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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3797

UNITED NATIONS DAY, 1967

By the President of the United States of America

A Proclamation

Twenty-two years ago, the United States joined in founding the United Nations. Since that time, our Nation has faithfully honored its commitments to the world body, in pursuit of a just and lasting peace.

Every President and Congress since the time of Franklin Delano Roosevelt has given full support to the United Nations. Under every Administration, and without regard to party, our country has:

—cooperated actively in the United Nations search for peace in the Middle East, Kashmir, and other troubled areas around the world;

—supported the United Nations efforts to strengthen the respect of men and nations for the rule of law, and for fundamental human rights and freedoms;

—worked to limit armaments, including nuclear weapons, under effective international control;

—supported the principle of self-determination for areas emerging from dependent status;

—contributed abundantly to United Nations humanitarian activities, and to its programs of economic and social development.

The successful negotiation of a treaty banning weapons of mass destruction from outer space is an outstanding recent example of our support for the UN's work.

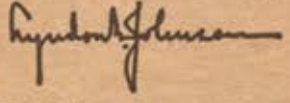
The United Nations has no magic formula for solving the increasingly complex problems of our revolutionary age. Its failures have disheartened those who saw in it the only hope for peace in a world torn by strife. Yet despite those failures, it has achieved much that could not have been achieved without it. It remains the symbol, and the standard, of man's desire to turn away from ancient quarrels and make peace with his neighbor.

I urge Americans to study the United Nations—its accomplishments, its strengths, its limitations, and its potential for the future. Broad public knowledge of the United Nations can provide a firm base for future United States action in the organization.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim Tuesday, October 24, 1967, as United Nations Day, and urge the citizens of this Nation to observe that day by means of community programs that will contribute to a realistic understanding of the aims, problems, and achievements of the United Nations and its associated organizations.

I also call upon officials of the Federal and State Governments and upon local officials to encourage citizen groups and agencies of communication—press, radio, television, and motion pictures—to engage in special and appropriate observance of United Nations Day this year in cooperation with the United Nations Association of the United States of America and other interested organizations.

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



[F.R. Doc. 67-9107; Filed, Aug. 1, 1967; 3:14 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

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

SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAMS

[Amdt. 1]

PART 701—NATIONAL AGRICULTURAL CONSERVATION

Subpart—1968 and Subsequent Years

ALLOCATION TO STATES; 1968

Section 701.2 is amended by adding the following new paragraph (c):

§ 701.2 State funds.

* * * * *

(c) The allocation of funds among the States for 1968 is as follows:

Alabama	$5,766,000
Alaska	67,000
Arizona	1,729,000
Arkansas	4,754,000
California	5,528,000
Colorado	4,049,000
Connecticut	452,000
Delaware	305,000
Florida	3,556,000
Georgia	6,927,000
Hawaii	176,000
Idaho	2,136,000
Illinois	8,307,000
Indiana	5,442,000
Iowa	9,097,000
Kansas	6,990,000
Kentucky	6,721,000
Louisiana	4,370,000
Maine	1,092,000
Maryland	1,285,000
Massachusetts	527,000
Michigan	4,838,000
Minnesota	6,407,000
Mississippi	6,202,000
Missouri	8,536,000
Montana	5,236,000
Nebraska	6,055,000
Nevada	686,000
New Hampshire	507,000
New Jersey	704,000
New Mexico	2,445,000
New York	4,852,000
North Carolina	6,187,000
North Dakota	5,482,000
Ohio	5,722,000
Oklahoma	6,888,000
Oregon	2,593,000
Pennsylvania	4,595,000
Puerto Rico	815,000
Rhode Island	75,000
South Carolina	3,464,000
South Dakota	4,378,000
Tennessee	5,201,000
Texas	19,788,000
Utah	1,364,000
Vermont	1,046,000
Virginia	4,294,000
Virgin Islands	13,000
Washington	2,764,000
West Virginia	1,596,000
Wisconsin	5,590,000
Wyoming	2,131,000
Total	$209,730,000

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 28, 1967.

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

[F.R. Doc. 67-9041; Filed, Aug. 2, 1967; 8:48 a.m.]

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

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREG.

Order Amending Order

§ 958.0 Findings and determinations.

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

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Parma, Idaho, on April 19, 1967, upon proposed amendments to Marketing Agreement No. 130 and Order No. 958 (7 CFR Part 958), regulating the handling of onions grown in the Idaho and Malheur County, Oreg., production area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

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

(2) The said order regulates the handling of onions produced in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which a hearing has been held;

(3) The said order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of onions in the production area covered by the order which require different terms applicable to different parts of such area; and

(5) All handling of onions produced in the production area is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(b) *Determinations.* It is hereby determined that:

(1) Handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping onions covered by the order) who during the representative period (July 1, 1966, through June 30, 1967) handled more than 50 percent of the volume of onions covered by the order have signed the marketing agreement, as amended, regulating the handling of onions grown in the production area, and

(2) The issuance of this order amending the order is approved or favored (i) by at least two-thirds of the producers of onions who participated in a referendum held during the period July 7–17, 1967, and who, during the determined representative period (July 1, 1966, through June 30, 1967) were engaged within the production area in the production of onions for market, and (ii) by producers who participated in the aforesaid referendum and who, during the aforesaid representative period, produced for market at least two-thirds of the volume of such onions produced for market within the production area.

It is therefore ordered, That, on and after the effective date hereof, all handling of onions produced in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order as hereby amended, which are as follows:

1. Delete § 958.44 *"Refunds"* and in lieu thereof insert a new § 958.44 and add a new § 958.45, as follows:

§ 958.44 Reserve fund.

At the end of each fiscal period, funds in excess of the committee's expenses may be placed in an operating reserve not to exceed approximately 1 fiscal year's operational expenses or such lower limits as the committee, with the approval of the Secretary, may establish. Also, the committee, with the approval of the Secretary, may include in its budget an item for such reserve. Funds in the reserve shall be available for use by the committee for expenses authorized pursuant to § 958.40. Funds in excess of those placed in the operating reserve shall be refunded to handlers. Each handler's share of such excess shall be the amount he paid in excess of his pro rata share of the expenses of the committee.

§ 958.45 Accounting of funds upon termination of the order.

Any funds collected as assessments pursuant to this subpart and remaining unexpended in the possession of the committee after termination of this part shall be distributed in such manner as the Secretary may direct: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

2. Amend § 958.47 to read as follows:

§ 958.47 Marketing research and development.

(a) The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects, including paid advertising, designed to assist, improve, or promote the marketing, distribution, and consumption of onions. Any such project for the promotion and advertising of onions may utilize an identifying mark which shall be made available for use by all handlers in accordance with such terms and conditions as the committee, with the approval of the Secretary, may prescribe. The expenses of such projects shall be paid from funds collected pursuant to § 958.42.

(b) In recommending projects pursuant to this section the committee shall give consideration to the following:

(1) The expected supply of onions in relation to market requirements;

(2) The supply situation among competing areas and commodities;

(3) The anticipated benefits from such projects in relation to their costs;

(4) The need for marketing research with respect to any market development activity; and

(5) The need for a coordinated effort with USDA's Plentiful Foods Program.

(c) If the committee should conclude that a program of marketing research or development should be undertaken, or continued, in any crop year, it shall submit the following for the approval of the Secretary:

(1) Its recommendations as to the funds to be obtained pursuant to § 958.42;

(2) Its recommendation as to any marketing research projects; and

(3) Its recommendation as to promotion activity and paid advertising.

3. Amend subparagraph (3), paragraph (a), of § 958.52 to read as follows:

§ 958.52 Issuance of regulations.

* * * * *

(a) * * *

(3) Provide a method, through rules and regulations issued pursuant to this part, for fixing the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of onions, including appropriate container markings to identify the contents thereof.

* * * * *

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

Effective date: Issued at Washington, D.C., July 28, 1967, to become effective September 4, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-8947; Filed, Aug. 2, 1967; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. H]

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

Branches

§ 208.122 Loan "production offices" as branches.

(a) The Board of Governors has been asked whether the so-called production offices of a member State bank, operated in conjunction with its mortgage loan activities, are branches of the bank within the meaning of applicable Federal law.

(b) The production offices which are open to the public, are staffed by employees of the bank who regularly engage in the business of soliciting borrowers, negotiating terms, and processing applications for real property loans that are placed with various institutional investors. With few exceptions, the loan funds are initially advanced by the bank for its own account. Terms are arranged and loan applications are executed at the production offices, but other documents, such as notes and mortgages, are completed at authorized offices of the bank (or at an office of a title insurance or escrow company, in a few cases). Loan proceeds are also disbursed through the bank's authorized offices and not through the production offices. The latter offices do not service loans and have no authority to commit the bank on loan contracts.

(c) Section 5155(f) of the Revised Statutes (12 U.S.C. 36), which is made applicable to member State banks by section 9 of the Federal Reserve Act (12 U.S.C. 321), provides that the term branch "shall be held to include any branch bank, branch office, branch agency, additional office, or any branch place of business * * * at which deposits are received, or checks paid, or money lent." It appears that the bulk of the activities of the production offices relates to the lending of money by the bank (although the loans are thereafter sold to others).

(d) The Board concluded that an office through which loan transactions are initiated, the terms of loan negotiated, and other steps that lead to completed loan transactions are carried on by a member bank is a branch within the purview of section 9 of the Federal Reserve Act and section 5155 of the Revised Statutes.

(e) The statutory enumeration of three specific functions that establish branch status is not meant to be exclusive but to assure that offices at which any of these functions is performed are regarded as branches by the bank regulatory authorities. The facts that final approval of loans arranged at "production offices" emanates from the home-office or authorized branches, and that checks for the proceeds of loans are issued from such authorized offices, are not controlling for this purpose, in view of the objective of the cited statutes to permit significant banking services to be made available only at governmentally authorized offices. Put another way, the fact that, for purposes of contract law, a loan may be regarded as "made" at the place and time of legal "acceptance" or "approval" does not govern the interpretation of these bank regulatory statutes. If the contrary were true, the Board observed, member banks could conduct their operation at numerous locations, without the approval of supervisory authorities, by the device of performing the final step in each transaction at an authorized office of the bank, thereby substantially nullifying the legislative purpose.

(12 U.S.C. 248(i). Interprets 12 U.S.C. 36 and 321)

Dated at Washington, D.C., the 26th day of July 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-9008; Filed, Aug. 2, 1967; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter V—National Aeronautics and Space Administration

PART 1240—INVENTIONS AND CONTRIBUTIONS

Subpart 2—Awards for Reported Technical and Scientific Contributions—NASA and Contractor Employees

New Subpart 2 is added:

Sec.	
1240.200	Policy on awards to employees of NASA and NASA contractors for reported technical and scientific contributions.
1240.200–1	Scope.
1240.200–2	Applicability.
1240.200–3	Authority.
1240.200–4	Definition.
1240.200–5	Policy.
1240.200–6	General provisions.
1240.201	Procedures for making awards for reported technical and scientific contributions.
1240.201–1	Scope.
1240.201–2	Procedures.
1240.201–3	Presentation of awards.

AUTHORITY: The provisions of this Subpart 2 issued under 42 U.S.C. 2457(f), 2458 and 2473(b)(1).

§ 1240.200 Policy on awards to employees of NASA and NASA contractors for reported technical and scientific contributions.

§ 1240.200–1 Scope.

This § 1240.200 establishes the policy for making awards to employees of NASA and NASA contractors for scientific and technical contributions reported to NASA which are determined to have significant value in the conduct of aeronautical and space activities.

§ 1240.200–2 Applicability.

Subpart 2 applies to any scientific or technical contribution which is the subject of a NASA Tech Brief or a U.S. patent application and to the action to be taken with respect thereto.

§ 1240.200–3 Authority.

Section 306 of the National Aeronautics and Space Act (42 U.S.C. 2458) authorizes the Administrator of the National Aeronautics and Space Administration to make monetary awards to any individual, partnership, corporation, association, institution, or other entity for any scientific or technical contribution to the Administration which is determined by the Administrator to have significant value in the conduct of aeronautical and space activities.

§ 1240.200–4 Definition.

As used in this Subpart 2, a contribution having "significant value in the conduct of aeronautical and space activities" must be an item that contributes to the advancement of aeronautical or space science or operation and has demonstrable value and utility.

§ 1240.200–5 Policy.

Suitable monetary awards shall be made to employees of NASA and NASA contractors for scientific and technical contributions, whether or not patentable, when determined to have significant value in the conduct of aeronautical and space activities.

§ 1240.200–6 General provisions.

(a) Each contribution on which a NASA Tech Brief is published shall be considered to be worthy of an award in at least the amount of $25, and an award in at least that amount shall normally be given to each individual originating the contribution.

(b) Each contribution on which a U.S. patent application is filed shall be considered to be worthy of an award in at least that amount of $50, and an award in at least that amount shall normally be made to each individual originating the contribution.

(c) Where a Tech Brief is issued and a patent application is filed on the same contribution, the minimum awards under paragraphs (a) and (b) of this section shall be cumulative. The awards specified in paragraphs (a) and (b) of this section shall not be granted to a contributor who previously had received full compensation for or on account of the use of such contribution by the United States.

(d) Contributions eligible for award are not limited to those specified in paragraphs (a) and (b) of this § 1240.200–6.

(e) Appropriate written acknowledgment will accompany each of the awards to be made in accordance with this § 1240.200.

§ 1240.201 Procedures for making awards for reported technical and scientific contributions.

§ 1240.201–1 Scope.

This § 1240.201 establishes the procedures for making awards to employees of NASA and NASA contractors for scientific and technical contributions reported to NASA which are determined to have significant value in the conduct of aeronautical and space activities.

§ 1240.201–2 Procedures.

(a) When the Inventions and Contributions Board (hereafter referred to as "Board") is notified of the issuance of a NASA Tech Brief by the Office of Technology Utilization, NASA Headquarters, or the filing of a patent application on a contribution submitted by an employee of NASA or a NASA contractor, it will take action to make the applicable minimum awards as set forth in paragraphs (a) and (b) of § 1240.200–6.

(b) The Board will make additional awards under the provisions of section 306 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2458) if it considers that the contribution is of a value of $250 or more. Where two or more persons are responsible for the contribution, the Board will determine the amount to be paid to each contributor. In the case of minimum awards, each contributor will receive the minimum amount.

(c) Reevaluation: When contributions as first reported and evaluated are not considered to merit an additional award, as provided for in paragraph (a) of this § 1240.201–2, but later are shown to have proven value, they may be submitted for reevaluation. NASA offices and contractors will be encouraged to review periodically such reported contributions and resubmit them for reconsideration through the same channels as originally reported.

§ 1240.201–3 Presentation of awards.

(a) All monetary awards and accompanying written acknowledgments to employees of NASA will be presented in accordance with the following procedures:

(1) Awards in amounts less than $1,000 will be presented to the employee in an appropriate ceremony by the appropriate Official-in-Charge of the Headquarters Office or Director of the Field Installation (or their designee).

(2) Awards in amounts of $1,000 or more will be presented by the Administrator, NASA, or his designated representative, at an appropriate ceremony.

(b) All monetary awards and accompanying written acknowledgments given to employees of NASA contractors will be forwarded to the contractors for presentation.

Effective date. The provisions of §§ 1240.200 and 1240.201 are effective upon publication in the FEDERAL REGISTER.

JAMES E. WEBB,
Administrator.

ERNEST W. BRACKETT,
Chairman, NASA Inventions and Contributions Board.

[F.R. Doc. 67-8963; Filed, Aug. 1, 1967; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 27—CANNED FRUITS AND FRUIT JUICES

Canned Preserved Figs—Precooked in Sirup, Identity Standard; Confirmation of Effective Date

In the matter of establishing a definition and standard of identity for canned preserved figs—precooked in sirup (21 CFR 27.71):

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended; 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of June 7, 1967 (32 F.R. 8134). Accordingly, the definition and standard of identity promulgated by that order will become effective August 6, 1967.

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

Dated: July 26, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9051; Filed, Aug. 2, 1967; 8:49 a.m.]

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

1,1-Bis(p-Chlorophenyl)-2,2,2-Trichloroethanol

A petition (PP7F0590) was filed with the Food and Drug Administration by the Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105, proposing the establishment of a tolerance of 25 parts per million for residues of the insecticide 1,1-bis(*p*-chlorophenyl)-2,2,2-trichloroethanol in or on the raw agricultural commodities peppermint hay and spearmint hay.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerance is being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerance established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated by him to the Commissioner (21 CFR 2.120), § 120.163 is amended by adding a new tolerance after "30 parts per million * * *," as follows:

§ 120.163 1,1-Bis(p-chlorophenyl)-2,2,2-trichloroethanol; tolerances for residues.

* * * * *

25 parts per million in or on peppermint hay and spearmint hay.

* * * * *

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

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

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

Dated: July 26, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9050; Filed, Aug. 2, 1967; 8:48 a.m.]

Title 22—FOREIGN RELATIONS

Chapter II—Agency for International Development, Department of State

[AID Reg. 1]

PART 201—RULES AND PROCEDURES APPLICABLE TO COMMODITY TRANSACTIONS FINANCED BY AID

Miscellaneous Amendments

Title 22, Chapter II, Part 201 (AID Reg. 1), is amended as follows:

a. The following new paragraph (x) is added to § 201.01:

§ 201.01 Definitions.

* * * * *

(x) *Certificate Concerning U.S.-Source Commodities.* "Certificate Concerning U.S.-Source Commodities" means the Certificate and Agreement with the Agency for International Development Concerning Sales of U.S.-Source Commodities Financed with Foreign Assistance Funds (AID Form 33) which appears as Appendix E to this Part 201.

b. The following new paragraph (j) is added to § 201.11:

§ 201.11 Eligibility of commodities.

* * * * *

(j) *Purchases from eligible suppliers.* Commodities procured with funds made available under this Part 201 shall be purchased from eligible suppliers. A supplier shall not be eligible to receive AID funds if:

(1) The supplier has been suspended or debarred by AID pursuant to AID Regulation 8, Part 208 of this chapter;

(2) The supplier has been placed by AID on prior review and approval pursuant to § 201.33 of this Part 201 and AID has not, in fact, given its prior approval to the supplier for the furnishing of specific goods;

(3) With respect to procurement of U.S.-source commodities, the supplier does not maintain a regular place of business in the United States as required by § 201.34.

c. The following new § 201.34 is added immediately following § 201.33.

§ 201.34 Eligibility requirement for suppliers of U.S.-source commodities.

Unless otherwise provided by AID, a supplier of U.S.-source commodities shall be eligible to receive payment from funds made available by AID only if he maintains in the United States a regular place of business and the activity of the supplier at this regular place of business can be related to the accomplishment of the sale or the performance of the sale agreement. For purposes of this requirement, "regular place of business" means a permanent business establishment such as an office, sales outlet, or other fixed place of business, but does not include a mere postal address or box number or any casual or temporary use of facilities or the premises of a commission agent, broker, or custodian in the United States, acting in the ordinary course of his business as such, for an enterprise which otherwise would have no regular place of business in the United States.

d. In § 201.52, paragraph (a)(2)(i)(*f*) is revised, and paragraph (a)(10) is added, as follows:

§ 201.52 Required documents.

(a) *Commodities and commodity-related services.* * * *

(2) *Supplier's invoice.* (i) * * *

(*f*) The delivery terms (such as, f.o.b., f.a.s., c.i.f., or c. & f.): *Provided, however,* That no invoice will be accepted which indicates that title and risk of loss to U.S.-source commodities have remained with the supplier after the commodities have been transferred into the custody of the ocean or air carrier at the port or point of export in the United States;

* * * * *

(10) *Certificate concerning U.S.-source commodities.* With respect to U.S.-source commodities, one signed original executed by the commodity supplier of the Certificate Concerning U.S.-Source Commodities.

* * * * *

e. Section 201.71 is amended by adding the following new paragraph (c):

§ 201.71 Terms of letters of credit.

* * * * *

(c) *Letters of credit for U.S.-source commodities.* Unless instructed by AID to the contrary, with respect to any proposed sale of U.S.-source commodities, the bank shall not open, confirm, or advise any letter of credit to a beneficiary located outside the United States as indicated by the address provided by the importer or by the Approved Applicant to the opening bank or by the opening bank to the confirming or advising bank.

§ 201.72 [Amended]

f. Section 201.72 is amended as follows:

1. Paragraph (b) is amended by inserting in the first sentence after the words "Certificate Concerning Commissions," the words "Certificate Concerning U.S.-Source Commodities,".

2. Paragraph (c) is amended by inserting after the words "Certificate Concerning Commissions," the words "Certificate Concerning U.S.-Source Commodities,".

§ 201.73 [Amended]

g. Section 201.73 is amended as follows:

1. Paragraph (a) is amended by inserting after the words "the Certificate Concerning Commissions," in the first sentence the words "Certificate Concerning U.S.-Source Commodities,".

2. Subparagraph (1) of paragraph (b) is amended by inserting after the words "Certificate Concerning Commissions," the words "Certificate Concerning U.S.-Source Commodities,".

h. The following new Appendix E is added at the end of Part 201:

APPENDIX E—CERTIFICATE AND AGREEMENT WITH THE AGENCY FOR INTERNATIONAL DEVELOPMENT CONCERNING SALES OF U.S.-SOURCE COMMODITIES FINANCED WITH FOREIGN ASSISTANCE FUNDS (AID FORM 33)

In consideration of the receipt of funds made available by the United States under the Foreign Assistance Act of 1961, as amended, in payment, in whole or in part, of the sum indicated on the accompanying invoice to be due and owing for the sale of U.S.-source commodities, the undersigned, acting on behalf of the supplier whose name appears on line 3 below and authorized to bind the supplier, agrees with and certifies to AID as follows:

A. The supplier maintains a regular place of business in the United States at the address indicated on line 4 below, and the activity of the supplier at this regular place

of business can be related to the accomplishment of the sale or the performance of the sales agreement.

B. The supplier is the true and only supplier on the sale described on the accompanying invoice to the importer of the U.S.-source commodities. The supplier has furnished the U.S.-source commodities under a sales agreement which he has concluded (or which has been concluded on his behalf and in his name) directly with the importer in the cooperating country. Performance by the supplier under the sales agreement with the importer does not at the same time constitute performance by any other firm of an undertaking with the same importer to deliver the same goods, thereby entitling such other firm to a portion of the purchase price received by the supplier.

C. The supplier has arranged to have title and risk of loss to the commodities described by the accompanying invoice pass to the importer in the cooperating country upon transfer of the commodities into the custody of the ocean or air carrier at the port or point of export in the United States.

1. Invoice No. _____
2. AID No. _____
3. Name of supplier _____
4. Address of supplier's regular place of business in the United States _____
5. Juridical form of business activity conducted at supplier's regular place of business in the United States.

☐ a. Corporation or partnership organized under the laws of a state of the United States;

☐ b. Sole proprietorship;

☐ c. Branch of a corporation or partnership organized under the laws of a state of the United States;

☐ d. Branch (unincorporated in the United States) of a non-U.S. enterprise.

☐ e. Other (indicate) _____

[check the appropriate box]

6. Address of head office of supplier if different from address of regular place of business _____
7. Name of undersigned and position in firm _____
8. Signature _____
9. Date _____

DEFINITIONS: As used on this form "cooperating country" means the country to which AID is providing assistance by making funds available to procure commodities in the United States; "importer" means any person or organization in the cooperating country authorized by the government of the cooperating country to use AID funds to procure commodities subject to the provisions of AID Regulation 1, 22 CFR Part 201; "regular place of business" means a permanent business establishment such an office, sales outlet, or other fixed place of business, but does not include a mere postal address or box number or any casual or temporary use of facilities or the premises of a commission agent, broker or custodian in the United States acting in the ordinary course of his business as such for an enterprise which otherwise would have no regular place of business in the United States; "U.S.-source commodities" means commodities shipped from the United States.

INSTRUCTIONS: On line 1, the supplier shall insert the serial number or other number which he has assigned to his invoice. On line 2, the supplier shall insert the AID implementation number which identifies the transaction.

Effective date. The foregoing amendments shall enter into effect 60 days after the date on which they appear in the FEDERAL REGISTER. Shipments made after the effective date of these amendments under letters of credit opened or confirmed before such effective date shall not be subject to the foregoing amendments.

Dated: July 31, 1967.

WILLIAM S. GAUD,
Administrator.

[F.R. Doc. 67-9066; Filed, Aug. 2, 1967; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 518—AVAILABILITY OF INFORMATION

Unofficial Research

Section 518.13 is amended by revising paragraphs (a) and (c) and subparagraphs (1) through (4) in paragraph (d), as follows:

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

(a) *General.* (1) The Adjutant General, U.S. Army, will monitor for the Secretary of the Army the program of unofficial research in Department of the Army files.

(2) Department of the Army files in Army records centers and in facilities of the General Services Administration, subject to conditions set forth below, are available for use in connection with approved unofficial research. Space and facilities will be furnished by the custodians to authorized researchers. No withdrawal of the files from the premises will be made for the purpose of unofficial research.

(3) All requests for permission to conduct unofficial research in Department of the Army files will be submitted in duplicate on DA Form 2740 (Application To Use Department of the Army Files). Requests for DA Form 2740 should be addressed to The Adjutant General, Attention: AGAR–S, Department of the Army, Washington, D.C. 20310.

* * * * *

(c) *Use of unclassified files in Army records centers.* Requests for access to unclassified files in Department of the Army records centers will contain, as a minimum, the name of the requester, a description of the research project, and the purpose of the research project. Requests should be directed to the head of the records center having custody of the files in which the research is to be conducted. If the location of the files is not known, the requests should be submitted to The Adjutant General, Attention: AGAR–S, Department of the Army, Washington, D.C. 20310. The head of the records center is responsible for authorizing access to unclassified files in his custody.

(d) *Use of classified files*—(1) *Authority.* Discretionary authority is vested in the Secretary of the Army by Executive Order 10816 to permit persons performing unofficial historical research projects to have access to classified Army records when in his judgment, or that of his delegated representative, such access is clearly consistent with the interests of national defense and the researchers are trustworthy.

(2) *Delegation of authority.* The authority cited in subparagraph (1) of this paragraph, is further delegated to The Adjutant General, U.S. Army.

(3) *Responsibility.* Access to classified files in Army records centers and facilities of the General Services Administration will be permitted for use in connection with unofficial historical research only when The Adjutant General is satisfied after appropriate inquiry that—

(i) Access to the information will be clearly consistent with the interests of national defense, and the persons to be granted access are trustworthy.

(ii) The relationship of the researcher to the research project is established as being bona fide.

(iii) The researcher agrees that prior to publication or dissemination he will submit his manuscript for clearance to the Chief of Public Information, attention: Office for the Freedom of Information, Office of the Secretary of the Army, Washington, D.C. 20310.

(4) *Applications.* All requests for access to classified files in facilities of the General Services Administration will be submitted to the custodian. If the location of the files is not known, the request will be submitted to The Adjutant General, attention: AGAR–S. All applications for access to classified files will be submitted in duplicate on DA Form 2740, accompanied by—

(i) DA Form 3208 (Worksheet for National Agency Check Request), will be prepared in one copy.

