600 Wells Island Road, Shreveport, La. 71107. Applicant's representative: Hargrove, Guyton, Van Hook & Ramey, Texas Eastern Building, Post Office Box 1547, Shreveport, La. 71102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy and/or cumbersome commodities*, which because of size or weight, require special equipment for the handling thereof, from, to and between all points within Louisiana, Mississippi, Texas, Oklahoma, New Mexico, Illinois, Indiana, Kentucky, Florida, Alabama, Arkansas, Tennessee, and Georgia; for 180 days. NOTE: No duplicate authority is sought or intended. Supporting shipper: There are six shippers' supporting statements attached to application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, T-4009 Federal Office Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 118101 (Sub-No. 6 TA), filed July 17, 1967. Applicant: RAY GILBERT, JR., Route No. 1, Box 305, Muskogee, Okla. 74401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Gulfport, Miss., to Smith Center, Kans.; for 150 days. Supporting shippers: Standard Fruit & Steamship Co., International Trade Mart Building, No. 2 Canal Street, Post Office Box 50830, New Orleans, La. 70150; and Mini-Max Provision, Inc., division of Boogaart Supply Co., Smith Center, Kans. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 350,

American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 119934 (Sub-No. 141 TA), filed July 18, 1967. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46040. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrofluosilicic acid*, from Indianapolis, Ind., to St. Louis and Hine, Mo.; for 180 days. Supporting shipper: International Minerals & Chemical Corp., Indianapolis Stockyards, Indianapolis, Ind. Send protests to: R. M. Hagarty, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 125506 (Sub-No. 8 TA), filed July 17, 1967. Applicant: JOSEPH ELETTO TRANSFER, INC., 31 West St. Marks Place, Valley Stream, N.Y. 11580. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail department stores, displays and advertising materials*, between shipper's stores and warehouses located at New York, Manhasset, Garden City, Eastchester, and White Plains, N.Y., Stamford, Conn., and Watchung, East Orange, and Paramus, N.J.; for 180 days. Supporting shipper: Best & Co., Fifth Avenue at 51st Street, New York, N.Y. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 127227 (Sub-No. 3 TA), filed July 18, 1967. Applicant: BIRDSALL CONSTRUCTION COMPANY, 230 Royal Palm Way, Palm Beach, Fla. 33480. Applicant's representative: Richard J. Brooks, Post Office Box 1531, Title Building, Tallahassee, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities requiring special equipment, commodities in bulk, and commodities of unusual value), between Palm Beach, Fla., on the one hand, and, on the other, points in Palm Beach, Broward, and Dade Counties, Fla.; restricted to traffic having a prior or subsequent movement by water and originating at or destined to points on the island of New Providence, Bahamas; for 150 days. Supporting shippers: There are seven shippers' supporting statements attached to application, which may be examined at the Interstate Commerce Commission, or at the field office named below. Send protests to: Joseph B. Teichert, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1621, 51st Southwest First Avenue, Miami, Fla. 33130.

No. MC 127664 (Sub-No. 1 TA), filed July 17, 1967. Applicant: CAPITOL DELIVERY OF OMAHA, INC., 1824 California Street, Omaha, Nebr. 68102. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading), between points in that part of Nebraska, Iowa, Missouri, and Kansas on, bounded by and within 5 miles of a line beginning at Grand Island, Nebr., and extending along U.S. Highway 30 to junction U.S. Highway 81, thence over U.S. Highway 81 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction U.S. Highway 71, thence over U.S. Highway 71 to junction U.S. Highway 136, thence over U.S. Highway 136 to the Missouri-Nebraska State line, thence southeasterly along the Missouri-Nebraska State line to its junction with the Missouri-Kansas State line, thence along the Missouri-Kansas State line to junction U.S. Highway 36, thence west over U.S. Highway 36 to junction U.S. Highway 281, thence over U.S. Highway 281 to Grand Island, Nebr., the point of beginning; for 180 days. Restrictions: (1) No service shall be rendered in the transportation of any package or article weighing more than 100 pounds and no service shall be provided in the transportation of any shipment weighing more than 100 pounds from any one consignor to any one consignee on any one day. (2) No service shall be provided to or from the premises of any shipper or consignee who or which have entered into contracts with Capitol Delivery Service, Inc., and are served by the company pursuant to permits issued by the Interstate Commerce Commission. NOTE: Applicant proposes to interline shipments at all points it is authorized to serve. Supporting shippers: There are 101 shippers' supporting statements attached to application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or at the field office named below. Send Protests to: Keith P. Kohrs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 129240 TA, filed July 17, 1967. Applicant: ROY E. BARKER PRODUCE, INC., 121 Magnolia, North Little Rock, Ark. 72114. Applicant's representative: Glenn W. Jones, Jr., Donaghey Building, Little Rock, Ark. 72201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable shipping containers*, from Little Rock, Ark., to points in Denver, Boulder, Weld, Adams, Arapahoe, Larimer, Jefferson, Douglas, Gilpin, Clear Creek, Park, Costilla, Conejos, and Alamosa Counties, Colo.; for 180 days. Supporting shipper: Little Rock Crate & Basket Co., 1623 East 14th Street, Little Rock, Ark. 72202. Send protests to: D. R. Partney, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol Little Rock, Ark. 72201.

No. MC 129242 TA, filed July 18, 1967. Applicant: WILBUR D. NEUMANN, 204 Rosemary Lane, Creve Coeur, Ill. 61610. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, including butter, cream, milk, cheese, cottage cheese, oleo, fruit drinks, fruit juice, powdered milk, powdered buttermilk, and dairy plant equipment, materials, and supplies*, between Pana and Peoria, Ill., on the one hand, and, on the other, points in Indiana, Iowa, and Missouri, and points in Kentucky on and west of U.S. Highway 65; for 150 days. Supporting shippers: Sugar Creek Foods Division, National Dairy Products Corp., 222 West Adams Street, Chicago, Ill. 60606; and Sealtest Foods Division, National Dairy Products Corp., 736 Southwest Washington, Peoria, Ill. 61602. Send protests to: Raymond E. Mauk, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1086 U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 172 (Sub-No. 5 TA) (correction), filed July 3, 1967, published in FEDERAL REGISTER, issue of July 12, 1967, corrected, and republished as corrected, this issue. Applicant: ARNOLD E. WADE, 1312 Helderberg Avenue, Schenectady, N.Y. 12306. Applicant's representative: James H. Glavin III, 69 Second Street, Waterford, N.Y. 12188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, from points in that part of New York bounded by a line beginning at Windham, N.Y., and extending through Gilboa to Cooperstown, thence through Sharon Springs to Amsterdam, thence through Hoffmans to Schenectady, and thence through South Berne to point of beginning, to ports of entry on the international boundary line between the United States and Canada, located in New York; for 150 days. Supporting shipper: The 11 supporting statements attached to application may be examined at the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: Jack G. Takakjian, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Albany, N.Y. 12207. NOTE: The purpose of this republication is to show that both special and charter operations are proposed by carrier.

By the Commission.

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

[F.R. Doc. 67-8605; Filed, July 24, 1967; 8:51 a.m.]

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