(ii) DA Form 1111 (Statement of Nonaffiliation With Certain Organizations) will be prepared in one copy.

(iii) FD Form 258 (FBI, U.S. Department of Justice Fingerprint Card).

* * * * *

[AR 345-200, April 20, 1967] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

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

[F.R. Doc. 67-9002; Filed, Aug. 2, 1967; 8:45 a.m.]

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 730—ADMINISTRATIVE DISCHARGES AND RELATED MATTERS CONCERNING SEPARATIONS FROM THE NAVAL SERVICE

Requirements; Discharge for Convenience of the Government

Scope and purpose. Part 730 is updated to conform with recent amendments to Secretary of the Navy Instruction

1910.3, distributed to naval commands by Change No. 1 to the Instruction.

Section 730.303 is amended by revising paragraph (b)(14) and deleting paragraph (b)(29), now contained in the revision to paragraph (b)(14).

§ 730.303 Requirements.

* * * * *

(b) *Discharge for the convenience of the Government.* * * *

(14) Upon the written request of an individual enrolled in any of the Navy or Marine Corps Officer Candidate Programs, including the U.S. Naval Academy, to be disenrolled from such program; or when a member of any of the Navy or Marine Corps Officer Candidate Programs including the U.S. Naval Academy, is disenrolled from or fails to satisfactorily meet any of the requirements for completion of the Officer Candidate Program in which he is enrolled, provided the member is not considered qualified for enlisted status.

* * * * *

(29) [Deleted]

* * * * *

(Secs. 280, 1162, 1163, ch. 569, 70A Stat. 14, 89, 391–393, as amended, 76 Stat. 508, 517, Sec. 301, 80 Stat. 379; 5 U.S.C. 301, 10 U.S.C. 133(d), 280, 1162, 1163, 1168, ch. 569)

Dated: July 27, 1967.

By direction of the Secretary of the Navy.

[SEAL] WILFRED HEARN,
Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.

[F.R. Doc. 67-9003; Filed, Aug. 2, 1967; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 16474; FCC 67-871]

PART 17—CONSTRUCTION, MARKING AND LIGHTING OF ANTENNA STRUCTURES

Miscellaneous Amendments

Report and order. 1. The Commission, on February 23, 1966, adopted a notice of proposed rulemaking in the above-entitled matter (FCC 66-174) which was duly published in the FEDERAL REGISTER on March 2, 1966 (31 F.R. 3302). Opportunity was afforded interested persons to submit comments by March 25, 1966, in support of, or in opposition to, the proposed rule amendments. By order of March 21, 1966, the time for filing comments was extended to May 25, 1966, and for filing reply comments from April 4, 1966, to June 4, 1966. By further Order of June 10, 1966, the time for filing reply comments was extended to July 5, 1966.

2. The proposed revision was primarily for the addition of obstruction markings applicable to towers over 1,500 feet up to, and including, 2,000 feet in height and for consistency with Federal Aviation Administration regulations.

3. In addition, it was intended to provide improved public service through the introduction of procedures permitting more expeditious processing of the antenna structure aspects of applications by the adoption of proposed § 17.3(c) which would require applicants in all services to file a statement certifying to the accuracy of geographic coordinates.

4. Comments were filed by: Aerospace and Flight Test Radio Coordinating Council; Air Transport Association of America; American Automobile Association, Inc.; American Radio Relay League, Inc.; American Taxicab Association; American Telephone and Telegraph Co.; American Trucking Associations, Inc.; Associated Public Safety Communication Officers, Inc.; Association of American Railroads; Breiner, Allen R., W3ZRQ; California, State of, California State Communications Advisory Board; California, State of, State Public Safety Comunications Committee; Central Committee on Communications Facilities of the American Petroleum Institute; Chertok, Leonard, W3GRF; City of Burbank, Communications Engineer; Collins Radio Co.; Colorado, State of, Colorado State Patrol; Cullum, A. Earl, Jr. & Associates; Deane, William, W6RET; Fagan Electric Co.; Forestry, Conservation Communications Association; GT&E Service Corp.; Graham 2-Way Radio, Ira D. Graham; Greene, C. R., K9JQY; Harlow, Lester C., W4CVO; Haskins & Associates; Hetland, Harvey, WA6KZI/WB6SLG; Hughey & Phillips, Inc.; International Association of Chiefs of Police, Inc.; International Municipal Signal Association; Iowa Chapter of Associated Public Safety Communication Officers, Inc.; KAV372—West Penn Communications Corp./KGA252—Allegheny Mobile Communications (Ben Farkas); Land Mobile Communications Section of Electronics Industries Association; McNutt, Kenneth R. (thru Senator Philip A. Hart); NAM Communications Committee; National Association of Business and Educational Radio, Inc.; National Association of Radiotelephone Systems; National Business Aircraft Association, Inc.; National Committee for Utilities Radio; New York Central Railroad Co.; Northern California Chapter of the Associated Public Safety Communication Officers, Inc.; Ohio, State of, Department of Highways; P. E. I. Corp.; Radio Specialists Co.; Radio Users Interference Association of Arizona; Sanial, James A., K4AQW; Shafer, David P., W4AX; Sioux Falls Amateur Radio Club, Inc.; Sioux Falls-Minnehaha District Office of Civil Defense; Smith, Kenneth Raymond, W9STG; Southern California Mobile Radio Association; Southern California Radio Taxicab Association; Special Industrial Radio Service Association, Inc.; Spittler, Kenneth R., WAOJPR; The Six Meter Nomad Amateur Radio Club of Greater Cleveland, Inc.; Tri-State Amateur Radio Society, Inc.; Union Pacific Railroad Co.; U.S. Independent Telephone Association; Vir James Consulting Radio Engineers; Westwood Lutheran Church, Dayton, Ohio; Wilmot, Thomas, KOWFK; Wisconsin, State of, Motor Vehicle Department.

5. The comments received generally favored a revision of the rules in the interest of improved air safety and to reflect current FAA requirements. The Commission's findings with respect to objections or suggested amendments to the proposal are as follows.

6. One comment noted that the phrase "radio stations" is used in reciting the Commission's authority for the issuance of licenses in § 17.1(a), Basis and Purpose. It was suggested that "radio stations" be changed to "antenna structures". The suggestion is not being adopted since the paragraph is a statement of the Commission's authority as contained in the Communications Act.

7. One comment proposed modification of § 17.3(b) to provide that any structure within 500 feet of an antenna may be used as an existing man-made structure. This is primarily a question of shielding, for which provision has been made in § 17.14(a). Broadening the shielding exemption could give rise to situations adversely affecting the safety of air navigation, and would be at variance with existing FAA requirements. Accordingly, the proposal has not been adopted.

8. Proposed § 17.3(c), if adopted, would have required a registered or licensed engineer or surveyor to prepare a map and certify as to the accuracy of geographic coordinates. While this proposal was favored by the Air Transport Association and several consulting engineers, there was a substantially larger number of comments which opposed it or suggested alternatives. In view of the comments the Commission has found that the proposed § 17.3(c) should not be adopted at this time. The submission of inaccurate coordinates remains as a problem and an appropriate solution will continue to be sought.

9. The requirements for § 17.3(a) are removed with the deletion of § 17.3(c). Likewise, § 17.3(b), which for editorial purposes was to have replaced old § 17.4(f), is deleted. The requirements for the submission of FCC Form 714 will remain as before in § 17.4(f) which has been expanded to include the Broadcast and Auxiliary Broadcast Services. Section 17.3(d) which relates to § 17.4(f) is renumbered § 17.4(g). In consequence of the foregoing, § 17.3 is being deleted in its entirety.

10. Proposed § 17.4(d) provides that if the FAA approves an antenna proposal, the application for a radio station authorization will be processed as not involving a hazard[1] to air navigation (1) if the application for the authorization has been filed with the FCC within 6 months of the effective date of the FAA

[1] Because of the phraseology in section 303(q) of the Communications Act of 1934, as amended (47 U.S.C. 303(q)), the word "menace" is used in revised Part 17 (17.1 for example). The Federal Aviation Administration uses the word "hazard" in its rules and notifications, some of which are referred to in Part 17. In the interest of clarity with respect to the use of these words in Part 17 of the rules, the word "hazard" is construed to have the same meaning as the word "menace".

"no hazard" determination and (2) if the FAA "no hazard" determination has not expired. One comment stated that the time required for the preparation of an application for a broadcast station construction permit may exceed 6 months and urged that the 6 months period be extended to 12 months. Experience has shown that cases requiring more than 6 months between the effective date of the "no hazard" determination and the filing for a construction permit are in the minority. The 6 months limitation is established by the FAA with respect to the effective period of a "no hazard" determination. The FAA regulations include provisions for extension of the effective period of "no hazard" determinations. Accordingly, the 6 months limitation has been eliminated from § 17.4(d), as adopted, which retains only the requirement that an application must be filed while the "no hazard" determination is in effect. Thus if the FAA either extends the effective date of a determination, as has been done in the past, or modifies its applicable rules, applicants will have the benefit of an extended period within which to file applications.

11. Section 17.4(f) provides that a Form 714 is not required for proposed antenna structures which will not extend more than 20 feet above the ground or natural formation or more than 20 feet above an existing man-made structure. One comment says this 20-foot limitation is not realistic; however, it is retained since it is in accord with the FAA notification criteria.

12. It was stated in one of the comments that the antenna data required in connection with common carrier station applications on Forms 401, 401A, and 714 represent a duplication that should be eliminated. These forms serve different purposes, do not contain identical information, and in this sense do not represent duplication. Providing one form to serve the several purposes would introduce inefficiencies and complications which would be undesirable both from the standpoint of the public and the government.

13. Form 714 is necessary to provide the FCC with positive information from the applicant that the FAA has or has not been notified of the proposed construction. If in the affirmative, it is necessary for the FCC to know which FAA region was notified, including the date and particulars of the notification given to the FAA. In many cases this differs from the particulars supplied in the application for radio station authorization filed with the FCC and coordination is necessary to insure that the clearance given by the FAA and the authorization issued by the FCC are in harmony.

14. Form 401 is an application for a new or modified common carrier radio station construction permit and such duplication as may exist between this and other forms is necessary to properly identify the antenna structure and provide information for the Commission's licensing function.

15. Form 401A was originally intended to provide information to the Antenna Survey Branch, necessary in its processing activities. Changes in the antenna survey procedures have been instituted so that Form 401A can be eliminated. The Rules governing services using this form will be modified accordingly in connection with related changes which are under consideration.

16. As proposed, § 17.21(a) would have required that antenna structures exceeding 170 feet be painted or lighted; however, as the comments on the rulemaking indicate, antennas are not considered a hazard under § 17.4(c) unless notification to FAA is required. Notification to FAA is required if the antenna exceeds 200 feet or exceeds the criteria prescribed in new § 17.7 (§ 17.8 of the notice of proposed rulemaking). This is consistent with the FAA Notice of Obstruction, Marking and Lighting Change (N 7460.1) dated February 6, 1967. Accordingly, § 17.21(a) has been modified to require painting and lighting of antennas that exceed 200 feet (instead of 170 feet) or require special aeronautical study.

17. A number of comments noted that proposed § 17.24(a) does not limit the requirement for lighting of structures up to and including 150 feet to those structures located in areas set forth in § 17.7 (see § 17.8 of the notice of proposed rulemaking), and which require notification to the FAA. The suggestion that § 17.24 be modified accordingly has been adopted. A corresponding change has been made in § 17.25.

18. It was suggested that provision be made for the use of 700-watt 6,000-hour lamps. Sections 17.25 through 17.37 and § 17.53 have been revised to authorize such use.

19. One comment suggested a change in the wording of the rules concerning the requirements for installation of beacons with respect to visibility and flashing. The present text of §§ 17.25 through 17.37 of the rules pertaining to the installation of beacons to ensure unobstructed visibility and flashing requirements conforms with the text of the FAA obstruction, Marking, and Lighting publication and is being retained.

20. In §§ 17.24 through 17.37 the word "normal" has been added to the phrase "angle of approach" in the requirement that lights shall be positioned so as to ensure unobstructed visibility of at least one light to approaching aircraft. In §§ 17.25 through 17.37 the word "approximately" has been added to the phrase "one-half of the luminous period" in the requirement prescribing the period of darkness for flashing beacons. Both changes bring the rules into accord with the language of the FAA Obstruction, Marking, and Lighting publication.

21. Under the provisions of § 17.43(a) of the rules issued March 30, 1953, the painting of all antenna towers was to have been brought into conformity with the rules no later than January 1, 1960. Since all existing structures should now be painted in accordance with the rules, old § 17.43(a) is not being retained.

22. New § 17.43(a) prescribes the applicability of the revised rules to new antenna structures and to existing antenna structures, the height or location of which are being changed.

23. With respect to existing antenna structures, the height or location of which are not being changed, new § 17.43 (b) prescribes the applicability of the new provisions concerning lights and associated equipment. One comment suggested that these provisions be made retroactive; however, the Commission has found that the public interest would be served if an orderly changeover of the lighting of existing structures is made as provided in the new § 17.43(b).

24. In order to make it clear that the new FAA "notification criteria" do not affect the painting and lighting requirements for existing antenna structures, appropriate provisions have been included in § 17.43(c).

25. One comment urged that the rules be modified to require a positive indication that tower lights had been turned on. The rules provide in §§ 17.25 through 17.37 that the lights on all towers over 150 feet in height shall burn continuously or be controlled (turned off and on) by a light sensitive device. The rules also provide in § 17.47 that a visual observation of the lights shall be made each 24 hours or that visual observation shall be made of an automatic device provided to register any failure of the lights. Alternatively an automatic alarm system may be used to provide the licensee with an indication of any tower light failure.

26. The FCC requirements pertaining to lamp failure alarm devices coincide with the language of the FAA Obstruction, Marking and Lighting publication. When and if the FAA modifies its publication to specifically require a positive indication at a remote point that the lights have been turned on, the FCC will consider appropriate parallel action, including any necessary changes in other sections of the rules.

27. Changes were suggested in the paragraphs dealing with notification to the FAA concerning extinguishment or improper functioning of lights, inspection of tower lights and recording of results of inspections of tower lights in the station records. The following three paragraphs deal with these suggestions.

28. In the interest of clarity, the "notification requirement" has been removed from the "inspection requirement" (§ 17.47) and has been designated as § 17.48, titled, "Notification of extinguishment or improper functioning of lights". The language of the notificaton requirement section has been modified by replacing the word "failure" with "extinguishment or improper functioning" to make it consistent with the language contained in the related paragraph of the FAA Obstruction, Marking, and Lighting publication. This modification includes rotating beacons and is responsive to comments in this regard.

29. Similarly, in proposed § 17.49 (§ 17.48 of the notice of proposed rulemaking) titled, "Recording of tower light inspections in the station record", the

word "failure" has been replaced with the phrase "extinguishment of improper functioning" in the interest of uniformity.

30. The language of § 17.47, titled, "Inspection of tower lights and associated control equipment" is consistent with the language in the related paragraph of the FAA Obstruction, Marking, and Lighting publication. The suggestion for further definition of "failure" has not been adopted since § 17.47(a)(1) specifies, as does the FAA publication, that an indicator used as an alternative to observation shall register any failure of such lights "to ensure that all lights are functioning properly as required".

31. One comment suggested that because of technological advances in the field of automatic devices § 17.48 (§ 17.47 (c) of the notice of proposed rulemaking) should be modified to extend the inspection interval of the automatic devices to one year rather than every 3 months. A sufficient showing has not been made in this rulemaking to warrant a finding that, in balance with the requirements of air navigational safety, automatic devices should be permitted to remain uninspected for a period as long as a year. It was also suggested that § 17.48 should affirmatively specify that notification to FAA is not required upon failure of nonflashing lights to bring the rules into conformity with FAA specifications. The pertinent language in the FAA Obstruction, Marking, and Lighting publication has been included in § 17.48(b).

32. Some installations include a "fail safe" feature which will cause a beacon to burn continuously if the flashing mechanism fails. One comment states that the continuous burning of a flashing beacon constitutes "improper functioning" and suggests modification of the rules to require reporting and recording of such an occurrence. The new § 17.48 (old § 17.31 as modified) provides for notification of extinguishment or improper functioning of a code or rotating beacon and is responsive to comments in this regard.

33. The suggestion that all installations should be required to meet FAA specifications for color intensity and beam distribution is provided for in § 17.53 and other related sections of the rules.

34. It was suggested that the rules be amended to require that the rated voltage of obstruction lamps correspond to or be within 3 percent higher than the average voltage across the lamps during normal hours of operation. This provision is contained in the FAA Obstruction, Marking and Lighting publication and is being included in § 17.54.

35. In accordance with several comments the language of new § 17.57, as adopted, has been brought into conformity with former § 17.45, thereby requiring that C & GS Form 844 be filed with the Director, U.S. Coast and Geodetic Survey only for construction of towers for which obstruction markings are required instead of for all structures as would have been required by the proposed rulemaking.

36. A suggestion was made that guy wires be marked. This has not been adopted since the FAA requirements do not specify such marking. It is understood that the FAA has this project under special study.

37. Editorial changes have been made and paragraphs have been renumbered for clarity and consistency.

38. In view of the foregoing considerations, the Commission finds that the amendments to Part 17, concerning construction, marking and lighting of antenna structures as set forth below are in the public interest, convenience and necessity. The authority for the adoption of such amendments is contained in sections 4(i), 303(q), and 303(r) of the Communications Act of 1934, as amended.

39. *Accordingly, it is ordered,* That effective September 5, 1967, Part 17 of the Commission's rules and regulations are amended, as set forth below.

40. *It is further ordered,* That the proceeding in Docket 16474 is terminated.

41. *It is further ordered,* That the Commission's "Interim Procedures Governing Airspace Clearances for Broadcast Antenna Structures", contained in Public Notice 44605 of December 10, 1963, are canceled as of the effective date of the amendments herein ordered.

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

Adopted: July 26, 1967.

Released: August 1, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[2]

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

Subpart A—General Information

1. Section 17.1 is amended to read as follows:

§ 17.1 Basis and purposes.

(a) The rules in this part are issued pursuant to the authority contained in Title III of the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to issue licenses for radio stations when it is found that the public interest, convenience, and necessity would be served thereby, and to require the painting, and/or illumination of radio towers if and when in its judgment such towers constitute, or there is a reasonable possibility that they may constitute, a menace to air navigation.

(b) The purpose of the rules in this part is to prescribe certain procedures and standards with respect to the Commission's consideration of proposed antenna structures which will serve as a guide to persons intending to apply for radio station licenses. The standards were developed in conjunction with the Federal Aviation Administration (FAA).

2. Section 17.2 (a) and (c) through (n) are deleted; paragraph (b) is amended and redesignated as (a) and paragraph (o) is redesignated as (b). As amended paragraph (a) reads as follows:

§ 17.2 Definitions.

(a) *Antenna structures.* The term antenna structures includes the radiating system, its supporting structures and any appurtenances mounted thereon.

* * * * *

§ 17.3 [Deleted]

3. Section 17.3 is deleted in its entirety.

4. Section 17.4 is amended to read as follows:

§ 17.4 Commission consideration of proposed antenna structure with respect to possible hazard to air navigation.

(a) All applications are reviewed to determine whether there is a requirement that the applicant file a Notice of Proposed Construction or Alteration (Form FAA–117) with the Federal Aviation Administration.

(b) Whenever applications require the filing of "Notice of Proposed Construction or Alteration", Form FAA–117, the applicant will be advised to do so unless the application includes an FCC Form 714 certifying that notification has been submitted to FAA or the application form itself specifically supplies all of the information which would be provided on the FCC Form 714.

(c) All applications which do not require the filing of Form FAA–117 with the FAA will be deemed not to involve a hazard to air navigation and will be considered by the Commission without further reference to the FAA.

(d) Whenever a "no hazard determination" is received from the FAA concerning any proposed antenna structure, the antenna structure is deemed not to involve a hazard to air navigation and the antenna aspect of the application for radio station authorization will be processed accordingly; provided that the FAA "no hazard determination" has not expired.

(e) Whenever a report is received from the FAA indicating that a proposed antenna structure is a hazard, the Commission will take further appropriate action.

(f) Applications which show on their face that the antenna structure will extend more than 20 feet above the ground or natural formation or more than 20 feet above an existing manmade structure (other than an antenna structure) shall be accompanied by FCC Form 714 indicating that notification has or has not been submitted to FAA or the application form itself shall specifically supply all of the information which would be provided on the FCC Form 714.

(g) In addition to the other requirements of this part of the rules, each application for a radio station authorization shall include such information regarding proposed antenna construction as may be required by the FCC. Such information is to be supplied on the FCC application form specified in the rules pertaining to the radio service in which application is being made or as may otherwise be required.

[2] Commissioners Bartley, Lee and Loevinger absent.

Subpart B—Criteria for Determining Whether Applications for Radio Towers Require Notification of Proposed Construction to Federal Aviation Administration

5. New § 17.7 is added to read as follows:

§ 17.7 Antenna structures requiring notification to the FAA.

A notification to the Federal Aviation Administration is required, except as set forth in § 17.14, for any of the following construction or alteration:

(a) Any construction or alteration of more than 200 feet in height above ground level at its site.

(b) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:

(1) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport with at least one runway more than 3,200 feet in length, excluding heliports and seaplane bases without specified boundaries, if that airport is either listed in the Airport Directory of the current Airman's Information Manual or is operated by a Federal military agency.

(2) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each airport with its longest runway no more than 3,200 feet in length, excluding heliports and seaplane bases without specified boundaries, if that airport is either listed in the Airport Directory or is operated by a Federal military agency.

(3) 25 to 1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and takeoff area of each heliport listed in the Airport Directory or operated by a Federal military agency.

(c) Any construction or alteration on an airport listed in the Airport Directory of the current Airman's Information Manual.

(d) When requested by the FAA, any construction or alteration that would be in an instrument approach area (defined in the FAA standards governing instrument approach procedures) and available information indicates it might exceed an obstruction standard of the FAA.

NOTE: Consideration to aeronautical facilities not in existence at the time of the filing of the application for radio facilities will be given only when proposed airport construction or improvement plans are on file with the Federal Aviation Administration as of the filing date of the application for such radio facilities.

§§ 17.11, 17.12, 17.13 [Deleted]

6. Sections 17.11, 17.12, and 17.13 are deleted in their entirety.

7. Section 17.14 is amended to read as follows:

§ 17.14 Certain antenna structures exempt from notification to the FAA.

A notification to the Federal Aviation Administration is not required for any of the following construction or alteration:

(a) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation. Applicants claiming such exemption under § 17.14(a) shall submit a statement with their application to the FCC explaining basis in detail for their finding.

(b) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure.

(c) Any electronic facility, the signal of which is used primarily for navigational guidance by aircraft, any airport visual approach or landing aid, or any airport ceiling or visibility indicator device, or other meteorological facility or instrument, approved by the Administrator, the location and height of which would be fixed by its functional purpose.

§§ 17.15, 17.16 [Deleted]

8. Sections 17.15 and 17.16 are deleted in their entirety.

9. Section 17.17 is amended to read as follows:

§ 17.17 Existing structures.

(a) Nothing in the criteria in this subpart concerning antenna structures or locations shall apply to those structures authorized prior to September 5, 1967.

(b) No change in any of these criteria or relocation of airports shall at any time impose a new restriction upon any then existing or authorized antenna structure or structures.

Subpart C—Specifications for Obstruction Marking and Lighting of Antenna Structures

10. Section 17.21 is amended to read as follows:

§ 17.21 Painting and lighting, when required.

Antenna structures shall be painted and lighted when:

(a) They exceed 200 feet in height above the ground or they require special aeronautical study.

(b) The Commission may modify the above requirement for painting and/or lighting of antenna structures, when it is shown by the applicant that the absence of such marking would not impair the safety of air navigation, or that a lesser marking requirement would insure the safety thereof.

11. Section 17.22 is amended to read as follows:

§ 17.22 Particular specifications to be used.

Whenever painting and lighting are required, the Commission will assign painting and lighting specifications pursuant to the provisions of this subpart. If an antenna installation is of such a nature that its painting and lighting in accordance with these specifications are confusing or endanger, rather than assist airmen, or are otherwise inadequate, the Commission will specify the type of painting and lighting or other marking to be used in the individual situation.

12. Section 17.24 is amended to read as follows:

§ 17.24 Specifications for the lighting of antenna structures up to and including 150 feet in height.

Antenna structures up to and including 150 feet in height above ground, which are required to be lighted as a result of notification to the FAA under § 17.7, shall be lighted as follows:

(a) There shall be installed at the top of the tower at least two 100-, 107-, or 116-watt lamps (No. 100 A21/TS, No. 107 A21/TS, or No. 116 A21/TS, respectively) enclosed in aviation red obstruction light globes. The two lights shall burn simultaneously from sunset to sunrise and shall be positioned so as to insure unobstructed visibility of at least one of the lights from aircraft at any normal angle of approach. A light sensitive control device or an astronomic dial clock and time switch may be used to control the obstruction lighting in lieu of manual control. When a light sensitive device is used, it should be adjusted so that the lights will be turned on at a north sky light intensity level of about 35-foot candles and turned off at a north sky light intensity level of about 58-foot candles.

13. Section 17.25(a), (a) (1) and (2) is amended to read as follows:

§ 17.25 Specifications for the lighting of antenna structures over 150 feet up to and including 300 feet in height.

(a) Antenna structures over 150 feet, up to and including 200 feet in height above ground, which are required to be lighted as a result of notification to the FAA under § 17.7 and antenna structures over 200 feet, up to and including 300 feet in height above ground, shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500-, 620-, or 700-watt lamps (PS–40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons position so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) At the approximate mid point of the overall height of the tower there shall be installed at least two 100-, 107-, or 116-watt lamps (No. 100 A21/TS, No.

107 A21/TS, or No. 116 A21/TS, respectively) enclosed in aviation red obstruction light globes. Each light shall be mounted so as to insure unobstructed visibility of at least one light at each level from aircraft at any normal angle of approach.

* * * * *

14. Section 17.26(a) (1) and (2) is amended to read as follows:

§ 17.26 Specifications for the lighting of antenna structures over 300 feet up to and including 450 feet in height.

(a) * * *

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500-, 620-, or 700-watt lamps (PS–40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute, nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately two-thirds and one-third of the overall height of the tower, there shall be installed at least two 100-, 107-, or 116-watt lamps (No. 100 A21/TS, No. 107 A21/TS, or No. 116 A21/TS, respectively) enclosed in aviation red obstruction light globes. Each light shall be mounted so as to insure unobstructed visibility of at least one light at each level from aircraft at any normal angle of approach.

* * * * *

15. Section 17.27(a) (1) and (2) is amended to read as follows:

§ 17.27 Specifications for the lighting of antenna structures over 450 feet up to and including 600 feet in height.

(a) * * *

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500-, 620-, or 700-watt lamps (PS–40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) At approximately one-half of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event this beacon cannot be installed in a manner to insure unobstructed visibility of it from aircraft at any normal angle of approach, there shall be installed two such beacons, at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

* * * * *

16. Section 17.28(a) (1) and (2) is amended to read as follows:

§ 17.28 Specifications for the lighting of antenna structures over 600 feet up to and including 750 feet in height.

(a) * * *

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500-, 620-, or 700-watt lamps (PS–40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) At approximately two-fifths of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event this beacon cannot be installed in a manner to insure unobstructed visibility of it from aircraft at any normal angle of approach, there shall be installed two such beacons, at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

* * * * *

17. Section 17.29(a) (1) and (2) is amended to read as follows:

§ 17.29 Specifications for the lighting of antenna structures over 750 feet up to and including 900 feet in height.

(a) * * *

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500-, 620-, or 700-watt lamps (PS–40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately two-thirds and one-third of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any normal angle of approach, there shall be installed two such beacons, at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

* * * * *

18. Section 17.30(a) (1) and (2) is amended to read as follows:

§ 17.30 Specifications for the lighting of antenna structures over 900 feet up to and including 1,050 feet in height.

(a) * * *

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500-, 620-, or 700-watt lamps (PS–40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per

minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately four-sevenths and two-sevenths of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any normal angle of approach, there shall be installed two such beacons, at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

* * * * *

19. Section 17.31(a) (1) and (2) is amended to read as follows:

§ 17.31 Specifications for the lighting of antenna structures over 1,050 feet up to and including 1,200 feet in height.

(a) * * *

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500-, 620-, or 700-watt lamps (PS–40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately three-fourths, one-half and one-fourth of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any normal angle of approach, there shall be installed two such beacons, at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

* * * * *

20. Section 17.32(a) (1) and (2) is amended to read as follows:

§ 17.32 Specifications for the lighting of antenna structures over 1,200 feet up to and including 1,350 feet in height.

(a) * * *

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500-, 620-, or 700-watt lamps (PS–40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately two-thirds, four-ninths, and two-ninths of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any normal angle of approach, there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

* * * * *

21. Section 17.33(a) (1) and (2) is amended to read as follows:

§ 17.33 Specifications for the lighting of antenna structures over 1,350 feet up to and including 1,500 feet in height.

(a) * * *

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500-, 620-, or 700-watt lamps (PS–40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately four-fifths, three-fifths, two-fifths, and one-fifth of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any normal angles of approach, there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

* * * * *

22. Sections 17.34 through 17.45 are deleted and new §§ 17.34 through 17.58 are added to read as follows:

§ 17.34 Specifications for the lighting of antenna structures over 1,500 feet up to and including 1,650 feet in height above the ground.

(a) Antenna structures over 1,500 feet up to and including 1,650 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500-, 620-, or 700-watt lamps (PS–40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately eight-elevenths, six-elevenths, four-elevenths, and two-elevenths of the overall height of the tower, one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from the aircraft at any normal angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any normal angle of approach there shall be installed two such beacons, at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately ten-elevenths, nine-elevenths, seven-elevenths, five-elevenths, three-elevenths, and one-eleventh of the overall height of the tower at least one 100-, 107-, or 116-watt lamp (No. 100 A21/TS, No. 107 A21/TS, or No. 116 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the structure.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.35 Specifications for the lighting of antenna structures over 1,650 feet up to and including 1,800 feet in height.

(a) Antenna structures over 1,650 feet up to and including 1,800 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500-, 620-, or 700-watt lamps (PS–40 Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately five-sixths, two-thirds, one-half, one-third, and one-sixth of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any normal angle of approach, there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately eleven-twelfths, two-thirds, seven-twelfths, five-twelfths, one-fourth and one-twelfth of the overall height of the tower at least one 100-, 107-, or 116-watt lamp (No. 100 A21/TS, No. 107 A21/TS, or No. 116 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the structure.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.36 Specifications for the lighting of antenna structures over 1,800 feet up to and including 1,950 feet in height.

(a) Antenna structures over 1,800 feet up to and including 1,950 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500-, 620- of 700-watt lamps (PS–40, Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately ten-thirteenths, eight-thirteenths, six-thirteenths, four-thirteenths, and two-thirteenths of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any normal angle of approach, there shall be installed two such beacons, at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately twelve-thirteenths, eleven-thirteenths, nine-thirteenths, seven-thirteenths, five-thirteenths, three-thirteenths, and one-thirteenth of the overall height of the tower at least one 100-, 107-, or 116-watt lamp (No. 100 A21/TS, No. 107 A21/TS, or No. 116 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the structure.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.37 Specifications for the lighting of antenna structures over 1,950 feet up to and including 2,100 feet in height.

(a) Antenna structures over 1,950 feet up to and including 2,100 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500-, 620- or 700-watt lamps (PS–40, Code Beacon type) both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any normal angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any normal angle of approach. The beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to approximately one-half of the luminous period.

(2) On levels at approximately six-sevenths, five-sevenths, four-sevenths, three-sevenths, two-sevenths, and one-seventh of the overall height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any normal angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any normal angle of approach, there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately thirteen-fourteenths, eleven-fourteenths, nine-fourteenths, one half, five-fourteenths, three-fourteenths, and one-fourteenth of the overall height of the tower at least one 100-, 107-, or 116-watt lamps (No. 100 A21/TS, No. 107 A21/TS, or No. 116 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the structure.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.38 Specifications for the lighting of antenna structures over 2,100 feet in height.

Antenna structures over 2,100 feet in height above the ground shall be lighted in accordance with specifications to be determined by the Commission after

aeronautical study which will include lighting recommendations.

§ 17.43 Painting and lighting of new and existing structures.

(a) The provisions of this part of the rules shall be effective with respect to antenna structures required to be lighted and/or painted in accordance with the terms of an authorization for a new station or a change in the height or location of an antenna structure issued on or after September 5, 1967.

(b) All antenna structures required to be painted and lighted in accordance with a radio station authorization valid on September 5, 1967, shall be brought into conformity with this subpart within 6 months after September 5, 1970, at any station for which the authorization is renewable on or prior to that date and within 3 months following the renewal of any authorization renewable after September 5, 1970.

(c) Nothing in the notification criteria concerning antenna structures or locations, as set forth in Subpart B of this part, shall apply to painting and lighting those structures authorized prior to September 5, 1967, except where lighting and painting requirements are reduced, in which case the lesser requirements may apply upon approval of an application to Commission for such reduction.

§ 17.45 Temporary warning lights.

During construction of an antenna structure, for which obstruction lighting is required, at least two 100-, 107-, or 116-watt lamps (No. 100 A21/TS, No. 107 A21/TS, or No. 116 A21/TS, respectively) enclosed in aviation red obstruction light globes, shall be installed at the uppermost point of the structure. In addition, as the height of the structure exceeds each level at which permanent obstruction lights will be required, two similar lights shall be installed at each such level. These temporary warning lights shall be displayed nightly from sunset to sunrise until the permanent obstruction lights have been installed and placed in operation, and shall be positioned so as to insure unobstructed visibility of at least one of the lights at any normal angle of approach. In lieu of the above temporary warning lights, the permanent obstruction lighting fixtures may be installed and operated at each required level as each such level is exceeded in height during construction.

§ 17.47 Inspection of tower lights and associated control equipment.

The licensee of any radio station which has an antenna structure requiring illumination pursuant to the provisions of section 303(q) of the Communications Act of 1934, as amended, as outlined elsewhere in this part:

(a) (1) Shall make an observation of the tower lights at least once each 24 hours either visually or by observing an automatic properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required; or alternatively,

(2) Shall provide and properly maintain an automatic alarm system designed to detect any failure of such lights and to provide indication of such failure to the licensee.

(b) Shall inspect at intervals not to exceed 3 months all automatic or mechanical control devices, indicators, and alarm systems associated with the tower lighting to insure that such apparatus is functioning properly.

§ 17.48 Notification of extinguishment or improper functioning of lights.

The licensee of any radio station which has an antenna structure requiring illumination pursuant to the provisions of section 303(q) of the Communications Act of 1934, as amended, as outlined elsewhere in this part:

(a) Shall report immediately by telephone or telegraph to the nearest Flight Service Station or office of the Federal Aviation Administration any observed or otherwise known extinguishment or improper functioning of a code or rotating beacon light or top light not corrected within 30 minutes. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(b) An extinguishment or improper functioning of a steady burning side or intermediate light or lights, shall be corrected as soon as possible, but notification to the FAA of such extinguishment or improper functioning is not required.

§ 17.49 Recording of tower light inspections in the station record.

The licensee of any radio station which has an antenna structure requiring illumination shall make the following entries in the station record of the inspections required by § 17.47.

(a) The time the tower lights are turned on and off each day if manually controlled.

(b) The time the daily check of proper operation of the tower lights was made, if automatic alarm system is not provided.

(c) In the event of any observed or otherwise known extinguishment or improper functioning of a tower light:

(1) Nature of such extinguishment or improper functioning.

(2) Date and time the extinguishment or improper functioning was observed, or otherwise noted.

(3) Date, time, and nature of the adjustments, repairs, or replacements made.

(4) Identification of Flight Service Station (Federal Aviation Administration) notified of the extinguishment or improper functioning of any code or rotating beacon light or top light not corrected within 30 minutes, and the date and time such notice was given.

(5) Date and time notice was given to the Flight Service Station (Federal Aviation Administration) that the required illumination was resumed.

(d) Upon completion of the periodic inspection required at least once each 3 months:

(1) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, indicators and alarm systems.

(2) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements or repairs were made.

§ 17.50 Cleaning and repainting.

All towers shall be cleaned or repainted as often as necessary to maintain good visibility.

§ 17.51 Time when lights shall be exhibited.

All lighting shall be exhibited from sunset to sunrise unless otherwise specified.

§ 17.52 Spare lamps.

A sufficient supply of spare lamps shall be maintained for immediate replacement purposes at all times.

§ 17.53 Lighting equipment and paint.

The lighting equipment, color of filters, and shade of paint referred to in the specifications are further defined in the following government and/or Army-Navy Aeronautical Specifications, Bulletins, and Drawings: (Lamps are referred to by standard numbers).

Outside white	Federal Specifications	TT-P-102.[1]
Aviation surface orange	do	TT-P-59[1] (Color No. 12197 of Federal Standard 595).
Aviation surface orange, enamel	do	TT-E-189[1] (Color No. 12197 of Federal Standard 595).
Code beacon	FAA specifications	446 (Sec. II-d-Style 4).[2]
Obstruction light globe, prismatic	Army-Navy drawing	
Obstruction light globe, Fresnel	do	AN-L-10A[2] or FAA Specification L-810.[2]
Single multiple obstruction light fitting assembly	do	
Obstruction light fitting assembly	do	
100-watt lamp		No. 100 A21/TS.[4]
107-watt lamp		No. 107 A21/TS (3,000 hours).
116-watt lamp		No. 116 A21/TS (6,000 hours).
500-watt lamp		No. 500 PS-40/0 (1,000 hours).[4]
620-watt lamp		No. 620 PS-40 (3,000 hours).
700-watt lamp		No. 700 PS-40/0 (6,000 hours).

[1] Copies of this specification can be obtained from the Specification Activity, Room 1643, Federal Supply Service Center, General Services Administration, 7th and D Streets SW., Washington, D.C. 20407 (Outside white, 5 cents; aviation surface orange, paint 5 cents, enamel, 10 cents).

[2] Copies of Army-Navy specifications or drawings can be obtained by contacting the Commanding General, Air Materiel Command, Wright Field, Dayton, Ohio 45433, or the Naval Air Systems Command, Navy Department, Washington, D.C. 20360. Information concerning Army-Navy specifications or drawings can also be obtained from the Federal Aviation Administration, Washington, D.C. 20553.

[3] Copies of this specification can be obtained from the Federal Aviation Administration, Washington, D.C. 20553.

[4] The 116-watt, 6,000-hour lamp and the 700-watt, 6,000-hour lamp may be used instead of the 100-watt and the 500-watt lamps whenever possible in view of the extended life, lower maintenance cost, and greater safety which they provide.

§ 17.54 Rated lamp voltage.

To provide satisfactory output by obstruction lights, the rated voltage of the lamp used should, in each case, correspond to or be within 3 percent higher than the average voltage across the lamp during the normal hours of operation.

§ 17.56 Maintenance of lighting equipment.

Replacing or repairing of lights, automatic indicators or automatic alarm systems shall be accomplished as soon as practicable.

§ 17.57 Report of radio transmitting antenna construction, alteration and/or removal.

Any permittee or licensee who, pursuant to any instrument of authorization from the Commission to erect or make changes affecting antenna height or location of an antenna tower for which obstruction marking is required, shall, prior to start of tower construction and upon completion of such construction or changes, fill out and file with the Director, U.S. Coast and Geodetic Survey, C & GS Form 844 (Report of Radio Transmitting Antenna Construction, Alteration and/or Removal) in order that antenna tower information may be provided promptly for use on aeronautical charts and related publications in the interest of safety of air navigation.

§ 17.58 Facilities to be located on land under the jurisdiction of the U.S. Forest Service or the Bureau of Land Management.

Any application proposing new or modified transmitting facilities to be located on land under the jurisdiction of the U.S. Forest Service or the Bureau of Land Management shall include a statement that the facilities will be so located, and the applicant shall comply with the requirements of § 1.70 of this chapter.

[F.R. Doc. 67-9057; Filed, Aug. 2, 1967; 8:49 a.m.]

[Docket No. 17152; FCC 67-892]

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

Use of Recording Devices by Telephone Companies

Report and order. 1. On January 30, 1967, the Commission issued a notice of proposed rule-making in the above-entitled matter, 6 FCC 2d 587. (See also FEDERAL REGISTER of Feb. 3, 1967; 32 F.R. 284). Comments were requested by March 21, 1967, and reply comments by April 10, 1967.

2. In the notice, we proposed to establish rules that would require telephone common carriers that are subject, in whole or in part, to the Communications Act of 1934, as amended, to transmit a "beep tone" whenever any such carrier uses a recording device to record interstate or foreign telephone communications that take place between the telephone company as the called or calling party and the telephone using public. Tariffs of these companies now require the public user to transmit a "beep tone" on all such calls whenever he uses a recording device, but the tariff requirements do not apply to telephone company usage of recording devices on such calls.

3. Timely comments were submitted by American Telephone and Telegraph Company (A.T. & T.), GT&E Service Corp. (General), National Telephone Cooperative Association (NTCA), and James R. Squire. The Communications Workers of America (CWA) submitted reply comments.

Comments summarized. 4. A.T. & T., in its comments for the Bell System companies, maintains that there is no necessity for the proposed rule; that, although the present "beep tone" tariffs are not applicable to the telephone companies, the Bell System companies, as a matter of policy, have adopted the practice of using a "beep tone" in their own operations in the area covered by the proposed rule and that nothing would be gained by such rule; that any problems concerning the recording of customer contacts by a regulated carrier should be handled on a case-by-case basis, rather than by general rule; that the recording of customer contacts with telephone company employees is used by the Bell System only for plant repair service calls; and that the Commission may be assured that the Bell System will make no change in its existing practices regarding the use of the "beep tone" without prior notice to the Commission.

5. General states that the General System telephone companies limit the use of recordings solely to improving the quality of service rendered by the telephone company without invading privacy; that the telephone subscriber calling into the business office of a telephone company, or placing a call with an operator, or calling information for a telephone number, is not engaged in a conversation which he expects will be kept secret from the telephone company; that the service observing techniques employed by the General companies is the only way that they can insure that the public will continue to receive adequate service; that to prohibit service observing, or the recording that accompanies service observing, would severely inhibit efforts by the companies to maintain and improve service quality; that the General companies retain recordings of conversations for only the briefest periods; that such recordings are not made for record-keeping purposes but as training devices aimed at insuring that telephone company employees can properly handle customer requests and continue to render good service; and that the practical effect of the proposed rule would be to prohibit the use of recording devices since the value of recorded service observing as a training device lies in the absence of knowledge on the part of the telephone company employee that a particular call is being observed.

6. General also asserts that the proposed rule is premature in that the 90th Congress now has before it for consideration a number of Bills relating to the subject of eavesdropping (e.g., S. 634, S. 887, S. 928, H.R. 5386); and that Administration Bills H.R. 5386 and S. 298 provide for a general prohibition on intercepting or disclosing wire communication but that one of the exceptions thereto is an exception whereby a telephone company employee may intercept, disclose or use wire communication "in the normal course of his employment while engaged in any activity which is a necessary incident of the rendition of service." General contends that, until Congress acts on these Bills, it would be untimely for the Commission now to adopt rules in this area since the statutory amendments would quite likely require a subsequent overhaul of all rules in this area.

7. NTCA asserts that the Commission is here dealing with minutia and that rather than adopt the proposed rules, the Commission should reinstitute the 1947 recording device tariff prescription procedures (11 FCC 1033; 12 FCC 1005, 1008), appoint an advisory committee to look into the current problems of telephone recording devices, and propose effective legislation to correct all abuses in connection with the recording of telephone conversations. NTCA alleges that there have been revolutionary changes since the presently effective tariffs were prescribed regarding the use of the "beep tone"; that the present tariffs should be revised to permit the use of acoustical recordings with an appropriate warning; that the wisdom of retaining the "beep tone" in the tariffs as the warning mechanism is highly doubtful since many different tones are being used today in the telephone system; that the practice of broadcasters in filtering out the "beep tone" diminishes its value as a warning; that the public has little awareness of the "beep tone" tariff requirements and there is widespread disregard of such requirements; that the "beep tone" requirements should have been extended to the private line tariffs; that the Commission should seek a new warning mechanism capable of use on all recorders that is simple, incapable of being misunderstood and without cost or unnecessary subscriber involvement; and that the Commission should provide for telephone companies an adequate subscriber education program using, among other means, telephone directory, newsletter, and notices with billings.

8. CWA, in its comments in reply, supports the proposed rule and cites actions taken by state regulatory agencies in Connecticut and Massachusetts concerning this matter. CWA states that the question presented is whether or not the claimed benefit gained from recording conversations of telephone company employees outweighs the benefit accruing to the public from the knowledge that its telephone conversations are private and are not being monitored by unknown persons; that with the growing use of the telephone the contents of conversations should not be made known to persons other than those for whom they are intended; that the need for privacy

obtains no less to employees of the telephone company; and that the public will make known its dissatisfactions with the telephone company service without the use of unexpected surveillance, eavesdropping or monitoring of the telephone conversations of telephone company employees; and that the human dignity of such employees is more important than using such methods as an attempt to achieve a perfect world of electronics.

9. In his comments, Mr. James R. Squire, supports the proposed rule and he also asserts that the Commission should go further and prohibit the recording of telephone conversations completely. He states that there is no valid reason for the recording of telephone conversations by telephone companies.

Conclusions. 10. We have carefully considered all of the comments. Our initial objective in proposing this rule was to assure that the public user of the telephone service would have notice whenever any telephone conversation that he is conducting with a telephone company is being recorded by the latter and to require that such notice be achieved by the same "beep tone" method that the public user must use if he himself desired to use a device to record the same telephone conversation. None of the comments take issue with this objective, although NTCA, as indicated, suggests that some warning method other than the "beep tone" should be devised.

11. The comments of CWA and General raise the question of whether there may not be a further and additional reason for adopting the proposed rule over and above that set forth above. Thus, the comments of these parties indicate that where the General System companies use a recording device for conversations with the public user it appears that neither the public user nor the telephone company employee engaged in the conversation has any knowledge that it is being recorded. General contends that if the employee knows that a recording device is being used, such knowledge would destroy the value thereof for service observing and training. We think it significant that the Bell System companies do not make any contention that their use of the "beep tone" impairs their service observing or training program, and we do not believe that General has made any showing to support its allegation that the service observing techniques employed by the General companies "is the only way that they can insure that he [the telephone subscriber] continues to receive adequate service."

12. As we stated in the notice, we believe that the principles that govern our decision in Use of Recording Devices in Connection With Telephone Service, 11 FCC 1033 (1947), 12 FCC 1005 (1947), 12 FCC 1008 (1948), apply with equal force to the recording of telephone conversations by telephone companies when they are the called or calling party to a telephone conversation. We believe that the comments of the parties support and reinforce the need and desirability for the proposed rule. Moreover, we do not agree with the contention of General that our proposed rule-making is premature and that we should defer action on the proposed rule until Congress acts on a number of bills now pending in Congress relating to the subject of eavesdropping. These bills, as we read them have the objective of buttressing the right of privacy in telephone and other conversations. Our proposed rule is in harmony with that objective, and we see no reason to defer action thereon.

13. NTCA's comments urging a general overhaul of the present tariff provisions of the telephone companies relating to the use of recording devices would entail tariff prescription proceedings under section 205 of the Act and such comments are outside the scope of the proposed rule-making herein.

Accordingly, it is ordered, Pursuant to sections 4(i), 201(b), and 202(a) of the Communications Act of 1934, as amended, That effective September 5, 1967, Part 64 of the Commission's rules and regulations, 47 CFR Part 64, is amended by the addition of new Subpart E as set forth below, and that this proceeding is terminated.

(Secs. 4, 201, 202, 48 Stat., as amended, 1066, 1070; 47 U.S.C. 154, 201, 202)

Adopted: July 26, 1967.

Released: July 31, 1967.

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

Part 64—Miscellaneous Rules Relating to Common Carriers, is amended to add a new Subpart E as follows:

Subpart E—Use of Recording Devices by Telephone Companies

§ 64.501 Recording of telephone conversations with telephone companies.

No telephone common carrier, subject in whole or in part to the Communications Act of 1934, as amended, may use any recording device in connection with any interstate or foreign telephone conversation between any member of the public, on the one hand, and any officer, agent or other person acting for or employed by any such telephone common carrier, on the other hand, except under the following conditions:

(a) That such use shall be accompanied by adequate notice to all parties to the telephone conversation that the conversation is being recorded;

(b) That such notice shall be given by the use of an automatic tone warning device, which will automatically produce a distinct signal that is repeated at regular intervals during the course of the telephone conversation when the recording device is in use;

(c) That the characteristics of the warning tone shall be the same as those specified in the Orders of this Commission adopted by it in "Use of Recording Devices in Connection With Telephone Service," Docket 6787; 11 F.C.C. 1033 (1947); 12 F.C.C. 1005 (November 26, 1947); 12 F.C.C. 1008 (May 20, 1948);

(d) That no recording device shall be used unless it can be physically connected to and disconnected from the telephone line or switched on and off.

[F.R. Doc. 67-9058; Filed, Aug. 2, 1967; 8:49 a.m.]

[1] Commissioners Bartley, Lee, and Loevinger absent and Commissioner Johnson concurring in the result.

[Docket No. 17069; FCC 67-874]

PART 87—AVIATION SERVICES

Aeronautical Multicom Service

Report and order. 1. The Commission on December 21, 1966, adopted a notice of proposed rule making in the above-entitled matter (FCC 66-1183) which made provision for the filing of comments and was published in the FEDERAL REGISTER on December 28, 1966 (31 F.R. 16577). The time for filing comments and reply comments has passed.

2. The notice of proposed rule making was based on information gained from administering the multicom service and requests for waivers of the rules governing the service. It proposed elimination of the enumeration of particular activities to which the multicom communications must pertain and the substitution of a general statement regarding the use of the frequency. No change was proposed in the original objective of the multicom service to provide for activities of a temporary, seasonal, or emergency nature and to exclude those activities which are of a continuing or permanent nature, particularly where provision is already made for communications under another part of the Rules.

3. Formal comments were filed by National Association of State Aviation Officers (NASAO) and National Business Aircraft Association and informal comments by the Federal Aviation Agency and National Pilots Association. The commentators supported the proposal. NASAO, however, suggested that the prohibition against air traffic control communications be clarified.

4. NASAO points out that the present language can be interpreted to preclude the relaying of air traffic control information by the multicom station operator between the pilot and air traffic controller. Examples cited by NASAO where relaying results in savings of time and airspace are: (a) After receiving an ATC clearance for takeoff at a specific time, the pilot may encounter a delay, such as trouble starting his engine in cold weather. If the pilot cannot notify ATC by radio he may have to run back and forth to a telephone several times to amend his flight plan; and (b) after landing, the pilot must taxi in, shut down his engine, possibly fill out a log book, walk to a telephone and complete a call to FAA, before the FAA knows the airplane is clear.

5. The situations described by NASAO occur at uncontrolled landing areas. At these airfields, in many instances, the only air ground communications facility will be the multicom or aeronautical advisory station. Allowing the operators of

these stations to relay air traffic control messages between pilots and controllers is very desirable and the Commission's rules are not to be interpreted as precluding this type of communications. In order that no misunderstanding exists, a phrase will be added to the rules which will specifically authorize relaying. Inasmuch as this clarification is editorial in nature and merely reflects a long standing policy, it appears appropriate to make a similar addition to the aeronautical advisory station rules § 87.257 (c) which contain the same prohibition.

6. In view of the foregoing: *It is ordered*, Pursuant to the authority contained in sections 4(i) and 303 (b) and (r) of the Communications Act of 1934, as amended, that effective September 5, 1967, Part 87 of the Commission's rules is amended as set forth below. *It is further ordered*, That this proceeding is terminated.

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

Adopted: July 26, 1967.

Released: July 31, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

1. Paragraph (c) of § 87.257 is amended to read as follows:

§ 87.257 Scope of service.

* * * * *

(c) Aeronautical advisory stations shall not be used for air traffic control purposes other than the relay of certain air traffic control information between the pilot and air traffic controller. Relaying of air traffic control information is limited to the following:

(1) Revisions of proposed departure time.

(2) Takeoff, arrival or flight plan cancellation time.

(3) ATC clearances provided a letter of agreement is consummated by the licensee of the advisory station with the FAA.

* * * * *

2. Section 87.277 is amended to read as follows:

§ 87.277 Scope of service.

(a) Except as provided in paragraph (b) of this section, communications by an aeronautical multicom station shall pertain to activities of a temporary, seasonal or emergency nature which depend upon an aircraft in flight for the successful or safe conduct of the activity. Such communications shall be limited to the directing of ground activities from the air, the directing of aerial activities from the ground, and air-to-air communications where such communications are otherwise not provided for in this part.

(b) Where advisory service is not authorized at a landing area and an applicant is unable to meet the special requirements for an aeronautical advisory station under § 87.251, the Commission, upon a proper showing by the applicant, and until such time as an aeronautical advisory station is established at the landing area, may authorize service at such landing area on the frequency 122.9 Mc/s in accordance with the following provisions:

(1) The station shall not be used for air traffic control purposes other than the relay of certain air traffic control information between the pilot and air traffic controller. Relaying of air traffic control information is limited to the following:

(i) Revisions of proposed departure time.

(ii) Takeoff, arrival or flight plan cancellation time.

(iii) ATC clearances provided by a letter of agreement is consummated by the licensee of the multicom station with the FAA.

(2) Communications shall be limited to the necessities of safe and expeditious operation of private aircraft, pertaining to the conditions of runways, types of fuel available, wind conditions, weather information, dispatching or other necessary information: *Provided, however*, That on a secondary basis, communications may be transmitted which pertain to the efficient, portal-to-portal transit of which the flight is a portion, such as requests for ground transportation and food or lodging required during transit.

[F.R. Doc. 67-9056; Filed, Aug. 2, 1967; 8:49 a.m.]

[1] Commissioners Bartley, Lee, and Loevinger absent.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Imperial National Wildlife Refuge, Arizona and California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.22 Special regulations; upland game, for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

IMPERIAL NATIONAL WILDLIFE REFUGE

Public hunting of quail, cottontail, and jack rabbits on the Imperial National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 33,000 acres, is delineated on maps available at refuge headquarters, Yuma, Ariz., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting seasons are as follows: Arizona—quail, October 1 through October 31, 1967, inclusive, and December 1, 1967, through January 31, 1968, inclusive; cottontail and jack rabbits, September 1, 1967, through January 31, 1968, inclusive. California—quail, October 28, 1967, through January 1, 1968, inclusive; cottontail and jack rabbits—September 2, 1967, through January 1, 1968, inclusive.

Hunting shall be in accordance with all applicable State Regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1968.

CLAUDE F. LARD,
Refuge Manager, Imperial National Wildlife Refuge, Yuma, Arizona.

JULY 26, 1967.

[F.R. Doc. 67-9009; Filed, Aug. 2, 1967; 8:45 a.m.]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 1; Amdt. 1-2]

PART 1—FUNCTIONS, POWERS, AND DUTIES IN THE DEPARTMENT OF TRANSPORTATION

Limitation on Reservation of Authority; Federal Highway Administration

The purpose of this amendment is to further limit the reservation imposed in § 1.5(j)(1) of Part 1 (32 F.R. 5606; 32 F.R. 6495) on the authority delegated to the Federal Highway Administrator to perform the functions of the Secretary of Transportation contained in the National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1381-1425. The original reservation of authority extended to all of the authority provided by the Safety Act to issue motor vehicle safety standards.

Under § 1.5(j)(1), as amended, the Secretary retained the authority to issue new and revised motor safety standards and related procedural rules and the Federal Highway Administrator was delegated authority with respect to the issuance of initial standards. The purpose of this amendment is to specifically authorize the Federal Highway Administrator to issue notices of proposed rule making containing proposed standards for new pneumatic tires for passenger cars and proposed standards for tire selection and rims for passenger cars.

This action is taken under the authority of sections 6(a)(6)(A) and 9 of the Department of Transportation Act (P.L. 89-670, 80 Stat. 931). Since this amendment involves a delegation of authority and relates to the internal management of the Department, notice and public procedure thereon are not required and the amendment may be made effective immediately.

In consideration of the foregoing, effective July 15, 1967, 49 CFR 1.5(j)(1) is amended to read as follows:

§ 1.5 Reservations of authority.

* * * * *

(j) * * *

(i) Motor vehicle safety, except the initial Federal motor vehicle safety standards and rules or regulations related thereto, and except notices of proposed rule making containing proposed standards for new pneumatic tires for passenger cars and proposed standards for tire selection and rims for passenger cars (15 U.S.C. 1392, 1407).

* * * * *

Issued in Washington, D.C., on July 27, 1967.

ALAN S. BOYD,
Secretary of Transportation.

[F.R. Doc. 67-9040; Filed, Aug. 2, 1967; 8:48 a.m.]

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 949-A]

PART 195—CAR SERVICE

Atchison, Topeka, and Santa Fe Railway Co. Authorized To Operate Over Trackage of Union Pacific Railroad

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of July 1967.

Upon further consideration of Service Order No. 949 (29 F.R. 564, 5757, 18427; 30 F.R. 8269, 16006; 31 F.R. 8872, 16152; 32 F.R. 9230) and good cause appearing therefor:

It is ordered, That § 195.949 *Service Order No. 949* (The Atchison, Topeka, and Santa Fe Railway Co. authorized to operate over trackage of Union Pacific Railroad), be, and it is hereby, vacated and set aside.

(Secs. 1, 12, 15 and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15 and 17(2). Interprets or applies secs. 1(10-17), 15(4) and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That this order shall become effective at 11:59 p.m., July 28, 1967; that copies of this order and direction shall be served upon the State Corporation Commission of Kansas and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-9044; Filed, Aug. 2, 1967; 8:48 a.m.]

Proposed Rule Making

CIVIL AERONAUTICS BOARD

[14 CFR Part 389]

[Docket No. 18745; ODR-3A]

FEES AND CHARGES FOR SPECIAL SERVICES

Certain Filing and License Fees; Supplemental Notice

JULY 28, 1967.

The Board in 32 F.R. 9841, as corrected in 32 F.R. 10265, and by circulation of ODR-3, dated June 29, 1967, gave notice that it had under consideration amendments to and reissuance of Part 389 which would set forth additional fees for Board services. Interested persons were invited to participate in the rule making proceeding by submission of 10 copies of written data, views, or arguments to the Docket Section of the Board on or before August 7, 1967.

The Air Transport Association, which has been requested to submit joint comments on behalf of its member airlines, has requested a 45-day extension of the time for filing comments. The Association believes such an extension is needed because of the very significant question of law and policy raised by the proposal, the substantial importance of the matter to the entire airline industry, the time required to obtain and coordinate the views of the large number of carriers involved, and the need to effect compliance with Part 263.

The undersigned finds that good cause has been shown for the extension of time requested. Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations, effective June 21, 1967, the undersigned hereby extends the time for submitting comments to September 21, 1967.

All relevant communications received on or before September 21, 1967, will be considered by the Board before taking action on the proposed rule. Copies of these communications will be available for examination in the Docket Section, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

(Sec. 204(a), Federal Aviation Act of 1958, as amended; 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel, Rules and Rates Division.

[F.R. Doc. 67-9048; Filed, Aug. 2, 1967; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Parts 50, 115]

PRODUCTION AND UTILIZATION FACILITIES

Driving of Piles for Foundation Support for Facilities Prior to Issuance of Construction Permit

Section 50.10 of the Atomic Energy Commission's regulation, 10 CFR Part 50, Licensing of Production and Utilization Facilities, prohibits the beginning of the construction of a production or utilization facility on the site on which the facility is to be operated until a construction permit has been issued. "Construction" is, according to § 50.10(b), deemed to include pouring the foundation for, or the installation of, any portion of the permanent facility on the site, but does not include, among other things, "preparation of the site for construction of the facility." Performance of site preparation work has no effect upon the subsequent granting or denial of the construction permit, and any work performed for site preparation is done entirely at the risk, financial or otherwise, of the applicant.

On several occasions the Commission has authorized applicants for construction permits to drive piles for foundation support for a facility before issuance of the construction permit. That activity is closely related to, and may be appropriately included in, "preparation of the site for construction." The Commission has under consideration an amendment of Part 50 to specifically permit the driving of piles prior to issuance of the construction permit, and a similar amendment to Part 115, Procedures for Review of Certain Nuclear Reactors Exempted from Licensing Requirements.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, notice is hereby given that adoption of the following amendments to 10 CFR Parts 50 and 115 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments received may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

1. Subparagraph (1) of § 50.10(b) of 10 CFR Part 50 is amended to read as follows:

§ 50.10 License required.

* * * * *

(b) No person shall begin the construction of a production or utilization facility on a site on which the facility is to be operated until a construction permit has been issued. As used in this paragraph, the term "construction" shall be deemed to include pouring the foundation for, or the installation of, any portion of the permanent facility on the site, but does not include:

(1) Site exploration, site excavation, preparation of the site for construction of the facility, including the driving of piles, and construction of roadways, railroad spurs and transmission lines;

* * * * *

2. Subparagraph (1) of § 115.8(b) of 10 CFR Part 115 is amended to read as follows:

§ 115.8 Authorization required.

* * * * *

(b) As used in paragraph (a) of this section, the term "construction" shall be deemed to include pouring the foundation for, or the installation of, any portion of the permanent facility on the site, but does not include:

(1) Site exploration, site excavation, preparation of the site for construction of the reactor, including the driving of piles, and construction of roadways, railroad spurs and transmission lines;

* * * * *

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 24th day of July 1967.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary.

[F.R. Doc. 67-9001; Filed, Aug. 2, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 27]

BONA FIDE SPOT COTTON MARKETS FOR CONTRACT SETTLEMENT PURPOSES

Proposed Removal of Galveston, Tex. From List and Addition of Lubbock, Tex. to List

Notice is hereby given, in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Consumer and Marketing Service is considering amendment of §§ 27.93 and 27.94 of the Regulations for Cotton Classification Under Cotton Futures Legislation (7 CFR Part 27, Subpart A)

to remove Galveston, Tex. from the list of bona fide spot markets (§ 27.93) and from the list of spot markets for contract settlement purposes (§ 27.94(a)) and to add Lubbock, Tex. to said list of spot markets for contract settlement purposes, pursuant to authority contained in the cotton futures provisions in sections 4862 and 4863 of the Internal Revenue Code of 1954 (68A Stat. 581, 582; 26 U.S.C. 4862, 4863).

Statement of considerations. Cotton is no longer traded in such volume and under such conditions in the Galveston, Tex. market as customarily to reflect accurately the value of spot cotton according to information available to the Department. If Galveston is removed from the list of bona fide spot cotton markets it will be replaced on the list of spot markets for contract settlement purposes. Lubbock, Tex. has been recommended by representatives of the cotton industry as this replacement. Lubbock is currently on the list of bona fide spot markets.

It is proposed that these amendments would be made effective September 1, 1967.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them in duplicate with the Office of the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 15 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice of rule-making shall be made available for public inspection in said office during regular business hours and in a manner convenient to the public business (7 CFR 1.27).

Dated: July 28, 1967.

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

[F.R. Doc. 67-9062; Filed, Aug. 2, 1967; 8:49 a.m.]

[7 CFR Part 81]

INSPECTION OF POULTRY AND POULTRY PRODUCTS

Net Weight Labeling of Stuffed Poultry Products

Notice is hereby given that the Consumer and Marketing Service of the U.S. Department of Agriculture is considering amending, as indicated below, the Regulations Governing the Inspection of Poultry and Poultry Products (7 CFR Part 81), with respect to net weight labeling of stuffed poultry products, pursuant to authority contained in the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.).

Statement of considerations. The Consumer and Marketing Service is investigating possible courses of action to take with respect to the net weight labeling of ready-to-cook stuffed poultry products. Presently, labels for these products are required to bear only the net weight of the total product, i.e., the amount of stuffing is not specified separately and is included in the total net weight along with the weight of the poultry. The Department initiated studies to determine if this total-weight labeling is sufficient to adequately inform consumers. These studies included evaluation of 1,400 stuffed whole carcass turkeys selected from two large poultry processing plants, which reflected present stuffing and labeling practices. (Data obtained by these studies are set forth in tables I, II, and III, post.) The studies indicate that the labeling now used for stuffed poultry products may be misleading or deceptive to consumers, primarily because of the great variation in the amount of stuffing in birds of the same weight range. This variation is due to birds of the same weight; differences in specific gravity, density, or composition of the stuffing; and the inability of skillful operators to mechanically add a precise amount, by volume or weight, of stuffing to a carcass.

The first course of action considered was whether a minimum poultry meat content standard, commonly referred to as a standard of composition, should be established. Such a standard would require that products labeled with a specific name (e.g., "Stuffed Turkey") contain a specified minimum amount of poultry or contain not more than a specified maximum amount of stuffing. Such standards have been developed for other poultry food products so their development could be considered a logical approach for stuffed poultry. However, a comprehensive statistical evaluation of the amount of stuffing in stuffed poultry products showed that the variation was so great that it appeared that these products did not lend themselves to standardization by this method. For example, the amount of stuffing in stuffed turkeys of identical weights and with the same kind of stuffing and prepared by the same company can vary over 14 percent. (See table I.) It was found that there was almost a 12-ounce difference in the amount of the same kind of stuffing in birds having a final packaged total net weight of 7½ pounds. Further, the data showed that there can be an additional variation in the amount of stuffing in birds of identical weights but with different types of stuffing and stuffed by different methods and companies, due primarily to variations in the density of the stuffing. This further aggravates the problem of standardizing this product. By combining the several factors of variation, it is possible for the stuffing in poultry with identical total net weights to differ more than 20 percent or over 1 pound and a half for an 8-pound bird. This is apparent from table I. This table shows that an 8-pound bird stuffed by Company B will vary in percent of stuffing from a low of 11.6 percent to a high of 24.1 percent and that Company A stuffs its birds of that weight with 10 to 15 percent more stuffing than Company B. Company A's 8-pound birds range from about 26.8 to 34.5 percent stuffing. The total range for both companies is from 11.6 to 34.5 percent for 8-pound birds. Similar variability can be seen in most other weights. Even with zero variation between types of stuffing and size of body cavity of birds of the same weight the data showed that no single percent or weight of poultry or stuffing could be applied to all poultry of the same kind (chicken, turkey, etc.) because of the relationship between weight of bird and size of body cavity. For example, in turkeys, for each 1 pound increase in size of bird, Company B had approximately three-fourths of 1 percent decrease in percent of stuffing. (See table III.) This phenomenon, demonstrated in table III, is not obvious from looking at the ranges in table I, but was developed by means of statistical analysis of the data. Company A had no corresponding decrease. (See table II.) On the basis of these facts, it does not seem feasible to establish minimum poultry meat content or maximum stuffing content standards for stuffed poultry products and it appears that a label showing only the net weight of the total product does not afford consumers as much information as may be needed.

The next possible course of action considered was whether to require a label declaration of separate weights for the poultry and the stuffing. On the surface this, too, appeared to be an acceptable solution. However, a detailed evaluation of the processing procedures necessary for this to be accomplished indicated that adoption of such a requirement might not be in the best interest of the consumer or the industry. Such a requirement would, in all probability, significantly increase the cost of the product to the consumer. The Department is obligated to weigh carefully any regulatory requirement which would increase food cost to the public without materially or substantially adding some form of benefit to the health or welfare of the public. Requiring label statements of dual weights could well fall into this category because of the increase it would cause in complexities of processing techniques. Presently, birds of varying sizes come down a processing line and the body cavity is stuffed by the use of a machine. As a bird moves through the stuffing operation, additional stuffing is manually placed in the neck cavity and giblets of varying weights are added. Excess stuffing is then removed and the remaining stuffing is formed or rounded off to give the desirable appearance. The product is then packaged, weighed, and marked. To mark dual weights on the product could require two additional scaling and recording operations—one before stuffing, a second after stuffing, and a third after adding giblets. (Giblets are separated from the rest of the carcass during processing and would, therefore, have to be reweighed as a final step when they are placed in the container.) In addition, each bird would have to be tagged or otherwise identified to make sure the weight recorded at each scaling operation was correctly associ-

ated with the proper carcass. Each of these separate operations increases the costs of processing.

Another problem with requiring separate weights would be the difficulty of administering such a requirement. Inspection personnel in plants operating under the Poultry Products Inspection Act are required to check the accuracy of information contained on labels in addition to the more publicized functions of inspection work such as determining wholesomeness and checking for sanitation. The net weight statement is part of the label which an inspector checks for accuracy. There is obviously a greater burden in assuring three correct weighings as opposed to one. To do so would require either more inspection personnel or less attention to other important problems by the same number of inspectors. Stuffed poultry products, generally, cannot easily or accurately be checkweighed for amount of poultry and amount of stuffing after the product is in final packaged form and frozen. It is extremely difficult to completely remove 100 percent of the stuffing from a carcass. Even if this were possible, the absorption by the stuffing of undeterminable amounts of moisture and body fluids from the poultry in the course of thawing would make it impossible to ascertain the original weight of the stuffing.

The 43d National Conference on Weights and Measures in 1958 adopted a policy that the net weight on stuffed poultry should include the weight of the stuffing as well as the poultry. They had previously adopted the opposite policy which required separate weight for the stuffing and the poultry but reversed their position due, in part at least, to the problem of regulatory inspectors being unable to determine the correctness of such weights on packaged product. The "Model State Law on Weights and Measures" of the National Bureau of Standards contains the policy set forth by the 43d National Conference. This Department would hesitate to take a position in the field of weights and measures diametrically opposite to that of the National Bureau of Standards unless there were extremely important reasons and strong justifications for so doing.

Finally, with respect to requiring separate weights, there is the consideration that each additional handling during or after processing, whether it be by plant personnel or inspectors, or any slow down in movement from start of processing to completion, enhances the possibility of bacteria multiplication.

In view of the matters mentioned above, it appears that the interests of the consumer and the poultry industry can best be served by requiring that each label on ready-to-cook whole carcass stuffed poultry contain, in proximity to the total net weight statement, a statement indicating either the maximum weight of stuffing in the product or the minimum weight of poultry in the product.

The Department studies indicate that such a requirement is feasible since there are reliable upper and lower percentage limits of stuffing for poultry of a given weight range which is stuffed in the same manner and with a particular type of stuffing. These maximum or minimum percentages can be easily converted to pounds and ounces. For example, in one of the plants in which data were collected, a 25 percent maximum for stuffing or 75 percent minimum for turkey would be a highly reliable figure for birds having a net weight of approximately 8 pounds. Converted to weight, this product would contain a maximum of 2 pounds of stuffing or a minimum of 6 pounds of turkey. If 2 pounds maximum stuffing were declared on the label, the plant would be obliged to maintain the average percent of stuffing considerably below this in order to produce a product conforming to the label. (This is illustrated in tables II and III. In these tables the solid line represents the average percent of stuffing for varying turkey net weights. The broken line above this average is the percent of stuffing required to be shown on the label that would make the plants 99 percent confident of having all individual birds conform to that label.)

Processors are able to control the density of the stuffing and the weight range of the birds being stuffed. Therefore, product can be accurately labeled to indicate to the consumer that a bird will not contain more stuffing than the weight specified. In fact, the bird will contain less stuffing than specified the large majority of the time since the weight is the maximum. The Department assumes that the most desirable ingredient in this product is poultry and that consumers are interested in being assured of receiving a maximum amount of poultry in relation to stuffing. Therefore the statement on the label of the minimum poultry content or the maximum stuffing content would appear to be a very meaningful addition to the label from the viewpoint of consumers.

Processors would be able to comply with this requirement without adding substantially to their cost of production and inspectors would be able to ascertain compliance without materially reducing the time spent on other inspection activities. Stuffing and weighing procedures could continue as presently used. The operator who records the net weight of the stuffed product could, at the same time, record the minimum weight of poultry or maximum weight of stuffing from a chart established on the basis of the weight of the unstuffed bird and type of stuffing used. Such a chart would be based on a statistically sound study of each operation similar to the studies reflected in tables I, II, and III. The inspector could check the specified weight markings on the basis of chart reading correlated with net weight of the finished product.

The Department thinks that this proposed course of action for stuffed poultry would give consumers information which will be very helpful to them. At the same time, it would not shackle industry and inspectors administering the inspection program with complex and costly procedures. It would provide manufacturers with the flexibility they need in making available to the consumer a wide variety of convenient poultry food products without materially raising the cost for such items.

The Department also proposes to apply the same labeling requirements to stuffed poultry products other than ready-to-cook whole carcass poultry (stuffed turkey roast, stuffed chicken breast, etc.). The percentage of stuffing in these products varies considerably, not because a given volume of stuffing cannot be added to each unit, but because a given volume of different types of stuffing will vary in weight due to the composition of the stuffing.

Therefore, it is proposed to amend § 81.130(a)(3) of the regulations by adding at the end thereof the following:

§ 81.130 Wording on labels.

(a) * * *

(3) * * * Notwithstanding the other provisions of this subparagraph, for any stuffed poultry food product, the label must show the total net weight of the poultry product and in proximity thereto, a statement specifying either the maximum weight of stuffing or the minimum weight of poultry in the product.

* * * * *

All persons who desire to submit written data, views, or arguments in connection with the proposal shall file the same in triplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 1, 1967.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

TABLE I—TURKEYS—VARIABILITY IN PERCENTAGE STUFFING

Unstuffed weight (pounds)	Standard deviation of percent stuffing	Range in percent stuffing	
		Minimum	Maximum
COMPANY A			
5.0- 5.49	2.5	27.9	35.9
5.5- 5.99	2.7	29.6	34.1
6.0- 6.49	2.6	28.3	33.8
6.5- 6.99	4.2	22.9	36.5
7.0- 7.49	1.6	27.6	33.5
7.5- 7.99	1.8	27.1	33.3
8.0- 8.49	1.9	28.8	34.5
8.5- 8.99	2.2	25.9	33.0
COMPANY B			
5.0- 5.49	1.6	16.3	26.3
5.5- 5.99	1.8	16.1	26.6
6.0- 6.49	1.6	17.9	25.2
6.5- 6.99	1.6	14.7	25.0
7.0- 7.49	1.8	12.4	26.3
7.5- 7.99	1.5	13.1	25.6
8.0- 8.49	1.7	11.6	24.1
8.5- 8.99	1.6	13.1	21.8
9.0- 9.49	1.3	14.5	20.3
9.5- 9.99	1.3	14.0	20.0
10.0-10.49	1.3	14.4	20.3
10.5-10.99	1.5	14.6	21.1
11.0-11.49	1.5	14.5	20.1
11.5-11.99	----------	15.3	18.1
12.0-12.49	----------	14.7	20.7
12.5-12.99	----------	15.1	19.0
13.0-13.49	----------	15.4	15.7

Table II
(Company A)

TURKEYS - PERCENT STUFFING AS A FUNCTION OF TOTAL NET WEIGHT

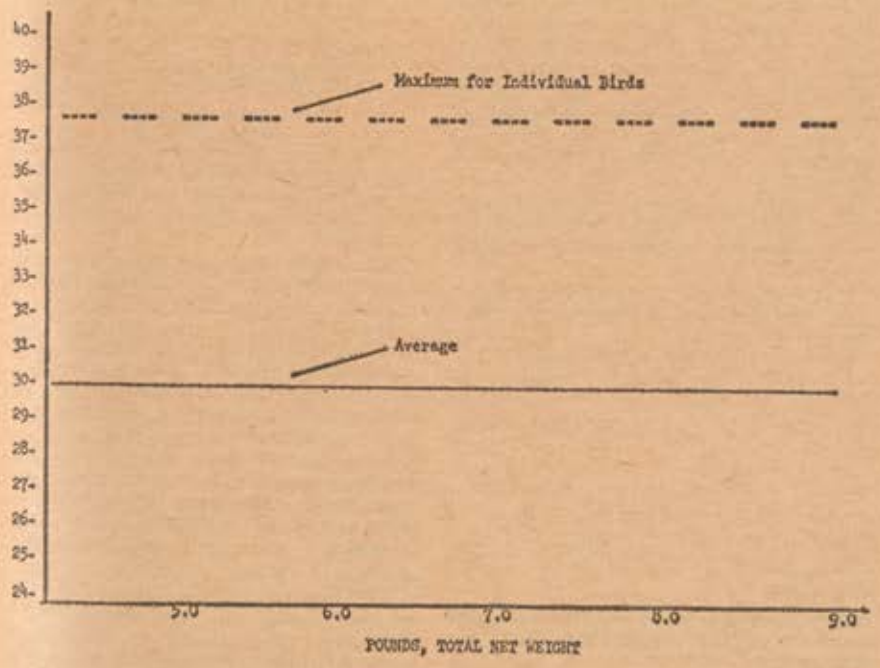
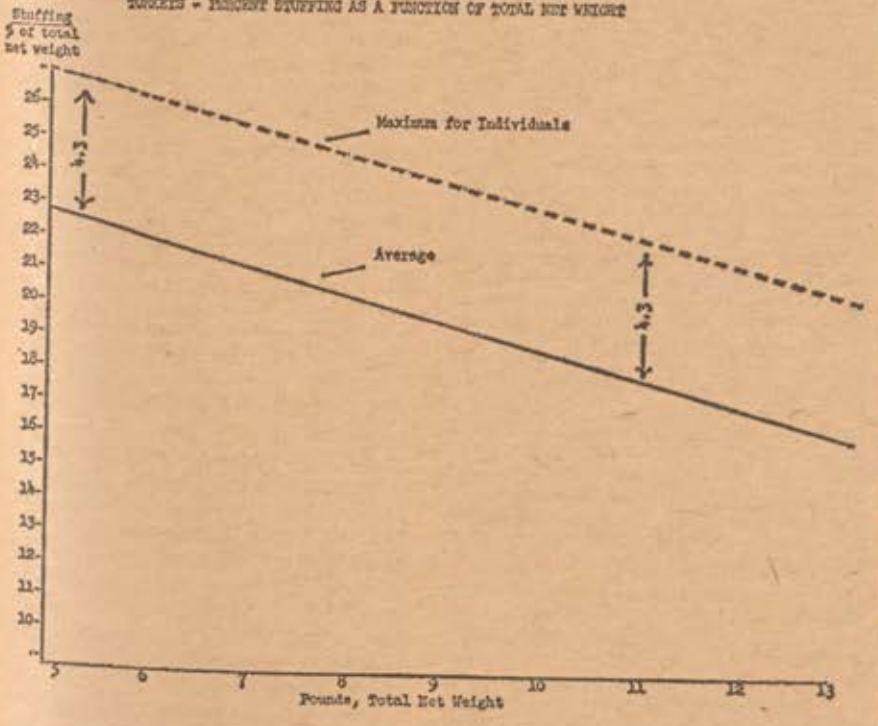


Table III
(Company B)

TURKEYS - PERCENT STUFFING AS A FUNCTION OF TOTAL NET WEIGHT



Done at Washington, D.C., this 28th day of July 1967.

R. K. SOMERS,
Deputy Administrator, Consumer Protection, Consumer and Marketing Service.

[F.R. Doc. 67-8993; Filed, Aug. 2, 1967; 8:45 a.m.]

[7 CFR Part 980]

ONIONS

Proposed Import Regulation

Notice is hereby given of proposed grade, size, quality, and inspection requirements to be made applicable to the importation of onions into the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals shall file the same, in quadruplicate, with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during the regular business hours (7 CFR 1.27(b)).

§ 980.106 Onion import regulation.

Except as otherwise provided, during the period September 1, 1967, through June 15, 1968, no person may import dry onions of the yellow or white varieties unless such onions are inspected and meet the requirements of this section.

(a) *Minimum grade and size requirements*—(1) *yellow varieties*—(i) *Grade.* U.S. No. 2 or better grade.

(ii) *Size.* 2 inches minimum diameter.

(2) *White varieties*—(i) *Grade.* U.S. No. 2 or better grade.

(ii) *Size.* 1 inch minimum diameter.

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of 10 or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they also meet the other requirements of this section.

(c) *Minimum quantity.* Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to the provisions of this section.

(d) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) *Designation of Governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and

Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality and maturity of onions that are imported into the United States under the provisions of section 8e–1 of the act.

(f) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the onions meet the United States import requirements for onions under section 8e–1 (7 U.S.C. 608e), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, Post Office Box 111, 222 McClendon Bldg., 305 East Jackson St., Harlingen, Tex. 78550 (Phone—512—Garfield 3-5644—1240).	1 day.
All Arizona points.	R. H. Bertelson, 136 Grand Ave., Post Office Box 1614, Nogales, Ariz. 85621 (Phone—602—Atwater—7-2902).	Do.
All California points.	Carley D. Williams, 294 Wholesale Terminal Bldg., 784 South Central Ave., Los Angeles, Calif. 90021 (Phone—213—622-8756).	3 days.
All Hawaii points.	Stevenson Ching, 1428 South King St., Pawaa Substation, Post Office Box 5425, Honolulu, Hawaii 96814 (Phone—9-2071).	1 day.
New York City.	Edward J. Beller, 346 Broadway, Room 306, New York, N.Y. 10013 (Phone—212-264—1130).	Do.
New Orleans....	Pascal J. Lamarca, 503 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113 (Phone—504—527-6741—6742).	Do.
All other points.	D. S. Matheson, Fruit and Vegetable Division, C&MS, Washington, D.C. 20250 (Phone—202—Dudley—8-5670).	3 days.

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) In the event the required inspection is performed prior to the arrival of the onions at the port of entry, the inspection certificate that is issued must show that the inspection was performed at the time of loading such onions for direct transportation to the United States; and if transportation is by water, the certificate must show that the inspection was performed at the time of loading onto the vessel.

(6) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant:

Meets U.S. Import requirements under section 8e–1 of the Agricultural Marketing Agreement Act.

(g) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) *Definitions.* For the purpose of this section, "Onions" means all varieties of Allium cepa marketed dry, except dehydrated, canned and frozen onions, onion sets, green onions, and pickling onions. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. The terms "U.S. No. 1," and "U.S. No. 2" shall have the same meaning as set forth in the U.S. Standards for Grades of Onions (Other than Bermuda-Granex and Creole Types), §§ 51.2830–51.2854 of this title. Tolerances for size shall be those in the U.S. Standards. Onions meeting the requirements of Canada No. 1 and No. 2 grades shall be deemed to comply with the requirements of U.S. No. 1 and U.S. No. 2 grades. "Importation" means release from custody of the U.S. Bureau of Customs.

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

Dated: July 28, 1967.

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

[F.R. Doc. 67-9063; Filed, Aug. 2, 1967; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67–CE–83]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter VOR Federal airway No. 6, and No. 160.

The Sidney, Nebr., VOR will be relocated to a site at approximately latitude 41°05'45" N., longitude 102°58'51" W., in March 1968. All the airways predicated on this facility will automatically be realigned on the VOR at the new site with the exception of V–6 from Medicine Bow, Wyo., to Sidney, and V–160 from Denver, Colo., to Sidney. It is proposed to redesignate this segment of V–6 from Medicine Bow via the INT of Medicine Bow 106° T (092° M) and Sidney 291° T (278° M) radials to Sidney. This would provide 15° separation from V–138 at Sidney. It is also proposed to realign V–160 from Denver via the INT of Denver 045° T (032° M) and Sidney 230° T (217° M) radials to Sidney. This would retain the present alignment of V–160 in the Denver terminal area and preclude alteration of current Air Traffic Control procedures based on this alignment. The floors of 1,200 feet above the surface would be retained on these airway segments.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Building, Federal Aviation Administration, 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. The proposal contained in this notice may be changed in the light of comments received.

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

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

Issued in Washington, D.C., on July 27, 1967.

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

[F.R. Doc. 67-9039; Filed, Aug. 2, 1967; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 17627; FCC 67-883]

FM BROADCAST STATIONS

Table of Assignments; Tazewell, Va., etc.

In the matter of amendment of § 73.202 *Table of Assignments*, FM Broadcast Stations (Tazewell, Va., Guntersville, Ala., Winnsboro, La., Fosston, Minn., Tuscola, Ill., Mansfield, Pa., Cathedral City, Calif, Harrodsburg, Ky., Pipestone, Minn., Albany, N.Y., Murfreesboro, Ahoskie, Washington, Plymouth, and New Bern, N.C., Laurel, Miss., Ukiah, Calif., and Carbondale, Ill.), Docket No. 17627, RM-1154, RM-1153, RM-1155, RM-1146, RM-1162, RM-1158, RM-1163, RM-1172, RM-1141, RM-1148, RM-1121, RM-1165, RM-1125, RM-1168.

1. Notice is hereby given of proposed rule making in the above-entitled matters, concerning amendments to the FM Table of Assignments contained in § 73.202(b) of the Commission's rules. All the proposed assignments are alleged and appear to meet the spacing requirements of the rules. All assignments proposed within 250 miles of the U.S.-Canadian border require coordination with the Canadian Government under the terms of the Canadian-United States FM Agreement of 1947 and the Working Arrangement of 1963. Except as noted, all assignments proposed for shift or deletion are unoccupied and not applied for, and all population figures are taken from the 1960 U.S. Census.

2. *RM-1154, Tazewell, Va. (C. A. Hess, W. H. Bowen, and Fred Cox); RM-1153, Guntersville, Ala. (Guntersville Broadcasting Co.); RM-1155, Winnsboro, La. (KMAR Broadcasting Corp.); RM-1146, Fosston, Minn. (Fosston Broadcasting Co.); RM-1162, Tuscola, Ill. (Charles R. Banks); RM-1158, Mansfield, Pa. (Farm and Home Broadcasting Co.); RM-1163, Cathedral City, Calif. (Glen Barnett); RM-1172, Harrodsburg, Ky. (Fort Harrod Broadcasting Co.).* In these 8 cases interested parties seek the first Class A assignment in communities having no FM assignments and without requiring any other changes in the Table. The communities are of substantial size and have either no AM station or a daytime-only or a Class IV AM station each. Comments are therefore invited on the following additions to the Table:

City	*Channel No.*
Guntersville, Ala.	240A
Cathedral City, Calif.	276A
Tuscola, Ill.	228A
Harrodsburg, Ky.	257A
Winnsboro, La.	224A
Fosston, Minn.	296A
Mansfield, Pa.	[1] 296A
Tazewell, Va.	261A

[1] Petitioner alternatively proposes that Channel 296A be substituted for 249A at Wellsboro and that Channel 249A be assigned to Mansfield. However, since the first proposal is the simpler of the two, we are inviting comments only on this one. Petitioner further makes a showing that no future needed assignments will be precluded by the proposal, in line with the recent Public Notice—"Policy To Govern Requests for Additional FM Assignments", issued on May 12, 1967.

3. *RM-1141, Pipestone, Minn.* In a petition for rule making filed on April 27, 1967, KLOH, Inc., licensee of Station KLOH(AM), Pipestone, Minn., requests the substitution of Class C Channel 254 for Class A Channel 252A in Pipestone, as follows:

City	Channel No.	
	Present	Proposed
Pipestone, Minn.	252A	254

Pipestone is a community of 5,324 persons and its county, of which it is the seat and largest community, has a population of 13,605 persons. KLOH is a daytime-only station and the only one in Pipestone County and in adjoining Rock County. Petitioner urges that Pipestone needs a Class C assignment to provide coverage to the large area served by KLOH (due to the high conductivity in the area) including the city of Luverne in Rock County, where it has one employee on a fulltime basis, that it would represent a more efficient use of the spectrum in that improved service would result without depriving any community of an assignment, and that it would permit broadcasts of vital weather information and other information and entertainment programs during the early morning and evening hours.

4. While Pipestone is only 35 miles southwest of Sioux Falls, South Dakota, where four Class C assignments have been made, KLOH submits that there is little expectation that these stations, located in another state, would provide the local program needs of Rock and Pipestone Counties. An engineering showing is also included to prove that a substantial area and population would be served with a first FM signal ("white area"). Based upon assumption of "reasonable facilities" of 100 kw power and antenna height of 400 feet above average terrain (resulting in a radius of 35 miles to the 1 mv/m contour) for all existing and assigned Class C channels in the area and for the proposed station, KLOH shows that an additional area of 1,083 square miles, containing 15,797 persons, would receive a first FM signal of 1 mv/m field strength as against a Class A station at the same location and with maximum Class A facilities.

5. Normally, a community the size of Pipestone is assigned a Class A channel, as was done in this case. However, in view of the isolation of the community from large population centers, and the claims that a large "white area" would be served made by the petitioner, we are inviting comments on the proposal to substitute a Class C for the Class A channel assigned.

6. *RM-1148, Albany, N.Y.* On May 5, 1967, and supplemented on June 20, 1967, WPOW, Inc., proposed assignee of Station WHAZ(AM), Troy, N.Y., filed a petition requesting the addition of Channel 299 as a third Class B assignment to Albany, N.Y., as follows:

City	Channel No.	
	Present	Proposed
Albany, N.Y.	238, 265A, 276A, 280A, 293	238, 265A, 276A, 280A, 293, 299

Albany has a population of 129,726 and its Standard Statistical Metropolitan Area (Albany-Schenectady-Troy) has a population of 657,503. There are four unlimited time AM stations operating in Albany. The two Class B assignments are in operation as is one Class A (276A). No applications have been filed for the remaining Class A assignments. There is one Class B assignment each in Schnectady (population 81,682) and Troy (population 67,492), the former also having two fulltime AM stations and the latter one fulltime and one daytime-only AM station.

7. In support of its proposal, petitioner urges that Albany is not only the capital of New York State but also the principal city in the 38th largest metropolitan area in the Nation, that Channel 299 would be only the fifth Class B assignment to the three-city complex, and that it would not require any other changes in the Table. WPOW, Inc. also cites the description of a Class A assignment found in § 73.206(a)(2) of the rules to justify the request for a Class B channel, in spite of the fact that Class A channels are available in the community. WPOW also shows that no possible assignments would be precluded on the pertinent adjacent channels by the proposed addition of Channel 299 to Albany. As to the proposed assignment, petitioner demonstrates that there is a small irregular area in which this assignment can be made with only a few communities (other than Albany) located therein and which already have at least one Class A assignment. In view of the above, petitioner submits that the proposal conforms with the "Policy To Govern Requests for Additional FM Assignments" issued on May 12, 1967.

8. In setting up the present FM Table of Assignments an attempt was made to assign from four to six Class B assignments to a city the size of Albany. Since it was not possible at the time to assign

all Class B channels to Albany, a mixture of Class A and B were assigned. Considering the three communities together we would have assigned from six to 10 such assignments. In view of the fact that the proposal would not exceed the criteria used in drafting the Table and since it appears that the proposed addition would not preclude future needed assignments in other communities, we are inviting comments on the petitioner's proposal as outlined above.

9. *RM–1121, Murfreesboro, Ahoskie, Washington, Plymouth, and New Bern, N.C.* In a petition for rule making filed on March 14, 1967, and amended on June 12, 1967, Murfreesboro Broadcasting Corp., licensee of Station WWDR (AM), Murfreesboro, N.C., requests the assignment of Channel 252A to Murfreesboro, N.C., by making the necessary changes in four other North Carolina communities as follows:

City	Channel No.	
	Present	Proposed
All in North Carolina:		
Murfreesboro		252A
Ahoskie	249A	257A
Washington	252A	249A
Plymouth	257A	240A
New Bern	249A	257A

10. Murfreesboro has a population of 2,643 and the county in which it is located has a population of 22,718. Petitioner states that the area (northeast North Carolina) is primarily an agricultural section but that new industry is locating in the area. It submits that Murfreesboro is a daytime-only station own county, Hertford, and the neighboring county, Northampton, since the latter has no trade center of its own. In view of the fact that the only station in Murfreesboro is a day-time-only station, the proposal would provide the first local nighttime service and the first FM service and that it would give the people access to local emergency weather and news bulletins, sports, concerts, etc.

11. None of the channels proposed to be changed are occupied or applied for with the exception of Channel 249A, assigned to New Bern. There is an outstanding construction permit for the use of this assignment at Bridgeton (WVWM–FM) and the proposal would require a modification of this authorization to specify Channel 257A in lieu of 249A. The construction permit for this station was granted on November 29, 1965, but the station has not yet been constructed.

12. Since the proposal would assign a first Class A FM assignment in a community without any local nighttime service and would not delete any needed assignments elsewhere, we are of the view that comments should be invited on the petitioner's proposal as outlined above.

13. *RM–1165, Laurel, Miss.* New Laurel Radio Station, Inc., licensee of Station WAML(AM), Laurel, Miss., in a petition filed on June 5, 1967, requests the assignment of Channel 272A to Laurel as follows: [2]

City	Channel No.	
	Present	Proposed
Laurel, Miss	262	262, 272A

Laurel has a population of 27,889 and its county (Jones) has a population of 59,542. It has three AM stations, two daytime-only and one Class IV, licensed to petitioner. WNSL–FM operates on Channel 262. Petitioner submits that Laurel and Jones County is one of the largest areas in the State and that it merits additional FM service, that the assignment is technically feasible, and that Channel 272A is feasible only in a small area in which one other town is located.

14. We are of the view that rule making is warranted on the petitioner's request for a second FM assignment in Laurel. However, in view of our reluctance to assign a mixture of classes of stations in the same community, comments are invited on this aspect of the proposal as well. We are in addition requesting a showing on the possible preclusion of needed future assignments in other communities on the same and the six adjacent channels. See Public Notice-Policy to Govern Requests for Additional FM Assignments, issued on May 12, 1967.

15. RM–1125, Ukiah, Calif. The Commission has before it for consideration a petition for reconsideration of its Memorandum Opinion and Order issued in RM–1125 on May 15, 1967, FCC 67–564, denying the request of J & W Broadcasters, permittee of Station KLIL(FM) on Channel 232A at Ukiah, for the substitution of Channel 233 for 232A at Ukiah, Calif., as follows:

City	Channel No.	
	Present	Proposed
Ukiah, Calif	228A, 232A	228A, 233

Ukiah, the county seat and largest community in Mendocino County, has a population of 9,900 and the county has a population of 51,059. There are two AM stations in the community, a daytime-only station and a Class IV station. There are two outstanding construction permits for the two presently assigned Class A FM channels, including KLIL(FM).

16. The request for the substitution of the Class B channel for the Class A was denied on the grounds that there was no showing of need for the wide-area coverage assignment, but no showing was made that unserved areas would be covered, that future needed assignments could be precluded elsewhere, and that no justification was given for the mixture of a Class A and B channel in the same community. J & W urge that their petition for reconsideration now makes all the showings called for in the denial and that it fully justifies the proposal in accordance with the policy statement issued by the Commission on May 12, 1967, Policy to Govern Requests for Additional FM Assignments. J & W submit that Ukiah is far removed from other larger communities, with the nearest being Santa Rosa about 56 miles distant, that it is located in a very mountainous area making it difficult to cover the small communities near Ukiah, and that all the area which would be served by a Class B assignment but not by a Class A station is without any FM service. With respect to the possible future impact on the proposed channel and the pertinent six adjacent channels, petitioner shows that, with the exception of one channel (234), there would not result any preclusion of assignments in the future due to the proposal. On Channel 234 two areas would not be able to have assignments but in both areas about 12 channels are available for future needs or demands. Concerning the matter of intermixture of a Class A and B channel in the community, J & W states that this can be eliminated since Channels 277 and 298 can also be assigned to Ukiah and thus the intermixture would be "based solely upon the desire, and perhaps the financial ability, of the licensees and permittees to provide wide area service".

17. In view of the showing made by petitioner we believe that we should invite comments on the proposal outlined above. Since J & W hold a construction permit for Channel 232A for Station KLIL(FM) and since the proposal would delete this assignment in order to assign Channel 233 there, consideration will have to be given to a modification of this authorization, in the event the proposal is adopted.

18. *RM–1168, Carbondale, Ill.* On June 12, 1967 (amended July 7, 1967), Paul F. McRoy, licensee of Station WCIL (AM), Carbondale, Ill., filed a petition requesting the substitution of Channel 268 for 269A at Carbondale, Ill., as follows:

City	Channel No.	
	Present	Proposed
Carbondale, Ill	269A	268

Carbondale has a population of 14,670 and Jackson County, of which it is the largest community, has a population of 42,151. No applications have been filed for the present Class A assignment. It has a daytime-only AM station (WCIL) and a noncommercial educational FM station licensed to Southern Illinois University (WSIU). Petitioner submits that according to a special U.S. Census on December 28, 1964, the population of Carbondale was 18,531 and that since then the population has increased as a result of annexation to 20,516. In addition, petitioner urges that the growth

[2] Petitioner requests a Class C assignment but specifies Class A Channel 272A apparently since no Class C channel is available to Laurel in conformance with the required minimum separations.

in the enrollment at Southern Illinois University from 1,482 in 1935 to 18,188 in 1967 is mirrored in the growth of Carbondale. In view of this, McRoy urges that Carbondale easily merits the assignment of a Class B channel.

19. McRoy previously sought a Class B assignment by deleting a Class C assignment from Cape Girardeau, Mo. He states that this request was denied principally on the grounds that the deletion from Cape Girardeau would deprive a "white area" to the west of that city and the substitution of a Class A channel for the Class C at Cape Girardeau would result in a mixture of classes of stations in the community. See Memorandum Opinion and Order in RM-1115 issued on April 17, 1967, 7 FCC 2d 848. McRoy submits that the above considerations leading to the denial of the previous request are not pertinent to the subject request since the assignment of Channel 268 to Carbondale can be accomplished without depriving any other community of an assignment. With respect to the possible impact of the assignment of Channel 268 to Carbondale, McRoy shows that this channel is technically feasible only in an area of southern Illinois in which Carbondale is by far the largest community. As to the impact on the six adjacent channels, petitioner includes a showing which demonstrates that none of these channels would be precluded in any area which is not already precluded by existing stations and assignments in other communities.

20. We believe that rule making in this case is warranted and we invite comments on the proposal as outlined above in order that all interested parties may submit their views and relevant data.

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

22. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before September 15, 1967, and reply comments on or before September 29, 1967. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

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

Adopted: July 26, 1967.

Released: July 31, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-9059; Filed, Aug. 2, 1967; 8:49 a.m.]

[1] Commissioners Bartley, Lee and Loevinger absent.

[47 CFR Part 73]

[Docket No. 11279; FCC 67-891]

SUBSCRIPTION TELEVISION SERVICE

Order Setting Oral Argument

In the matter of amendment of Part 73 of the Commission's rules and regulations (Radio Broadcast Services) to provide for Subscription Television Service; Docket No. 11279.

1. The Commission has before it for consideration its order released in this proceeding on July 14, 1967 (FCC 67-819; 32 F.R. 10606, July 19, 1967), and the Attachment thereto which consisted of a Report of the Commission's Subscription Television Committee dated July 3, 1967. The order stated that, as an aid in studying and resolving this matter, the Commission intended to hold oral argument in the early fall in this proceeding and would specify a date for the argument by a subsequent order. It also stated that interested parties could file written comments or outlines of oral arguments, not to exceed 50 pages, on or before September 15, 1967.

2. The order further said that the oral argument would be most useful if addressed to the report of the Subscription Television Committee. That report consisted primarily of a proposed Fourth Report and Order and a Second Further Notice of Proposed Rule Making herein, which the Committee transmitted to the Commission and recommended for adoption. The Fourth Report and Order would, if adopted, establish a nationwide over-the-air subscription television (STV) service and, with the exception of rules governing STV system performance capability, would promulgate rules governing that service. The Committee recommended that the Second Further Notice of Proposed Rule Making, which invites comments on proposed rules governing STV system performance capability (and assumes that STV would not be limited to the use of a single technical system), be adopted simultaneously with the Fourth Report and Order.

3. After further consideration, the Commission has today determined the date on which oral argument will be held, and has also decided that it would be in the public interest to issue at this time the Second Further Notice of Proposed Rule Making inviting comments on proposed rules concerning STV system performance capability, instead of waiting until final decisions which might favor adoption of the Fourth Report and Order are made.

4. The reason for the decision to issue the Second Further Notice of Proposed Rule Making at the present time is that this will permit the Commission to give consideration to the technical matters concerning system performance capability sooner so that if, after oral argument, it should be decided to establish an STV service and not limit it to the use of a single technical system, the technical and other matters can be considered concurrently and the new service could get under way with a minimum of delay.

5. It is emphasized that the decision to issue the Second Further Notice of Proposed Rule Making at this time is not to be construed as a prejudgment of the basic issue of whether a nationwide STV service should be established, or of the issue of whether, if authorized, STV should be restricted to the use of a single technical system or permitted on any system which meets general system performance capability standards established by the Commission. The decision it is repeated, is solely for the purpose of expediting an earlier commencement of the service should it be decided that such a service is in the public interest and that use of multiple systems should be permitted.

6. The Commission has studied detailed specifications of present or proposed STV systems submitted by parties to this proceeding. This has helped in the formulation of the proposed rules set forth below which would permit the use of any STV technical system which meets the standards set therein. These rules would require adequate performance of STV systems in serving subscribers and in avoiding any increase of interference to conventional TV services.

7. The Commission does not presently foresee the need for special technical operating requirements for STV, and in the absence of such requirements the operating requirements for conventional television station operation will apply Should any parties believe that special rules on the subject are necessary for STV, their suggestions and comments would be welcome.

8. Authority for the rule amendments proposed herein is contained in sections 4(i), 301 and 303 (e), (f), and (r) of the Communcations Act of 1934, as amended.

9. *Accordingly, it is ordered,* That pursuant to the procedures set forth in § 1.415 of the Commission's rules and regulations, interested parties may, in response to the Second Further Notice of Proposed Rule Making, file comments on or before September 29, 1967, and reply comments on or before October 20, 1967. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it in addition to the specific comments invited by this notice.

10. *It is further ordered,* That, in accordance with the provisions of § 1.419 of the rules and regulations of the Commission, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents filed in the proceeding shall be furnished the Commission.

11. *It is further ordered,* That oral argument will be held in this proceeding at the Commission's offices in Washington, D.C., on October 2, 1967.

12. *It is further ordered,* That parties interested in participating in said oral argument shall notify the Secretary of the Commission in writing on or before September 15, 1967, briefly setting forth

their intention to appear at the argument, their position in this matter, and the approximate amount of time they wish to use in argument: *Provided*, That interested parties may, in addition to the aforementioned brief submission, submit (in a separate filing) written comments or outlines of their arguments, not to exceed 50 pages, on or before September 15, 1967, pursuant to our order released on July 14, 1967, in this docket: *And provided further*, That the aforementioned brief submissions, comments, and outlines of arguments shall not be addressed to that portion of the report of the Subscription Television Committee dated July 3, 1967, which consisted of the Second Further Notice of Proposed Rule Making pertaining to system performance capability standards.

13. *It is further ordered*, That after the various requests filed pursuant hereto are received, the amount of time allowed to various parties will be specified by further order, which will also set forth the order of presentation.

Adopted: July 26, 1967.

Released: July 31, 1967.

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

It is proposed that § 73.644 of the Commission's rules and regulations be amended by the addition thereto of a new paragraph (b) as follows:

§ 73.644 Equipment and system performance requirements.

* * * * *

(b) The criteria for type acceptance of subscription television systems are as follows:

(1) The system shall be capable of operating by delivering a suitable signal to the antenna input terminals of receivers designed for reception of a signal meeting technical standards for color or monochrome television transmission and accompanying aural signal as set forth in Subpart E of this Part 73 of the Commission's rules. For the purpose of this requirement, a "suitable signal" shall be one which, except for distortion or changes caused by the transmitting antenna, receiving antenna or entering in the propagation medium, complies with all technical standards for color or monochrome transmission and accompanying aural signal set forth in this Part 73 of the Commission's rules.

(2) Spectral energy in transmission shall not exceed limitations set forth in § 73.687(i).

(3) No increase in width of the television broadcast channel (6 Mc/s) shall be required.

(4) Visual power (peak or average) and aural power shall not be necessary in excess of that now authorized, to provide coverage equal to that obtained by normal transmission standards.

(5) The encoded visual and aural programs shall be recoverable without perceptible degradation as compared to the same programs transmitted in accordance with Commission monochrome and color standards.

(6) Internal modifications to subscribers' receivers shall not be required.

(7) Interference to conventional television and subscription television, cochannel and adjacent channel, monochrome and color, shall not exceed that occurring from conventional television broadcasting conducted in compliance with the standards of Subpart E of this Part 73 of the Commission's rules.

(8) Susceptibility to interference of any kind shall not be greater than with conventional television broadcasting conducted in compliance with the standards of Subpart E of this Part 73 of the Commission's rules.

[F.R. Doc. 67-9060; Filed, Aug. 2, 1967; 8:49 a.m.]

[1] Commissioners Bartley, Lee, and Loevinger absent.

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 274]

[Release Nos. 34-8133, IC-5035]

QUARTERLY REPORT OF MANAGEMENT INVESTMENT COMPANIES

Proposed Revision of Form N-30B-1 and Redesignation Thereof as Form N-1Q

Notice is hereby given that the Securities and Exchange Commission has under consideration proposed revisions of quarterly report form N-30B-1 (17 CFR 274.106), as set forth below.

This report is now required to be filed with the Commission by registered management investment companies except those which issue periodic payment plan certificates. Since there presently is no quarterly report form specified for management investment companies which issue periodic payment plan certificates, it is proposed to make the attached revised form applicable to them. The revised form would be designated Form N-1Q, and the various rules and regulations of the Commission which refer to the existing form would be appropriately amended to refer to the new designation.

It is proposed to add a new Item 1 to the quarterly report which would require management investment companies to report the number of shares (or other unit) or principal amount of debt securities acquired or disposed of for its portfolio during the preceding calendar quarter and the holdings of such securities and cash at the end of the quarter. No report pursuant to Item 1 would be required, however, if there were no transactions in such securities during the quarter. The amount of each security owned would be required on the first report filed pursuant to the new Item and on the first report filed pursuant to the new Item after a calendar year end. Small business investment companies would not be required to answer Item 1 in view of the concentration of their holdings in the securities of small business concerns.

The proposed amendment would provide the public with valuable information about securities transactions by management investment companies. Moreover, it would materially aid the Commission and others in conducting studies of these transactions and their impact in the market place and would provide the Commission with information necessary to carry out its regulatory responsibilities.

The Form N-30B-1 is now required to be filed within 30 days after the end of the fiscal quarter in which any of the events required to be reported occur. To obtain information about portfolio transactions on a comparable time basis, the revised form would be required to be filed for, and within 30 days after, each calendar quarter. The first report on Form N-1Q would be due after the first calendar quarter to be designated by the Commission and would be required to set forth any events specified in Form N-30B-1 which occurred since the close of the last fiscal quarter for which that form was required and which had not been previously reported.

The revised form would also require registrants to summarize certain information in the report on a new facing page. This summarization will materially help the public in reviewing the report by highlighting certain important facts and will assist the Commission in placing this information into its computer.

Eight copies of the report would be required to be filed with the Commission. Four copies would be kept in the Commission's principal office for the use of the staff and for public inspection. It is proposed that the additional copies would be placed in the principal regional offices of the Commission and in the regional office for the region in which the registrant has its principal office. This would make the information contained in the report more readily available to interested persons, in line with recommendations of the Special Study of Securities Markets. The report would be required to be prepared on paper 8½ x 11 (rather than 13) inches in size to facilitate the handling and filing of the data.

The proposed form would be adopted pursuant to sections 30 and 38 of the Investment Company Act of 1940 (15 U.S.C. 80a-29, 80a-37) and sections 13, 15(d), 23(a), and 24 of the Securities Exchange Act of 1934 (15 U.S.C. 78m, 78o(d), 78w). All interested persons are invited to submit views and comments with respect to the proposed revisions of quarterly report Form N-30B-1, captioned in the attached draft as Form N-1Q. They should be submitted in writing to the Securities and Exchange Commission, Washington, D.C. 20549 on or before August 25, 1967. All such communications should refer to Investment Company Act Release No. 5035, and they will be available for public inspection.

(Secs. 13, 15(d), 23(a), 48 Stat. 894, 895, 901, as amended, secs. 3, 8, 49 Stat. 1377, 1379, secs. 4, 6, 78 Stat. 569, 570, 15 U.S.C. 78m, 78o(d).

78w; secs. 30, 38, 54 Stat. 836, 841, 15 U.S.C. 80a-29, 80a-37)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JULY 25, 1967.

§ 274.106 Form N-1Q, for quarterly report of Registered Management Investment Company.

(a) *General Instructions*—(1) *Rule as to use of form N-1Q.* (i) Form N-1Q is to be used for quarterly reports pursuant to Section 30 of the Investment Company Act of 1940 ("Act") and Section 13 or 15(d) of the Securities Exchange Act of 1934 by all management investment companies to report the occurrence during the preceding calendar quarter of any one or more of the events specified in the items of this form.

(ii) The report is to be filed within 30 days after the close of each calendar quarter during which any of the specified events occurred.

(iii) Notwithstanding the foregoing, a report need not be filed on this form if substantially the same information as that required by this form has been previously reported by the registrant. The term "previously reported" is defined in Rule 8b-2 under the Act, [17 CFR 270.-8b-2].

(2) *Application of general rules and regulations.* (i) The General Rules and Regulations under the Act [17 CFR Part 270] contain certain general requirements which are applicable to reports on any form. These general requirements should be carefully read and observed in the preparation and filing of reports on this form, subject to the requirements of General Instruction C below as to the size of paper to be used and of General Instruction D below as to the number of copies to be filed.

(ii) Particular attention is directed to Regulation 8B of the Act [17 CFR 270.8b-1 et seq.] which contains general requirements regarding matters such as the legibility of the report and the information to be given whenever the title of securities is required to be stated. The definitions contained in Rule 8b-2 under the Act [17 CFR 270.8b-2] should be especially noted.

(3) *Preparation of report.* This form is not to be used as a blank form to be filled in, but only as a guide to the preparation of the report on good quality unglazed, white paper 8½ x 11 inches in size. However, tables, charts, maps, and financial statements may be on larger paper if folded to that size. The report shall contain the numbers and captions of all applicable items, but the text of such items may be omitted, provided the answers thereto are prepared in the manner specified in Rule 8b-13 [17 CFR 270.8b-13] under the Act. All items which are not required to be answered in the particular report may be omitted and no reference thereto need be made in the report. All instructions should also be omitted.

(4) *Filing of reports and signature.* Eight complete copies of each report on this form, including exhibits and all papers and documents filed as a part thereof, shall be filed with the Commission. At least one such complete copy shall be filed with each exchange, if any, on which a security of the registrant is registered. At least one of the copies filed with the Commission and one filed with each such exchange shall be manually signed. Unsigned copies shall be conformed.

(5) *Reports by Small Business Investment Companies.* Item 1 shall not be restated or answered by any registrant which is a small business investment company licensed as such under the Small Business Investment Act of 1958.

(6) *Incorporation by reference.* Attention is directed to Rules 8b-23 and 8b-32 [17 CFR 270.8b-23, 270.8b-32] relating to incorporation by reference.

(b) *Cover page.*

SECURITIES AND EXCHANGE COMMISSION

WASHINGTON, D.C. 20549

FORM N-1Q

QUARTERLY REPORT OF MANAGEMENT INVESTMENT COMPANY

Pursuant to Section 30 of the Investment Company Act of 1940 and Section 13 or 15(d) of the Securities Exchange Act of 1934

For the Calendar Quarter Ended ----------, 19--.

Name of Registrant ----------

IRS Empl. Ident. No. ----------

Address of Principal Executive Office of Registrant: ----------

(No. & Street, City, State, Zip Code)

INVESTMENT ADVISER(S)

Name: ----------

Address of: ----------

(No. & Street, City, State, Zip Code)

IRS EMPL. IDENT. NO. ----------

PRINCIPAL UNDERWRITER(S)

Name: ----------

Address of: ----------

(No. & Street, City, State, Zip Code)

IRS EMPL. IDENT. No. ----------

SIZE: Value of total net assets (or total assets, if a closed-end company) at the end of the calendar quarter. ----------

SIGNATURE

Pursuant to the requirements of the Investment Company Act of 1940 and the Securities Exchange Act of 1934, the undersigned registrant (or depositor or trustee) has caused this report to be signed on its behalf in the City of ---------- and State of ---------- on the ---- day of ----------, 19--.

(Name of Registrant, Depositor or Trustee)

(Name and Title of Person Signing on Behalf of Registrant, Depositor or Trustee)

(c) *Information required in report.*

Item 1. Changes in Portfolio Securities.

If there has been any acquisition or disposition of portfolio securities by the registrant during the calendar quarter, furnish the information specified below as to such securities and the cash balance of the registrant, in the exact tabular form prescribed by the table and in accordance with the instructions, except that (1) the first report filed pursuant to this item, and (2) the first report filed pursuant to this item after the end of a calendar year, shall also include the information as to all other portfolio securities owned by the registrant at the end of the preceding calendar quarter.

[NOTE: The form of table to be submitted in response to Item 1 is included in copies of Form N-1Q which may be obtained from the Commission by requesting copy of Investment Company Act Release No. 5035.]

Instructions to Item 1.

1. For the purpose of this item, the term "U.S. Government securities" means any securities issued by the United States or by an instrumentality of the Government of the United States. "Short-term debt securities" means any securities payable on demand or having a maturity at the time of issuance of not exceeding one year, or any renewal thereof payable on demand or having a maturity at the time of renewal likewise limited. The term "long-term debt securities" means any debt securities other than short-term debt securities.

2. Except for U.S. Government securities and short-term debt securities, with respect to which only the totals for each such category shall be shown in columns (3) through (7), the required information shall be shown separately for each security acquired or disposed of by the registrant during the calendar quarter, even though the registrant may not have owned the particular security at the end of the quarter.

3. Acquisitions and dispositions other than for cash, set forth in columns (4) and (6), such as acquisitions by reason of stock dividends, stock splits, exchanges, or margin purchases, or dispositions through exchanges, shall be indicated by appropriate footnote stating the nature of the acquisition or disposition and the quantity, if other than that shown in the applicable column. Any security held in margin accounts or subject to option at the end of the calendar quarter shall also be indicated by footnote to the figures in column (7), which shall include the quantity and, in the case of options, the option prices and the dates within which they may be exercised.

4. Set forth in column (2), as to each security registered or traded on a national securities exchange, the symbol assigned to such security by the exchange.

5. If the registrant effected any short sale or any change in a short position in a security during the calendar quarter, it shall set forth in a separate table in columnar form the name of the issuer of such security, the title of the issue, and the exchange symbol, if any, and, in numbers of shares, the short sales during the quarter, the short positions closed during the quarter, and the short position at the end of the quarter. The first report filed pursuant to this item and the first report filed pursuant to this item after the end of a calendar year, shall also include the information as to all other securities in which the registrant had a short position at the end of the preceding calendar quarter.

6. The principal amount of all U.S. Government securities and of all other short-term and long-term debt securities, and the amount of cash, shall be stated in the nearest thousand dollars. The numbers of shares or other units of other securities shall be stated in the nearest full share or other unit.

Item 2. Submission of Matters to a Vote of Security Holders.

If any matter has been submitted to a vote of security holders, furnish the following information:

(a) The date of the meeting and whether it was an annual or special meeting.

(b) If the meeting involved the election of directors, state the name of each director elected at the meeting and of each other director now in office.

(c) Describe each other matter voted upon at the meeting and state the number of affirmative votes and the number of negative votes cast with respect to each such matter.

Instructions. 1. If any matter has been submitted to a vote of security holders otherwise than at a meeting of such security holders, corresponding information with respect to such submission shall be furnished. The solicitation of any authorization or consent (other than a proxy to vote at a stockholders' meeting) with respect to any matter shall be deemed a submission of such matter to a vote of security holders within the meaning of this item.

2. This item need not be answered as to (i) procedural matters, (ii) the selection or approval of auditors, or (iii) the election of directors or officers in cases where there was no solicitation in opposition to the management's nominees, as listed in a proxy statement pursuant to Rule 20a–1 [17 CFR 270.–20a–1] under the Act and Regulation 14A under the Securities Exchange Act of 1934 [17 CFR 240.14a–1 et seq.] and all of such nominees were elected. This item may be omitted if action at the meeting was limited to the foregoing. In cases where the registrant does not solicit proxies and the board of directors as previously reported to the Commission was re-elected in its entirety, a statement to that effect will suffice.

3. If the issuer has published a report containing all of the information called for by this item, the item may be answered by a reference to the information contained in such report, provided copies of such report are filed as an exhibit to the report on this form.

Item 3. Policies with Respect to Security Investments.

Describe any material change which has occurred in the investment policy of the registrant with respect to each of the following matters and which has not been approved by stockholders.

(a) The type of securities (for example, bonds, preferred stocks, common stocks) in which it may invest, indicating the proportion of the assets which may be invested in each such type of security.

(b) The percentage of assets which it may invest in the securities of any one issuer.

(c) The percentage of voting securities of any one issuer which it may acquire.

(d) Investment in companies for the purpose of exercising control or management.

(e) Investment in securities of other investment companies.

(f) The policy with respect to portfolio turnover.

(g) Any other investment policy which is set forth in the registrant's charter, by-laws or prospectus.

Item 4. Legal Proceedings.

(a) Briefly describe any material legal proceedings, other than ordinary routine litigation incidental to the business, to which the registrant or any of its subsidiaries has become a party or of which any of their property has become the subject. Include the name of the court in which the proceedings were instituted, the date instituted and the principal parties thereto.

(b) If any such proceeding previously reported has been terminated, identify the proceeding, give the date of termination and state the disposition thereof with respect to the registrant and its subsidiaries.

Instruction. Any bankruptcy, receivership or similar proceeding with respect to the registrant or any of its significant subsidiaries shall be described. Any proceeding to which any director, officer or other affiliated person of the registrant is a party adverse to the registrant or any of its subsidiaries shall also be described. Any proceeding involving the revocation or suspension of the right of the registrant to sell securities shall also be described.

Item 5. Changes in Security for Debt.

If there has been a material withdrawal or substitution of assets securing any class of debt of the registrant, furnish the following information:

(a) Give the title of the securities.

(b) Identify and describe briefly the assets involved in the withdrawal or substitution.

(c) Indicate the provision in the underlying indenture, if any, authorizing the withdrawal or substitution.

Instruction. This item does not apply to short-term paper. This item need not be answered where the withdrawal or substitution is made pursuant to the terms of an indenture which has been qualified under the Trust Indenture Act of 1939 (15 U.S.C. 77aaa et seq.).

Item 6. Defaults and Arrears on Senior Securities.

(a) State, as to each issue of long-term debt of the registrant which is in default at the close of the calendar quarter with respect to the payment of principal, interest or amortization: (1) Nature of default; (2) date of default; (3) amount of default per $1,000 face amount; and (4) total amount of default.

(b) State as to each issue of capital stock of the registrant on which any accumulated dividend is in arrears at the close of the calendar quarter: (1) Title of issue; (2) amount per share in arrears.

Item 7. Changes in Control of Registrant.

(a) If any person has become a parent of the registrant, give the name of such person, the date and a brief description of the transaction or transactions by which the person became such a parent and the percentage of voting securities of the registrant owned by the parent or other basis of control by the parent over the registrant.

(b) If any person has ceased to be a parent of the registrant, give the name of such person and the date and a brief description of the transaction or transactions by which the person ceased to be such a parent.

Item 8. Terms of New or Amended Securities.

(a) If the constituent instruments defining the rights of the holders of any class of the registrant's securities have been materially modified, give the title of the class involved and state briefly the general effect of such modification upon the rights of the holders of such securities.

(b) If the registrant has issued a new class of securities, furnish the description of such class called for by the applicable item of Form N–8B–1, (17 CFR 274.11).

Instructions. This item does not apply to short-term paper.

Item 9. Revaluation of Assets or Restatement of Capital Share Account.

(a) If there has been a material change during the calendar quarter in the method of valuation of the assets of the registrant, state the date of the change and explain the change, the accounts involved and the statutory or regulatory basis, if any.

(b) If there has been a material restatement during the calendar quarter of the capital share account of the registrant resulting in a transfer from capital share liability to surplus or reserves, or vice versa, state the date, purpose, and amount of the restatement and give a brief explanation of all related entries in connection with the restatement.

Item 10. Exhibits.

List below the exhibits, if any, filed as a part of this report.

[F.R. Doc. 67–8399; Filed, Aug. 2, 1967; 8:49 a.m.]

[17 CFR Parts 275, 279]

[Release No. I. A. 211]

WITHDRAWAL FROM INVESTMENT ADVISER REGISTRATION

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to amend its Rule 203–2 (17 CFR 275.203–2) under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) to require that notice of withdrawal from registration as an investment adviser be filed on a proposed form to be designated Form ADV–W (17 CFR 279.2) in accordance with the instructions thereon. The amendment would also provide for a 60-day waiting period between the filing date and the effective date unless acceleration is granted or proceedings pursuant to sections 203(d) or 203(g) of the Act are pending or are instituted, in which event the notice of withdrawal would not become effective except at such time and upon such terms and conditions as the Commission deems necessary or appropriate in the public interest or for the protection of investors. This proposed action would be taken under the Investment Advisers Act, particularly sections 203, 204, and 211 thereof. The proposed rule provides that each notice of withdrawal will constitute a "report" under section 204, thereby subjecting the filing of false information to the penalties provided by sections 207 and 217 of the Act.

Proposed Form ADV–W would require the investment adviser seeking to withdraw from registration to furnish specified information: (a) Whether he owes any money or securities to any customer, and if he does, the amount involved and the arrangements made for payment (in this case he would also have to furnish a current report of financial condition); what disposition has been made of his investment advisory contracts and whether refunds were made to all customers whose contracts were not completed or assigned with their consent; (c) whether he is involved in any legal actions or proceedings and whether there are any unsatisfied judgments or liens against him; (d) the name and address of the person who will have custody or possession of his books and records required to be preserved under Rule 204–2 (17 CFR 275.204–2); and (e) the address where such books and records will be located. This information will help the Commission to determine whether the business is being terminated in compliance with applicable requirements, and whether it is necessary to conduct any investigation to determine whether terms and conditions should be imposed on the withdrawal of registration or it is necessary to institute proceedings to revoke registration as authorized by section 203(d) of the Act. Proposed Form ADV–W (17 CFR 279.2) would also contain an authorization to the custodian of the investment adviser's books and records to make them available to the Commission, if necessary.

At the present time, Rule 203–2 (17 CFR 275.203–2) provides that a notice of withdrawal will become effective on the 30th day after filing unless proceedings to revoke or suspend are pending, or the Commission, within the 30-day period, institutes such proceedings or proceedings to impose terms or conditions upon such withdrawal. It has been found that 30 days are not sufficient to determine whether the business is being terminated in compliance with applicable requirements or to complete an investigation if one is required, and to institute proceedings in appropriate cases. It is believed that the proposed amendments will enable the Commission to carry out its responsibilities under the Investment Advisers Act more effectively in the public interest and for the protecion of investors. Broker-dealers who propose to withdraw from registration are subject to similar requirements.

It is proposed to amend the text of Rule 203–2 (17 CFR 275.203–2) to read substantially as follows:

§ 275.203–2 Withdrawal from registration.

(a) Notice of withdrawal from registration as an investment adviser pursuant to section 203(g) shall be filed on Form ADV–W (§ 279.2 of this chapter) in accordance with the instructions contained therein.

(b) Except as hereinafter provided, a notice to withdraw from registration filed by an investment adviser pursuant to section 203(g) shall become effective on the 60th day after the filing thereof with the Commission or within such shorter period of time as the Commission may determine. If, prior to the effective date of a notice of withdrawal from registration, the Commission has instituted a proceeding pursuant to section 203(d) to suspend or revoke registration, or a proceeding pursuant to section 203(g) to impose terms or conditions upon withdrawal, the notice of withdrawal shall not become effective except at such time and upon such terms and conditions as the Commission deems necessary or appropriate in the public interest or for the protection of investors.

(c) Every notice of withdrawal filed pursuant to this section shall constitute a "report" within the meaning of sections 204 and 207 and other applicable provisions of the Act.

(Secs. 203, 204 and 211(a), 74 Stat. 885–8, as amended, 15 U.S.C. 80b–3, 80b–4, 80b–11)

In connection with the proposed amendment to Rule 203–2 (17 CFR 275.-203–2) it is proposed to adopt the following new Form ADV–W (17 CFR 279.2):

§ 279.2 Form ADV–W, Notice of withdrawal from registration as investment adviser.

(Copies of this proposed new form have been filed with the original of this document. Additional copies can be obtained from the Commission's headquarters office at 500 North Capitol Street, Washington, D.C.)

(Secs. 203, 204 and 211(a), 74 Stat. 885–8, as amended, 15 U.S.C. 80b–3, 80b–4, 80b–11)

All interested persons are invited to submit their views and comments on the proposed amendment and form, in writing, to the Securities and Exchange Commission, Washington, D.C. 20549, on or before September 1, 1967. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JULY 27, 1967.

[F.R. Doc. 67-9028; Filed, Aug. 2, 1967; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circular; Public Debt Series, No. 7-67]

5¼ PERCENT TREASURY NOTES OF SERIES D–1968

Offering of Notes

JULY 27, 1967.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers $9,600 million, or thereabouts, of notes of the United States, designated 5¼ percent Treasury Notes of Series D–1968, at 99.94 percent of their face value and accrued interest. The following securities, maturing August 15, 1967, will be accepted at par in payment or exchange, in whole or in part, to the extent subscriptions are allotted by the Treasury:

5¼ percent Treasury Certificates of Indebtedness of Series A–1967;
3¾ percent Treasury Notes of Series A–1967; or
4⅞ percent Treasury Notes of Series E–1967.

The books will be open only on July 31, 1967, for the receipt of subscriptions.

II. *Description of notes.* 1. The notes will be dated August 15, 1967, and will bear interest from that date at the rate of 5¼ percent per annum, payable on a semiannual basis on November 15, 1967, and May 15 and November 15, 1968. They will mature November 15, 1968, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1 million, $100 million, and $500 million. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing U.S. notes.

III. *Subscription and allotment.* 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220. Only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers provided the names of the customers are set forth in such subscriptions. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be restricted in each case to an amount not exceeding 50 percent of the combined capital (not including capital notes or debentures), surplus and undivided profits of the subscribing bank. Subscriptions will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions, or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, Federal Reserve Banks and Government Investment Accounts. Subscriptions from all others must be accompanied by payment (in cash or in securities of the issues enumerated in paragraph 1 of section I hereof, which will be accepted at par) of 2 percent of the amount of notes applied for, not subject to withdrawal until after allotment. Registered notes submitted as deposits should be assigned as provided in section V hereof. Following allotment, any portion of the 2 percent payment in excess of 2 percent of the amount of notes allotted may be released upon the request of the subscribers.

2. All subscribers are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue at a specific rate or price, until after midnight July 31, 1967.

3. Commercial banks in submitting subscriptions will be required to certify that they have no beneficial interest in any of the subscriptions they enter for the account of their customers, and that their customers have no beneficial interest in the banks' subscriptions for their own account.

4. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, to allot less than the amount of notes applied for, and to make different percentage allotments to various classes of subscribers when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, subscriptions will be allotted:

(1) In full if the subscription is for a State, political subdivision or instrumentality thereof, public pension and retirement and other public fund, international organization in which the United States holds membership, foreign central bank and foreign State, Federal Reserve Bank, or Government Investment Account and such subscriber certifies in writing that at 4 p.m., e.d.s.t., July 26, 1967, it owned or had contracted to purchase for value securities of the issues enumerated in paragraph 1 of section I hereof, in an aggregate amount equal to or greater than the amount of such subscription (any such subscriber may enter an additional subscription subject to a percentage allotment); and

(2) On a percentage basis, to be publicly announced.

Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at 99.94 percent of their face value and accrued interest, if any, for notes allotted hereunder must be made or completed on or before August 15, 1967, or on later allotment. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with application up to 2 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Payment may be made for any notes allotted hereunder in cash or by exchange of securities of the issues enumerated in paragraph 1 of section I hereof, which will be accepted at par. A cash adjustment will be made for the difference ($0.60 per $1,000) between the par value of maturing securities accepted in exchange and the issue price of the new notes. The payment will be made by check or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District, following acceptance of the maturing securities. In the case of registered notes, the payment will be made in accordance with the assignments on the notes surrendered. When payment is made with securities in bearer form, coupons dated August 15, 1967, should be detached and cashed when due. When payment is made with registered notes, the final interest due on August 15, 1967,

will be paid by issue of interest checks in regular course to holders of record on July 14, 1967, the date the transfer books closed.

V. *Assignment of registered notes.* 1. Treasury notes in registered form tendered as deposits and in payment for notes allotted hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department, in one of the forms hereafter set forth. Notes tendered in payment should be surrendered to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. 20220. The maturing notes must be delivered at the expense and risk of the holder. If the new notes are desired registered in the same name as the notes surrendered, the assignment should be to "The Secretary of the Treasury for 5¼ percent Treasury Notes of Series D–1968"; if the new notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for 5¼ percent Treasury Notes of Series D–1968 in the name of _____"; if new notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for 5¼ percent Treasury Notes of Series D–1968 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY H. FOWLER,
Secretary of the Treasury.

[F.R. Doc. 67-9065; Filed, Aug. 2, 1967; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Sacramento 047049]

CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

JULY 26, 1967.

Notice of a Forest Service, U.S. Department of Agriculture, application, Sacramento 047049, for withdrawal and reservation of land for Cherry Valley recreation area, was published as F.R. Doc. No. 63-5226, on page 4921 and 4922 of the issue for Thursday, May 16, 1963. The applicant agency has canceled its application insofar as it affects the following described lands:

MOUNT DIABLO MERIDIAN

STANISLAUS NATIONAL FOREST

Recreation Area

Cherry Valley

T. 2 N., R. 19 E.,
Sec. 20, NW¼NE¼SW¼.

Therefore pursuant to the regulations contained in 43 CFR Part 2311, such lands at 10 a.m. on August 4, 1967, will be relieved of the segregative effect of the above-mentioned application.

R. J. LITTEN,
Chief, Lands Adjudication Section.

[F.R. Doc. 67-9011; Filed, Aug. 2, 1967; 8:45 a.m.]

[S 730]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 27, 1967.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial Number S 730 for the withdrawal of the lands described below, from prospecting, location, entry and purchase under the mining laws (30 U.S.C. Ch. 2), subject to valid existing claims.

The applicant desires the land for recreation areas to include camp grounds, picnic units, boat launching ramps and swimming in cooperation with the Oroville-Wyandotte Irrigation District.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814.

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

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

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

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

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

PLUMAS NATIONAL FOREST

Lost Creek Recreation Area

T. 20 N., R. 8 E.,
Sec. 4, S½NW¼ (lot 5), and SW¼;
Sec. 5, S½N½ (lots 4 and 5), and S½S½;
Sec. 8, E½NE¼, SW¼NE¼, E½NW¼, N½SW¼, NW¼SE¼, and SE¼SE¼;
Sec. 9, NE¼NW¼, S½NW¼, and SW¼;
Sec. 16, W½;
Sec. 18, NW¼NE¼, and SE¼SE¼;
Sec. 19, lots 5, 6, 7, 8, and 9;
Sec. 20, lots 1, 2, 3, 4, 5, and SW¼NE¼;
Sec. 30, N½NE¼.

Frenchman Recreation Area

T. 23 N., R. 16 E.,
Sec. 3, SW¼NW¼, N½SW¼, SE¼SW¼, NW¼SE¼, and S½SE¼;
Sec. 4, lots 1, 2, 3, S½NE¼, and NE¼SE¼;
Sec. 10, N½NE¼, and SE¼NE¼.
T. 24 N., R. 16 E.,
Sec. 29, S½SE¼;
Sec. 32, W½NE¼, NE¼NW¼, S½NW¼, and N½S½;
Sec. 33, N½S½, SE¼SW¼, and SW¼SE¼.

The areas described aggregate approximately 3,348 acres.

R. J. LITTEN,
Chief, Lands Adjudication Section.

[F.R. Doc. 67-9012; Filed, Aug. 2, 1967; 8:46 a.m.]

[S 777]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

JULY 27, 1967.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial Number S 777, for the withdrawal of the lands described below, from prospecting, location, entry, and patenting under the mining laws only, subject to existing valid rights.

The applicant desires the land for a public recreation area as well as for protection of a unique geological formation.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814.

The Department's regulations (43 CFR 2311.1–3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's

needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

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

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

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

TRINITY NATIONAL FOREST

Natural Bridge Recreation and Geological Area

T. 31 N., R. 11 W.,
Sec. 33, SE¼SE¼SE¼NE¼; E½E½NE¼SE¼, E½NE¼SE¼SE¼ (unsurveyed);
Sec. 34, S½SW¼SW¼NW¼, W½NW¼SW¼, NW¼SW¼SW¼ (unsurveyed).

The areas described aggregate approximately 53 acres in Trinity County.

R. J. LITTEN,
Chief, Lands Adjudication Section, Sacramento Land Office.

[F.R. Doc. 67-9013; Filed, Aug. 2, 1967; 8:46 a.m.]

[Serial No. N-815]

NEVADA

Notice of Classification of Public Lands; Correction

JULY 26, 1967.

1. Notice of Classification, Serial Number N-815, for multiple use management, was published as F.R. Doc. No. 67-7344 of the issue for Thursday, June 29, 1967.

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

MOUNT DIABLO MERIDIAN, NEVADA

LYON COUNTY

T. 8 N., R. 27 E.,
Sec. 6, Lots 2 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼.

NOLAN F. KEIL,
State Director, Nevada.

[F.R. Doc. 67-9010; Filed, Aug. 2, 1967; 8:45 a.m.]

NEVADA

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

JULY 27, 1967.

1. The Plats of Survey of lands described below will be officially filed at the Nevada Land Office, Reno, Nev., effective 10:00 a.m. on September 3, 1967.

MOUNT DIABLO MERIDIAN, NEVADA

T. 12 N., R. 57 E. (Group 426)

2. The surveyed area of the described land aggregates 19,423.35 acres. The plat was accepted June 27, 1967. Located in Railroad Valley, the land is nearly level to rolling, with an elevation range of about 5,100 to 6,300 feet above sea level. The soil is sandy clay and rocky; vegetation consists of sagebrush and greasewood. The township is drained by Broom Canyon, southwest through the southern part of the township; and Bull Creek, draining south through the west tier of sections. No mineral formations of consequence are in evidence. Principal users of the township are cattlemen; access into the area is provided by State Highway No. 20, crossing the southwest corner of Sec. 31, and by desert roads.

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

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

DANIEL P. BAKER,
Manager, Nevada Land Office.

[F.R. Doc. 67-9054; Filed, Aug. 2, 1967; 8:49 a.m.]

[New Mexico 2768]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

JULY 27, 1967.

The Forest Service, U.S. Department of Agriculture, has filed application, Serial No. New Mexico 2768, for the withdrawal of lands described below. The lands were conveyed to the United States pursuant to section 8 of the Taylor Grazing Act. They lie within the exterior boundaries of the Cibola National Forest. They have not been open to entry under the public land laws. The applicant desires the lands for the addition to, and the consolidation with national forest lands to permit more efficient administration thereof in the conservation of national resources.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Chief, Division of Lands and Minerals Program Management and Land Office, Post Office Box 1449, Santa Fe, N. Mex. 87501.

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

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

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

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

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 11 N., R. 11 W.,
Sec. 17, W½ and SW¼SE¼;
Sec. 18, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 19, lots 1, 2, 3, 4, E½ and E½W½;
Secs. 20, 21, 28 and 29;
Sec. 30, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 31, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 32;
Sec. 33, N½NW¼.

The area described aggregates 6154.96 acres.

HAROLD A. BERENDS,
Acting Chief, Division of Lands and Minerals, Progam Management and Land Office.

[F.R. Doc. 67-9014; Filed, Aug. 2, 1967; 8:46 a.m.]

Office of the Secretary

EDWARD T. AUGUSTINE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 5, 1967.

Dated: July 5, 1967.

EDWARD T. AUGUSTINE.

[F.R. Doc. 67-9015; Filed, Aug. 2, 1967; 8:46 a.m.]

LORAN A. EISELE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 10, 1967.

Dated: July 10, 1967.

LORAN A. EISELE.

[F.R. Doc. 67-9016; Filed, Aug. 2, 1967; 8:46 a.m.]

ANDREW PAT JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 30, 1967.

Dated: July 6, 1967.

A. PAT JONES.

[F.R. Doc. 67-9017; Filed, Aug. 2, 1967; 8:46 a.m.]

VIVAN B. JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of July 10, 1967.

Dated: July 10, 1967.

VIVAN B. JONES.

[F.R. Doc. 67-9018; Filed, Aug. 2, 1967; 8:46 a.m.]

GEORGE V. KENNEDY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 19, 1967.

Dated: July 19, 1967.

G. V. KENNEDY.

[F.R. Doc. 67-9019; Filed, Aug. 2, 1967; 8:46 a.m.]

MAX R. LLEWELLYN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) 100—Kennecott Copper, common stock.
(2)
(3)
(4)

This statement is made as of July 10, 1967.

Dated: July 10, 1967.

MAX R. LLEWELLYN.

[F.R. Doc. 67-9020; Filed, Aug. 2, 1967; 8:46 a.m.]

CARLOS O. LOVE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Add—Texas Instruments, Inc.
(3) No change.
(4) No change.

This statement is made as of July 1, 1967.

Dated: July 10, 1967.

CARLOS O. LOVE.

[F.R. Doc. 67-9021; Filed, Aug. 2, 1967; 8:47 a.m.]

JOHN P. MADGETT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 11, 1967.

Dated: July 11, 1967.

JOHN P. MADGETT.

[F.R. Doc. 67-9022; Filed, Aug. 2, 1967; 8:47 a.m.]

SAMUEL RIGGS SHEPPERD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 13, 1967.

Dated: July 13, 1967.

RIGGS SHEPPERD.

[F.R. Doc. 67-9023; Filed, Aug. 2, 1967; 8:47 a.m.]

WILLARD B. SIMONDS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 10, 1967.

Dated: July 10, 1967.

W. B. SIMONDS.

[F.R. Doc. 67-9024; Filed, Aug. 2, 1967; 8:47 a.m.]

ALEXANDER H. WADE, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 10, 1967.

Dated: July 10, 1967.

A. H. WADE, Jr.

[F.R. Doc. 67-9025; Filed, Aug. 2, 1967; 8:47 a.m.]

WILFORD D. WILDER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Appointee is currently participating in an employee stock purchase plan adopted by Niagara Mohawk Power Corp., effective January 1, 1965, and has elected the maximum participation possible which is 6 percent of appointee's annual salary.
(3) No. change.
(4) No change.

This statement is made as of July 24, 1967.

Dated: July 24, 1967.

WILFORD D. WILDER.

[F.R. Doc. 67-9026; Filed, Aug. 2, 1967; 8:47 a.m.]

WATCHES AND WATCH MOVEMENTS

Allocation of Adjusted Quotas for Calendar Year 1967 Among Producers Located in Guam and for Virgiline Watch Co., Inc., in the Virgin Islands

CROSS REFERENCE: For a document relating to allocation of adjusted quotas of watches and watch movements for the calendar year 1967 among producers located in Guam and for Virgiline Watch Co., Inc., in the Virgin Islands, see F.R. Doc. 67-9146, Commerce Department, *infra*.

DEPARTMENT OF COMMERCE

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Allocation of Adjusted Quotas for Calendar Year 1967 Among Producers Located in Guam and for Virgiline Watch Co., Inc., in the Virgin Islands

Interested parties are invited to refer to the Interim Allocation of March 15, 1967, and the Allocation of June 8, 1967, by the Departments of the Interior and Commerce, published respectively in 32 F.R. 4178 of March 17, 1967, and 32 F.R. 8316 of June 9, 1967, for the background history of the present allocation. As explained therein, the Departments found it necessary to verify the accuracy of the data supplied by each of the applicants for a duty-free quota, in order to ensure that the quota formula was applied uniformly to all concerned.

Following verification of the data supplied by the 16 firms assembling watches and watch movements in the Virgin Islands, verification was made of the data supplied by the eight firms assembling watches and watch movements in Guam.

As had been the case in the Virgin Islands, the auditors found that the data supplied by these eight firms was substantially accurate. However, as in the Virgin Islands, inconsistencies occurred in reporting direct labor costs largely because of lack of uniformity in the treatment of the salaries of individuals who were engaged part of the time in supervisory or administrative activities and part of the time on the bench as watchmakers.

In computing the direct labor costs of the firms located in Guam, the Departments concluded that these salaries should be treated in the same manner as in computing direct labor costs in the Virgin Islands, namely by excluding the salaries of all presidents and general managers, and including the salaries of plant managers who were also watchmakers only up to the amount of the highest paid watchmaker in that particular firm. A difficulty arose, however, in applying this treatment to some of the firms where the plant manager was basically the only watchmaker employed. This problem was handled by computing the average percentage by which the salaries of the plant managers of the other firms exceeded the salaries of their highest paid watchmakers. This percentage was then uniformly deducted from the salary of each of the plant managers of the firms where the difficulty arose.

Any watches and watch movements entered duty-free into the customs territory of the United States on or after January 1, 1967, are to be deducted from these allocations which are issued for the full calendar year 1967.

Adjustments have been made reflecting verification of the data submitted and of final statistics issued by the U.S. Tariff Commission on total apparent U.S. watch consumption during 1966.

In addition to the following quota allocations to producers located in Guam, there is published below an allocation for the full calendar year 1967 to Virgiline Watch Co., Inc., a firm located in the Virgin Islands. This firm is one of the 16 producers located in the Virgin Islands to which an interim quota allocation was made on March 15, 1967. Because the data it submitted could not be fully verified before June 8, 1967, it was not included in the list of firms to which an adjusted quota for calendar year 1967 was issued on that date.

GUAM

Name of Firm	*Number of Units*
1. Cromwell International, Inc.	25,283
2. Hallmark Watch Factory, Inc.	36,248
3. Jun-Lau Watch Corp.	19,585
4. Maro Watch Co., Inc.	54,848
5. Phoenix Industries, Inc.	47,009
6. Precision Instruments, Inc.	19,928
7. Stratton Watch Corp.	145,357
8. Westminster Time Corp.	42,669

VIRGIN ISLANDS

Name of Firm	*Number of Units*
Virgiline Watch Co., Inc.	91,881

LAWRENCE C. MCQUADE,
Acting Assistant Secretary for Domestic and International Business, Department of Commerce.

HARRY R. ANDERSON,
Assistant Secretary for Public Land Management, Department of the Interior.

JULY 31, 1967.

[F.R. Doc. 67-9146; Filed, Aug. 2, 1967; 10:15 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

A. E. STALEY MANUFACTURING CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8A2196) has been filed by A. E. Staley Manufacturing Co., 2200 East Eldorado Street, Decatur, Ill. 62525, proposing an amendment to § 121.1031 *Food starch-modified* to provide for the safe use of a food starch modified by treatment with not more than 0.3 percent epichlorohydrin and not more than 10.0 percent propylene oxide.

Dated: July 26, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9052; Filed, Aug. 2, 1967; 8:49 a.m.]

WILSON-MARTIN AND CELANESE CORPORATION OF AMERICA

Notice of Withdrawal of Petition for Food Additive 1,3-Butylene Glycol Mono- and Diesters of Edible Fatty Acids

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Wilson-Martin, division of Wilson & Co., Inc., Prudential Plaza, Chicago, Ill. 60601, and Celanese Corp. of America, 522 Fifth Avenue, New York, N.Y. 10036, have withdrawn their petition (FAP 6A1964), notice of which was published in the FEDERAL REGISTER of March 9, 1966 (31 F.R. 4151), proposing the issuance of a regulation to provide for the safe use of 1,3-butylene glycol mono- and diesters of edible fatty acids in the processing of whipped desserts and food toppings.

Dated: July 26, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9053; Filed, Aug. 2, 1967; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-284]

IDAHO STATE UNIVERSITY

Notice of Issuance of Construction Permit

No request for a hearing or petition having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Construction Permit No. CPRR-98 to Idaho State University. This permit authorizes the University to receive, possess and construct a Model AGN-201, Serial No. 103, nuclear reactor on its campus at Pocatello, Idaho.

The construction permit was issued as set forth in the Notice of Proposed Issuance published in the FEDERAL REGISTER on July 4, 1967, 32 F.R. 9754, except that in subparagraph 3.A. the earliest date for completion of the construction of the reactor has been changed from July 15 to July 30, 1967.

Dated at Bethesda, Md., this 21st day of July 1967.

For the Atomic Energy Commission.

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

[F.R. Doc. 67-9000; Filed, Aug. 2, 1967; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18766]

CALEDONIAN AIRWAYS (PRESTWICK), LTD., AND FLYING TIGER LINE, INC.

Notice of Proposed Approval

Application of Caledonian Airways (Prestwick), Ltd. and The Flying Tiger Line, Inc., for approval of agreement to lease an aircraft, Docket 18766.

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

Dated at Washington, D.C., July 31, 1967.

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

ORDER APPROVING AGREEMENT

Issued under delegated authority.

Application of Caledonian Airways (Prestwick), Ltd., and The Flying Tiger Line, Inc., for approval pursuant to section 408(b) of the Federal Aviation Act of 1958, as amended, of an agreement to lease an aircraft.

By application filed July 6, 1967, Caledonian Airways (Prestwick), Ltd. (Caledonian), and The Flying Tiger Line, Inc. (FTL), requested that the Board approve, pursuant to section 408(b) of the Federal Aviation Act of 1958, as amended, an agreement under which Caledonian will lease from FTL one B-707-320C aircraft. The agreement also gives Caledonian an option to purchase the aircraft. Caledonian is a United Kingdom carrier engaged in charter operations under a foreign air carrier permit issued by the Board.[1]

The agreement is for a period of 6 years commencing December 31, 1968, and ending December 31, 1974.[2] Calendonian will pay a monthly rental of $100,322. Although Caledonian expects to take possession of the aircraft on December 31, 1968, the agreement provides that the aircraft could be made available commencing on June 1, 1968.[3] If Caledonian takes possession on June 1, 1968, it would pay a monthly rental of $95,000 through December 31, 1968. Caledonian will have an option to purchase the aircraft for $1,094,357 (U.S.) provided that written notice is given to FTL of its intent to exercise such option not less than 120 days, or more than 180 days prior to the expiration of the lease agreement, December 31, 1974.

It is contended that FTL is in the process of changing its fleet to a stretched jet fleet and has the intention of disposing of a number and possibly all of their B-707-320C aircraft.[4] Applicants stated that the lease and purchase terms were negotiated at arm's length bargaining and are considered by the parties to be fair and reasonable and consistent with market conditions.

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

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

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

We also conclude that the agreement will not affect FTL's ability to meet its certificate obligations in that FTL will not lease the aircraft to Caledonian until it has taken delivery of four of the 10 DC8'63F stretched jet aircraft it has contracted to purchase. Further, FTL will then have more aircraft and available capacity then it had prior to the lease agreement. It therefore appears that approval of the transaction would not be inconsistent with the public interest.

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

Accordingly, it is ordered:

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

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

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

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[1] Order E-25017 approved by the President Apr. 19, 1967.

[2] Caledonian may cancel the lease agreement on or before Dec. 31, 1971, upon 6 months' written notice to FTL.

[3] FTL has contracted for 10 DC 8's and expects delivery by the end of 1968. Caledonian would be able to call for delivery of the aircraft after FTL has taken delivery of its fourth DC 8-63F aircraft.

[4] FTL's jet fleet consists of (5) B707-320C aircraft.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petition within 5 days after date of service of this order.

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

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

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-9049; Filed, Aug. 2, 1967; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 193]

LANSEN-NAEVE CORP.

Revocation of License

Whereas, Lansen-Naeve Corp., 11 Broadway, New York, N.Y. 10004, has ceased to operate as an independent ocean freight forwarder; and

Whereas, Lansen-Naeve Corp., has returned Independent Ocean Freight Forwarder License No. 193 to the Commission; and

Whereas, by letter dated July 7, 1967, Lansen-Naeve Corp., has requested the cancellation of its Independent Ocean Freight Forwarder License No. 193;

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

It is ordered, That the Independent Ocean Freight Forwarder License No. 193 of Lansen-Naeve Corp. be and is hereby revoked, effective July 29, 1967.

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

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

[F.R. Doc. 67-9061; Filed, Aug. 2, 1967; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP68-20]

AMERICAN GAS COMPANY OF WISCONSIN, INC., AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

JULY 27, 1967.

Take notice that on July 19, 1967, American Gas Co. of Wisconsin, Inc. (Applicant), 110 East Main Street, Madison, Wis. 53703, filed in Docket No. CP68-20 an application pursuant to subsection (a) of section 7 of the Natural Gas Act for an order of the Commission directing Michigan Wisconsin Pipe Line Co. (Respondent) to establish physical connection of its transportation facilities with Applicant's existing facilities and the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution as initial natural gas service in the communities of Athens and Milan, Wis., and as an additional supply of natural gas for resale and distribution by Applicant in its existing 15-town system, all in the State of Wisconsin, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate municipal natural gas distribution systems in the towns of Athens and Milan and regulating facilities at the city-gates of Athens, Milan, and Abbotsford. Applicant proposes that Respondent construct and operate a transmission lateral line from a point of connection with its main transmission line in Wood County, Wis., generally north then west to points of connection with the towns of Athens, Milan, and Abbotsford. Applicant also proposes that Respondent construct and operate a measuring station on the above proposed lateral line.

Applicant states that the facilities proposed above will provide initial natural gas service to the towns of Athens and Milan and will also provide needed additional volumes of natural gas to serve the 15 towns in its natural gas system in Marathon, Clark, Taylor, and Chippewa Counties, Wis. Applicant estimates its third year peak daily and annual natural gas requirements as follows:

Town	Peak daily requirements (Mcf)	Annual requirements (Mcf)
Athens and Milan	381	106,463
Other 15 towns	2,624	911,395
Total purchases	3,005	1,017,858

Applicant states that the volumes of natural gas to be purchased for resale and distribution in its 15-town system are in addition to the volumes now being purchased from Midwestern Gas Transmission Co. (Midwest). Applicant further states that these volumes are necessary to enable it to maintain adequate pressure in the western end of said system. Applicant now purchases a daily and annual volume of natural gas from Midwest of 3,500 Mcf and 1,277,500 Mcf, respectively.

Applicant estimates the total cost of the facilities proposed to be constructed by it at approximately $117,397, said cost to be financed through the issuance and sale of additional common stock to its parent company, American Gas Co., and/or funds generated from operations.

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 21, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-9005; Filed, Aug. 2, 1967; 8:45 a.m.]

[Docket No. G-7994, etc.]

SERVICE PIPE & EQUIPMENT, INC., ET AL.

Findings and Order; Correction

JULY 20, 1967.

Service Pipe & Equipment, Inc. (successor to Kewanee Oil Co.) and other Applicants listed herein, Docket Nos. G-7994 etc.; James F. Scott, agent for M. Justice Well No. 2, Docket No. CI66-706.

In the order "Findings and Order After Statutory Hearing Issuing Certificates of Public Convenience and Necessity, Cancelling Docket Number, Amending Certificates, Permitting and Approving Abandonment of Service, Terminating Certificates, Vacating Certificate, Terminating Rate Proceeding, Substituting Respondent, Redesignating Proceeding, and Accepting Related Rate Schedules and Supplements for Filing," issued April 5, 1966, and published in the FEDERAL REGISTER April 13, 1966 (F.R. Doc. 66-3836, 31 F.R. 5717), Docket No. CI66-706, Col. 5 change "FPC Gas Rate Schedule No. 6" to read "FPC Gas Rate Schedule No. 7."

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-9006; Filed, Aug. 2, 1967; 8:45 a.m.]

OFFICE OF EMERGENCY PLANNING

AMERADA PETROLEUM CORP. ET AL.

Participation in "Plan of Action Under Voluntary Agreement Relating to Foreign Petroleum Supply"

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there are published herein the names of the 26 companies which have accepted the request to participate in the "Plan of Action under Voluntary Agreement Relating to Foreign Petroleum Supply" dated June 20, 1967.

Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102.
American Independent Oil Co., 50 Rockefeller Plaza, New York, N.Y. 10020.
Arabian American Oil Co., 505 Park Ave., New York, N.Y. 10022.
Atlantic Richfield Co., 260 South Broad St., Philadelphia, Pa. 19101.
Caltex Oil Products Co., 380 Madison Ave., New York, N.Y. 10017.
Cities Service Co., 60 Wall St., New York, N.Y. 10005.
Continental Oil Co., 30 Rockefeller Plaza, New York, N.Y. 10020.
The Frontier Refining Co., 4040 East Louisiana Ave., Denver, Colo. 80222.

Gulf Oil Corp., Gulf Bldg., Pittsburgh, Pa. 15230.
Hunt Oil Co., 1401 Elm St., Dallas, Tex. 75201.
Marathon Oil Co., 539 South Main St., Findlay, Ohio 45840.
Mobil Oil Corp., 150 East 42d St., New York, N.Y. 10017.
Murphy Oil Co., 200 Jefferson Ave., El Dorado, Ark. 71730.
Occidental Petroleum Corp., 10889 Wilshire Blvd., Los Angeles, Calif. 90024.
Phillips Petroleum Co., Phillips Blvd., Bartlesville, Okla. 74004.
Signal Oil & Gas Co., 1010 Wilshire Blvd., Los Angeles, Calif. 90017.
Sinclair Oil Corp., 600 Fifth Ave., New York, N.Y. 10020.
Standard Oil Co. of California, 225 Bush St., San Francisco, Calif. 94120.
Standard Oil Co. (Indiana), 910 South Michigan Ave., Chicago, Ill. 60680.
Standard Oil Co. (New Jersey), 30 Rockefeller Plaza, New York, N.Y. 10020.
Standard Oil Co. (Ohio), Midland Bldg., Cleveland, Ohio 44115.
Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103.
Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla. 74102.
Texaco, Inc., 135 East 42d St., New York, N.Y. 10017.
Tidewater Oil Co., 4201 Wilshire Blvd., Los Angeles, Calif. 90005.
Union Oil Co. of California, Union Oil Center, Los Angeles, Calif. 90017.

(Sec. 708, 64 Stat. 818, as amended; 50 U.S.C. App. Sup. 2158; Executive Order 10480, Aug. 14, 1953, 18 F.R. 4939; Reorganization Plan No. 1 of 1958, 23 F.R. 4991, as amended; Executive Order 11051, Sept. 27, 1962, 27 F.R. 9683)

Dated: July 28, 1967.

FARRIS BRYANT,
Director,
Office of Emergency Planning.

[F.R. Doc. 67-9027; Filed, Aug. 2, 1967; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-464]

JADE OIL & GAS CO.

Order Suspending Trading

JULY 28, 1967.

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

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

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Pacific Coast Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 29, 1967, through August 7, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-9029; Filed, Aug. 2, 1967; 8:47 a.m.]

[70-4515]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Principal Amount of First Mortgage Bonds

JULY 28, 1967.

Notice is hereby given that Jersey Central Power & Light Co. ("Jersey Central"), Madison Avenue at Punch Bowl Road, Morristown, N.J. 07960, an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Jersey Central proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $30 million principal amount of First Mortgage Bonds, ____ percent Series due 1997. The interest rate (which will be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, (which will be not less than 100 percent nor more than 102.75 percent of the principal amount thereof), will be determined by the competitive bidding. The bonds will be issued under an Indenture dated as of March 1, 1946, between Jersey Central and First National City Bank, Successor Trustee, as heretofore supplemented and as to be further supplemented by a Fourteenth Supplemental Indenture to be dated as of September 1, 1967.

The proceeds from the sale of the new bonds will be employed for the purpose of financing Jersey Central's business as a public utility, including the payment of short-term bank loans outstanding at the date of sale of the bonds. At July 19, 1967, outstanding short-term bank loans amounted to $28,300,000. The company's 1967 construction program is estimated at approximately $70 million.

The fees and expenses to be paid by Jersey Central in connection with the issue and sale of the bonds are estimated at $90,000, including counsel fees of $20,000 and accountants' fees of $4,750. Fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment.

It is stated that the Board of Public Utility Commissioners of New Jersey has jurisdiction over the proposed issue and sale of bonds by Jersey Central and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than August 29, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of servce (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-9030; Filed, Aug. 2, 1967; 8:47 a.m.]

NORTH AMERICAN RESEARCH & DEVELOPMENT CORP.

Order Suspending Trading

JULY 28, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of North American Research & Development Corp., 1935 South Main Street, Salt Lake City, Utah, and all other securities of North American Research & Development Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 30, 1967, through August 8, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-9031; Filed, Aug. 2, 1967; 8:47 a.m.]

NORTHERN INSTRUMENT CORP.

Order Suspending Trading

JULY 28, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Northern Instrument Corp., Babylon, N.Y., and all other securities of Northern Instrument Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange is summarily suspended, this order to be effective for the period July 31, 1967, through August 9, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9032; Filed, Aug. 2, 1967; 8:47 a.m.]

[File No. 1-1277]

PENROSE CORP.

Order Suspending Trading

JULY 28, 1967.

The common stock $2 par value, of Penrose Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and the 5 percent Cumulative Convertible Preferred stock, $20 par value of Penrose Corp., being traded otherwise than on a national securities exchange; and

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

It is ordered, Pursuant to sections 15 (c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 28, 1967, through August 6, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9033; Filed, Aug. 2, 1967; 8:48 a.m.]

S & P NATIONAL CORP.

Order Suspending Trading

JULY 28, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the Common and Class A stock of S & P National Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 31, 1967 through August 9, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9034; Filed, Aug. 2, 1967; 8:48 a.m.]

STEEL CREST HOMES, INC.

Order Suspending Trading

JULY 28, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Steel Crest Homes, Inc., King of Prussia, Pa., and all other securities of Steel Crest Homes, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 31, 1967, through August 9, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-9035; Filed, Aug. 2, 1967; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 630]

KENTUCKY

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1967, because of the effects of certain disasters, damage resulted to residences and business property located in Middlesboro, Ky.;

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

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

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

1. Applications for disaster loans under the provisions of section 7(b) (1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid Middlesboro and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on July 25, 1967.

OFFICE

Small Business Administration Regional Office, Fourth and Broadway, Louisville, Ky. 40202.

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

Dated: July 28, 1967.

BERNARD L. BOUTIN, *Administrator.*

[F.R. Doc. 67-9038; Filed, Aug. 2, 1967; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 1091]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JULY 28, 1967.

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

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

shall meet the requirements of § 1.247 (d) (4) of the special rule, and shall include the certification required therein.

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

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

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

No. MC 409 (Sub-No. 33), filed June 9, 1967. Applicant: O. E. POULSON, INC., Elm Creek, Nebr. Applicant's representative: J. Max Harding, 605 South 14th Street, Third Floor, NSEA Building, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed supplement* (except molasses) in bulk, in tank vehicles, from Omaha, Nebr., to points in Minnesota, Nebraska, North Dakota, Oklahoma, and points in Archer, Armstrong, Bailey, Baylor, Bowie, Briscoe, Camp, Carson, Cass, Castro, Childress, Clay, Cochran, Collin, Collinsworth, Cooke, Cottle, Crosby, Dallam, Deaf Smith, Denton, Dickens, Donley, Fannin, Floyd, Foard, Franklin, Garza, Gray, Grayson, Hale, Hall, Hansford, Hardeman, Hartley, Haskell, Hemphill, Hockley, Hopkins, Hunt, Hutchinson, Jack, Kent, King, Knox, Lamar, Lamb, Lipscomb, Lubbock, Lynn, Montague, Moore, Morris, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Red River, Roberts, Sherman, Stonewall, Swisher, Terry, Throckmorton, Titus, Wheeler, Wichita, Wilbarger, Wise, Yoakum, and Young Counties, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 504 (Sub-No. 91), filed July 11, 1967. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. 30635. Applicant's representative: Archie B. Culbreth, Suite 693, 1375 Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the plantsite of the Lilliston Implement Co., located on U.S. Highway 82, approximately 8 miles northwest of the Albany, Ga., city limits, as an off-route point in connection with carrier's authorized regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 730 (Sub-No. 286), filed July 19, 1967. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. 94604. Applicant's representative: Charles Frederick Zeebuyth (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, dry in bulk, between points in California. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 2202 (Sub-No. 326), filed July 17, 1967. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio 44309. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Douglas Faris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Republic Powdered Metals, Inc., located in Brunswick Hills Township, Medina County, Ohio, as an off-route point in connection with applicant's presently authorized regular route authority between Cleveland, Ohio, and Memphis, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 8958 (Sub-No. 21), filed July 19, 1967. Applicant: THE YOUNGSTOWN CARTAGE CO., a corporation, 825 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, dangerous explosives, household goods and commodities in bulk, between Chicago, Ill., and points in Illinois within 25 miles of Chicago, and those in Lake County, Ind., on and north of U.S. Highway 30 on the one hand, and, on the other, the plantsite of Ford Motor Co., Van Dyke and 18 Mile Road, Sterling Township, McComb County, Mich. NOTE: Applicant states it would tack at Chicago, Ill., to enable service to points in Wisconsin and Illinois. Applicant also states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 20490 (Sub-No. 1), filed July 19, 1967. Applicant: SLUTSKY'S MOTOR EXPRESS, INC., 137 Second Street, Perth Amboy, N.J. 08861. Applicant's representative: Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between Morgantown and Grafton, W. Va., and Woodsfield, Ohio, on the one hand, and, on the other, Reading and Philadelphia, Pa., North Bergen, Hackensack, Perth Amboy, and Paterson, N.J., and New York, N.Y. NOTE: Applicant states it would tack at New York between New York, N.Y., and points authorized in existing certificate. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 25798 (Sub-No. 156), filed July 20, 1967. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) from Akron, Ohio, to points in Kentucky, West Virginia, Virginia, North Carolina, Georgia, Florida, South Carolina, Alabama, Tennessee, Mississippi, Louisiana, Arkansas, Missouri, and the District of Columbia, and (2) from Paducah, Ky., to points in Kansas, Missouri, Nebraska, Iowa, Wisconsin, Arkansas, Mississippi, Oklahoma, Illinois, Indiana, Michigan, Tennessee, Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia, West Virginia, Pennsylvania, New York, Ohio, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Akron, Ohio.

No. MC 29988 (Sub-No. 109), filed July 12, 1967. Applicant: DC INTERNATIONAL, INC., East 45th at Jackson, Denver, Colo. 80216. Applicant's representative: Edw. G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* except dangerous explosives, between Colorado Springs and Limon, Colo., from Colorado Springs over U.S. Highway 24 to Limon and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, and serving Limon, Colo., as a point of joinder only. NOTE: Applicant states the route sought herein is to be used in conjunction with traffic moving between Colorado Springs, Colo., on the one hand, and, on the other, Kansas City, Mo., and points east thereof. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Chicago, Ill.

No. MC 31389 (Sub-No. 87), filed July 20, 1967. Applicant: McLEAN TRUCKING COMPANY, a corporation, 617 Waughtown Street, Post Office Box 213, Winston-Salem, N.C. 27102. Applicant's representative: Francis W. McInerny

Suite 502, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Hamilton Mine site of Island Creek Coal Co., at or near Morganfield (Union County), Ky., as an off-route point in connection with applicant's regular routes, extending between Cincinnati, Ohio, and Fulton, Ky., over U.S. Highway 60, U.S. Highway 25 and U.S. Highway 51. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Louisville, Ky.

No. MC 33641 (Sub-No. 66), filed July 20, 1967. Applicant: IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 84110. Applicant's representative: Marshall G. Berol, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between the junction of Interstate Highway 5 and California Highway 14 (near San Fernando, Calif.) and the junction of Interstate Highway 80 and U.S. Highway 95 (near Lovelock, Nev.), from the junction of Interstate Highway 5 and California Highway 14 over California Highway 14 to junction U.S. Highway 395 (near Inyokern, Calif.), thence over U.S. Highway 395 to junction U.S. Highway 6 (near Bishop, Calif.), thence over U.S. Highway 6 to junction Nevada Highway 10 (near Basalt, Nev.), thence over Nevada Highway 10 to junction U.S. Highway 95, thence over U.S. Highway 95 to junction Interstate Highway 80 (near Lovelock, Nev.) and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, (2) between Winnemucca, Nev., and the junction of Idaho Highway 72 and U.S. Highway 30 (near Nampa, Idaho), from Winnemucca, Nev., over U.S. Highway 95 to junction Idaho Highway 72 (near Marsing, Idaho), thence over Idaho Highway 72 to junction U.S. Highway 30 (near Nampa, Idaho), and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, and (3) between the junction of U.S. Highway 40 and U.S. Highway 93 (near Wells, Nev.), and the junction of U.S. Highway 30 and U.S. Highway 93 (near Twin Falls, Idaho), from the junction of U.S. Highway 40 and U.S. Highway 93 over U.S. Highway 93 to junction U.S. Highway 30, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points. Restriction: Service under each of the above alternate routes is restricted against the transportation of shipments which have an origin or destination within the State of Nevada. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 41404 (Sub-No. 73), filed July 12, 1967. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Drawer 440, Fulton Highway, Martin, Tenn. 38237. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural commodities*, exempt from economic regulation pursuant to section 203(b)(6) of the Interstate Commerce Act, when transported at the same time and in the same vehicle with commodities subject to economic regulation (as otherwise authorized), from Gulfport, Miss., to points in Arkansas, Alabama (except Montgomery), points in Florida (except Pensacola), points in Georgia (except Atlanta and points within 15 miles of Atlanta), points in Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Minnesota, Missouri, Oklahoma, Ohio, Tennessee, Texas, and Wisconsin. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Mobile, Ala.

No. MC 46280 (Sub-No. 64), filed July 17, 1967. Applicant: DARLING FREIGHT, INC., 15 Andre Street SE., Grand Rapids, Mich. 49507. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as refined by the Commission, commodities in bulk and those requiring special equipment, between the site of the Ford Motor Co. plant located at Van Dyke and 18 Mile Road in Sterling Township, Mich., on the one hand, and, on the other, Omaha, Nebr., Louisville, Ky., St. Louis, Mo., Evansville and Vincennes, Ind.; and points in Indiana on and north of U.S. Highway 40, points in Illinois on and north of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 36 to Springfield, Ill., thence along Illinois Highway 125 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 103, thence along Illinois Highway 103 to junction U.S. Highway 24, and thence along U.S. Highway 24 to the Illinois-Missouri State line, points in Iowa on and east of U.S. Highway 65, points in Minnesota on, east and south of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 65 to Minneapolis, Minn., and thence along U.S. Highway 12 to the Minnesota-Wisconsin State line, and points in Wisconsin on and south of a line beginning at the Minnesota-Wisconsin State line and extending along U.S. Highway 12 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to Green Bay, Wis., and thence along U.S. Highway 141 via Manitowoc, Wis., to the shore of Lake Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 71516 (Sub-No. 87), filed July 20, 1967. Applicant: ALABAMA HIGHWAY EXPRESS, INC., 3300 Fifth Avenue South, Birmingham, Ala. 35202. Applicant's representative: Robert E. Tate, Suite 2025–2028, City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe; plastic and iron connections, fittings, and accessories*, from the plantsite and warehouse facilities of the Clow Corp., at or near Lincoln (Talladega County), Ala., to points in Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia; and (2) *equipment, materials and supplies* used in the manufacture, processing, and distribution of plastic pipe, plastic and iron connections, fittings, and accessories (except in bulk in tank vehicles), from points in Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia, to the plantsite and warehouse facilities of the Clow Corp., at or near Lincoln (Talladega County), Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., Atlanta, Ga., or Washington, D.C.

No. MC 82044 (Sub-No. 2), filed July 18, 1967. Applicant: STAR WEST CARTAGE COMPANY, INC., 430 East Wacker Drive, Chicago, Ill. 60601. Applicant's representative: Donald W. Smith, 511 Fidelity Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contractor carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bulk in tank vehicles (shipper owned and carrier owned), from the plantsite of the Great Western Sugar Co. at Brookfield, Ill., to points in Iowa on and east of U.S. Highway 69, under contract with Great Western Sugar Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 87689 (Sub-No. 9), filed July 19, 1967. Applicant: INTER-CITY TRUCK LINES LIMITED, 1500 Dundas Highway East, Post Office Box 900, Station U, Toronto, Ontario, Canada. Applicant's representative: Robert D. Schuler, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Willow Run Airport, Ypsilanti, Mich., as an off-route point in connection with authorized service at Detroit, Mich., restricted to traffic originating at or destined to points in Canada, having an immediately prior or subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 92500 (Sub-No. 6), filed July 21, 1967. Applicant: SEABOARD TRANSPORTATION CO., a corporation, Post Office Box 98, Antioch, Calif. 94509. Applicant's representative: William B. Adams, 624 Pacific Building, Portland, Oreg. 97204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips and wood residuals*, from Camptonville, Calif., to West Sacramento, Calif., under contract with Cal-Ida Lumber Co. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 95540 (Sub-No. 705), filed July 20, 1967. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. Applicant's representative: Allan E. Serby, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food products*, (2) *food products in mixed shipments* with *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with food products; from Wellston, Ohio, to points in Alabama, Florida, Georgia, Mississippi, North Carolina, and South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Cleveland, Ohio, or Washington, D.C.

No. MC 97394 (Sub-No. 4) (Amendment), filed November 21, 1966, published FEDERAL REGISTER issue of December 8, 1966, amended July 20, 1967, and republished as amended this issue. Applicant: MAJORS TRUCK LINE, INC., Post Office Box 7, Caneyville, Ky. 42721. Applicant's representative: Robert M. Pearce, 1033 State Street, Central Building, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Rockport and Central City, Ky., over U.S. Highway 62, (2) between Central City and Greenville, Ky., over U.S. Highway 62, (3) between Drakesboro and Central City, Ky., over Kentucky Highway 70, (4) between Earles and Greenville, Ky.; from Earles over Kentucky Highway 601 to junction U.S. Highway 62 north of Greenville, thence over U.S. Highway 62 to Greenville, and return over the same route, (5) between Calhoun and Central City, Ky., over Kentucky Highway 81, (6) between Central City and Island, Ky., over U.S. Highway 431, (7) between Livermore, Ky., and junction U.S. Highway 431 and the Daviess-McLean County line over U.S. Highway 431, (8) (a) between Hartford, Ky., and junction U.S. Highway 231 and the Daviess-Ohio County line over U.S. Highway 231, (b) between Caneyville, Ky., and junction U.S. Highway 231 and Kentucky Highway 1147; from Caneyville over Kentucky Highway 79 to junction U.S. Highway 231, thence over U.S. Highway 231 to junction Kentucky Highway 1147, and return over the same route serving the off-route points of Heflin, Centertown, and Dundee, Ky. (located in Ohio County, Ky.), and (9) between Beaver Dam and Rochester, Ky., over Kentucky Highway 369; serving all intermediate points and off-route points within 3 miles of the described routes in (1) through (9) above. NOTE: The purpose of this republication is to eliminate requested routes in previous publication to and from Madisonville, Ky., and to add and change other routes. If a hearing is deemed necessary, applicant requests it be held at Madisonville, Ky.

No. MC 106943 (Sub-No. 94), filed July 21, 1967. Applicant: EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. Applicant's representative: James E. Lesh, 3737 North Meridian Street, Indianapolis, Ind. 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except classes A and B explosives, livestock, grain, petroleum products, in bulk, household goods as defined by the Commission, and commodities requiring special equipment, serving the plantsite of Eastern Products Corp. in or near Columbia, Md. (at or near junction Maryland Highways 29 and 32) as an off-route point in connection with carrier's authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Baltimore, Md.

No. MC 107295 (Sub-No. 111), filed July 17, 1967. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards or slabs, composed of magnesite or cement with wood fiber or chips*, from Cornell, Wis., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kansas, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 107496 (Sub-No. 577), filed July 17, 1967. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Brandon, Iowa, to points in Minnesota, Illinois, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, or St. Paul, Minn.

No. MC 107515 (Sub-No. 582), filed July 19, 1967. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned beverages and canned beverages preparation*, from points in Florida to points in Texas, Oklahoma, and Arkansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 107515 (Sub-No. 583), filed July 19, 1967. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resin impregnated broadgoods and rovings*, from Mobile, Ala., to Tulsa, Okla.; Dallas, Fort Worth, and San Antonio, Tex.; Wichita, Kans.; Cedar Rapids, Iowa; Lincoln, Nebr.; Akron, Cincinnati, and Middletown, Ohio; Mishawaka, Ind.; Detroit and Traverse City, Mich.; Baltimore and Cumberland, Md.; Alexandria, Brunswick, and Marion, Va.; Oak Ridge, Tenn.; Marietta, Ga.; and Miami and Orlando, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala., or Atlanta, Ga.

No. MC 109584 (Sub-No. 138), filed July 20, 1967. Applicant: ARIZONA PACIFIC TANK LINES, 3201 Ringsby Court, Denver, Colo. 80216. Applicant's representative: Eugene Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk in tank vehicles, from Phoenix, Ariz., to McCarran Field and Las Vegas, Nev. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 109891 (Sub-No. 8), filed July 12, 1967. Applicant: INFINGER TRANSPORTATION COMPANY, INC., Post Office Box 7398, Charleston Heights, S.C. 29045. Applicant's representative: William Addams, Room 406, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt pavement sealer and asphalt pavement sealer components*, between Charleston, S.C., and points within 15 miles thereof, and points in Alabama, Georgia, and Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., or Atlanta, Ga.

No. MC 110841 (Sub-No. 13), filed July 18, 1967. Applicant: PORT NORRIS EXPRESS CO., INC., Main Street, Port Norris, N.J. 08349. Applicant's representative: William Addams, Room 406, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from points in Kershaw County, S.C., to points in Alabama, Florida, Kentucky, Mississippi, Virginia, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., or Charlotte, N.C.

No. MC 111201 (Sub-No. 8), filed July 17, 1967. Applicant: J. N. ZELLNER & SON TRANSFER COMPANY, a corporation, 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. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 111748 (Sub-No. 13), filed July 18, 1967. Applicant: WILLIAMS MOVING & STORAGE CO., INC., Tarkio, Mo. Applicant's representative: Carll V. Kretsinger, 450 Professional Building, 1103 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products and meat byproducts; articles distributed by meat packinghouses; and, such commodities as are used by meat packers in the conduct of their business when* destined to and for use by meat packers, as described in sections, A, C, and D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between the plantsite of Missouri Beef Packers, Inc., at or near Friona, Tex., on the one hand, and, on the other, points in the United States except Alaska and Hawaii; and, (2) *such commodities* as are used by meat packers in the conduct of their business when destined to and for use by meat packers, as described in section D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between the plantsite of Missouri Beef Packers, Inc., at or near Phelps City, Mo., on the one hand, and, on the other, points in the United States except Alaska and Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, or St. Joseph, Mo.

No. MC 114045 (Sub-No. 284), filed July 20, 1967. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. 75222. Applicant's representative: R. L. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal foods*, in packages, from Boston and Woburn, Mass., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114719 (Sub-No. 8), filed July 20, 1967. Applicant: FRANK R. DEAN, JR., 1198 New Circle Road NE., Lexington, Ky. 40505. Applicant's representative: Herbert D. Liebman, 403 West Main Street, Frankfort, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (1) between the plantsite of Carling Brewing Co. at Belleville, Ill., and Lexington, Ky., and (2) between the plantsite of Schoenling Brewing Co. at Cincinnati, Ohio, and Lexington, Ky., under contract with United Beverage Co., Inc. NOTE: Applicant holds common carrier authority in MC 118636, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lexington or Louisville, Ky.

No. MC 117557 (Sub-No. 14) (Correction), filed June 15, 1967, published FEDERAL REGISTER Issue of July 7, 1967, and republished as corrected this issue. Applicant: MATSON, INC., Post Office Box 43, Cedar Rapids, Iowa 53406. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction machinery and equipment* as described in appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in the United States (except points in Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Washington, Wyoming, and Utah), to Cedar Rapids, Iowa. NOTE: The purpose of this republication is to insert the parenthesis after the State of Utah previously not shown. If a hearing is deemed necessary, applicant requests it be held at Des Moines or Cedar Rapids, Iowa.

No. MC 119789 (Sub-No. 22), filed July 21, 1967. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6, Opelousas, La. Applicant's representative: Alan E. Serby, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and bottled foodstuffs*, from St. Francisville and Belledeau, La., to points in California, Arizona, Idaho, New Mexico, Nevada, Oregon, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 119934 (Sub-No. 142), filed July 21, 1967. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46040. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products* (dry), in tank and hopper type vehicles, from Indianapolis, Ind., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Tennessee, and St. Louis, Mo. NOTE: Applicant has pending in MC 128161 application for contract carrier authority, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 123638 (Sub-No. 4), filed June 30, 1967. Applicant: WHITE STAR BODY WORKS AND WRECKER SERVICE, INC., 4009 Hargrove Street, Charlotte, N.C. Applicant's representative: Elmer A. Hilker, 506 Johnston Building, Charlotte, N.C. 28202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trucks, tractors, buses, and trailers* (except trailers designed to be drawn by passenger automobiles), as replacement vehicles for wrecked or disabled trucks, tractors, buses, and trailers from Charlotte, N.C., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maryland, Massachusetts, Mississippi, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia, and (2) *wrecked or disabled trucks, tractors, buses, and trailers* on return. NOTE: Applicant states it presently holds the authority sought in this application in its certificate No. MC 123638 (Sub-No. 1) subject to the restriction "in wrecker service only" on return trips to Charlotte. By the instant application, applicant seeks removal of this restriction so that in replacement hauling on return to Charlotte, wrecked and disabled vehicles may be hauled on low-boys. If a hearing is deemed necessary, applicant requests it be held at Charlotte, Greensboro, or Raleigh, N.C.

No. MC 124951 (Sub-No. 20) (Correction), filed June 19, 1967, published in FEDERAL REGISTER issue of July 7, 1967, and republished as corrected this issue. Applicant: WATHEN TRANSPORT, INC., Post Office Box 237, Henderson, Ky. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated iron and steel articles*, from Owensboro and Henderson, Ky., to points in Missouri and West Virginia. NOTE: The purpose of this republication is to show the correct spelling of *Henderson*, Ky., in lieu of *Kenderson*, Ky., as previously published. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 124951 (Sub-No. 22), filed July 21, 1967. Applicant: WATHEN TRANSPORT, INC., Post Office Box 237, Henderson, Ky. 42420. Applicant's representative: Louis J. Amato, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Zinc and aluminum die castings*, (2) *industrial plastic, molded parts, plastic houseware, and packaging articles, and plastic closures*, and (3) *machinery, equipment, materials, and supplies* used in the manufacture, packaging, distribution and sale of (1) and (2) above, between Henderson, Ky., and points in Indiana, Illinois, Ohio, Tennessee, Michigan, Wisconsin, Minnesota, Missouri, Pennsylvania, New Jersey, New York, and Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 125385 (Sub-No. 1), filed July 18, 1967. Applicant: AUGIE PASSIEU TRUCKING, INC., Post Office Box 53, Cecil, Pa., 15321. Applicant's representative: Arthur J. Diskin, 302 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plasticizer*, in drums, *foundry binders*, in bags and in drums, *foundry flours and sands*, in bags, *reclaimed solvents and oils*, in drums, *foundry core compounds*, in bags and in drums, *steel fluxing and purifying compounds*, in bags and in drums, and *hot top casings*, from Muse, Pa., to points in New York, New Jersey, Connecticut, Massachusetts, Rhode Island, West Virginia, Ohio, Michigan, Indiana, Illinois, Wisconsin, Iowa, North Carolina, and South Carolina, and (2) *chemicals, oils, and waste solvents* used in the manufacture of foundry binders and compounds, in drums or bags, from points in the above States to Muse, Pa., under a continuing contract or contracts with Chemicals & Solvents Co., Muse, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 126104 (Sub-No. 5), filed July 21, 1967. Applicant: WEBER TRUCKING CORPORATION, 2055 West 4800 South, Roy, Utah. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Railroad rail and railroad ties, track material, timbers, steel landing mat, and scrap steel*, between points in Washington, Oregon, California, Nevada, Arizona, New Mexico, Utah, Idaho, Montana, Colorado, and Wyoming, under contract with A and K Railroad Ties, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City or Ogden, Utah.

No. MC 126346 (Sub-No. 5), filed July 17, 1967. Applicant: HAUPT CONTRACT CARRIERS, INC., 226 North 11th Avenue, Wausau, Wis. 54401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Self propelled material handling equipment* and *self propelled log slashing and skidding equipment* (except self propelled vehicles designed for transporting property or passengers on highways) and *parts and attachments therefor*, between the plantsites and facilities of the Pettibone Michigan Corp. at or near Baraga, Mich., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, the District of Columbia, and, *materials, equipment and supplies* used in the manufacture and the distribution of the commodities described above, on return, under contract with the Pettibone Michigan Corp., Baraga, Mich., and, (2) *fabricated metal products* and *related parts and accessories thereto*, from plantsite of Hartwig Manufacturing Corp. at or near Wausau, Wis., to points in Illinois, Indiana, Iowa, Kentucky, Michigan Minnesota, Missouri, Ohio, Tennessee, and Wisconsin, and *iron, steel, and aluminum articles* used in the manufacture of fabricated metal products on return, under contract with the Hartwig Manufacturing Corp., Wausau, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127806 (Sub-No. 5), filed July 20, 1967. Applicant: BEER TRANSPORT, INC., 130 Steamboat Road, Great Neck, N.Y. Applicant's representative: Edward F. Bowes, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages* (other than in bulk in tank vehicles) and *advertising materials*, between Brooklyn, N.Y., and Orange, N.J., plantsites of Rheingold Breweries, Inc., on the one hand, and, on the other, the plantsite of Jacob Ruppert, Inc., at New Bedford, Mass., (2) *hops in bales, yeast in barrels*, and *brewing supplies, including brewing chemicals in fiber barrels or metal drums, and ditamatious earth in bags*, from Brooklyn, N.Y., and Orange, N.J., to New Bedford, Mass., under contract with Rheingold Breweries, Inc., in (1) and (2) above; and (3) *malt beverages* (other than in bulk in tank vehicles) and *advertising materials*, from the plantsite of Jacob Ruppert Brewery, Inc., in New Bedford, Mass., to Weathersfield, Willimantic, and Fairfield, Conn., under contract with C. Carbone and Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 128473 (Sub-No. 5), filed July 20, 1967. Applicant: MONTANA EXPRESS, INC., 207 Behner Building, 2822 Third Avenue North, Billings, Mont. 59103. Applicant's representative: J. G. Meglen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and articles* dealt in and distributed by wholesale grocers, from points in California, Colorado, Illinois, Iowa, Minnesota, Missouri, Nebraska, Nevada, Oregon, Utah, Washington, and Wisconsin to points in Montana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 128910 (Sub-No. 1), filed July 21, 1967. Applicant: WILLIAM K. WOOD, 809 East Eighth, Moscow, Idaho 83843. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer* in bags and in bulk, from points in Franklin and Benton Counties, Wash., to points in Latah County, Idaho, under contract with Latah County Grain Growers, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 128941 (Sub-No. 1), filed July 6, 1967. Applicant: KATHLEEN ROBINS, doing business as ROBINS TRANSFER COMPANY, Post Office Box 239, Lawrenceburg, Tenn. 38464. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Sand*, from points in Franklin, Limestone, and Morgan Counties, Ala., to points in Giles and Lawrence Counties, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 129149 (Sub-No. 2), filed July 18, 1967. Applicant: ELLIS HAINES, doing business as HAINES TRUCK LINES, 995 Washington Street, Bushnell, Ill. 61422. Applicant's representative: Robert T. Lawley, 308 Reusch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gravity flow wagon boxes, storage tanks, water tanks* and; *component parts thereof*, from Bushnell, Ill., to points in Iowa, Indiana, South Dakota, Missouri, Wisconsin, Minnesota, Nebraska, Kansas, Michigan, and Ohio and *damaged or rejected shipments*, on return under contract with Bushnell Illinois Tank Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 129214 (Sub-No. 1), filed July 17, 1967. Applicant: CAVES TRUCKING COMPANY, INC., Post Office Box 206, Wild Rose, Wis. 54984. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sawdust, shavings, and wood chips*, in bulk, and (2) *corrugated pulpboard boxes, wooden box materials, and fiberboard boxes with wooden frames*, from Wild Rose, Wis., to points in Illinois and Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 129241, filed July 17, 1967. Applicant: MORRISON MOVING & STORAGE CO., INC., West 304 Pacific, Spokane, Wash. Applicant's representative: James D. Kendall, Post Office Box 975, 17 C Street SW., Quincy, Wash. 98848. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, including the packing and unpacking thereof, between points in Grant, Adams, Kittitas, and Spokane Counties, Wash., restricted to traffic moving on a through bill of lading of an exempt forwarder and having a prior or subsequent out-of-state movement. NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 129243, filed July 19, 1967. Applicant: T-EMP, INC., 1223 Juniper Street, Quakertown, Pa. 18951. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: (1) *Automobiles, equipment, materials, and supplies*, between points in New York Harbor, as defined by the Commission, on the one hand, and, on the other, Rockleigh, N.J., and (2) *Motorcycles, equipment, materials and supplies*, between points in New York Harbor, as defined by the Commission, on the one hand, and, on the other, New York, N.Y., and points in New Jersey. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 129248 (Sub-No. 1), filed July 19, 1967. Applicant: HUGH J. LEMMA, 200 Chestnut Avenue, Kirkwood, N.J. Applicant's representative: Raymond A. Thistle, Jr., Suite 1710, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat*, from Plainwell, Mich., and South Bend, Ind., to Philadelphia, Pa., under contract with Clover Beef Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 129251, filed July 18, 1967. Applicant: GLENN DENHAM, Route 3, Box 368, Gulfport, Miss. Applicant's representative: Rubel L. Phillips, 1819 Deposit Guaranty Bank Building, Post Office Box 22533, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in secondary or subsequent movements, between points in Alabama, Mississippi, Louisiana, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 129257 (Sub-No. 1), filed July 20, 1967. Applicant: M. I. BRUEGGEMANN, INC., doing business as CAL-MO-TEX TRUCKING, Post Office Box 4305, Affton, Mo. 63123. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* dealt in by General Grocer Co. of St. Louis, Mo., (1) between points in Missouri, Iowa, Illinois, Indiana, and Arkansas, and (2) from points in Florida, Georgia, Alabama, Louisiana, Tennessee, Kentucky, Illinois, Missouri, Texas, Colorado, Oklahoma, Kansas, Nebraska, Minnesota, Iowa, Wisconsin, Michigan, Ohio, Pennsylvania, California, Arizona, New Mexico, Nevada, and Utah to points in Missouri, under contract with General Grocer Co. of St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Jefferson City, Mo.

No. MC 129260, filed July 20, 1967. Applicant: DATA TRANSPORTATION CO., INC., 1544 North Knowles Avenue, Los Angeles, Calif. 90063. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Los Angeles, Orange, Sacramento, Yolo, San Francisco, Solano, San Mateo, Santa Clara, Alameda, and Contra Costa Counties, Calif., restricted to shipments having a prior or subsequent line-haul movement beyond said counties by rail, motor, air, or water. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif., or Washington, D.C.

No. MC 129261, filed July 20, 1967. Applicant: AMERICAN INC. MOVING & STORAGE, 1719 North Tancahua, Post Office Box 1602, Corpus Christi, Tex. 78403. Applicant's representative: Paul F. Sullivan, Colorado Building, Suite 913, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Aransas, Bee, Brooks, Calhoun, Cameron, Duval, Goliad, Jim Wells, Hildalgo, Kenedy, Live Oak, Nueces, Refugio, Starr, San Patricio, Victoria, Kleberg, and Willacy Counties, Tex., restricted to shipments moving in containers and having an immediately prior or subsequent movement by rail, motor, water, or air and moving on through bills of lading of forwarders, operating under the section 402(b)(2) exemption. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Houston, Tex.

No. MC 129263, filed July 13, 1967. Applicant: AIRPORT DRAYAGE CO., a corporation, Air Freight Terminal, Seattle-Tacoma International Airport, Seattle, Wash. 89158. Applicant's representative: L. M. Greening (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, restricted to those shipments having an immediate, prior or subsequent movement by an air carrier, (1) between the Seattle-Tacoma International Airport and Boeing Field, Wash., and points in King, Snohomish, Pierce, and Kitsap Counties, Wash., and (2) between points within a 25-mile radius of Anchorage and Fairbanks, Alaska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

MOTOR CARRIER OF PASSENGERS

No. MC 228 (Sub-No. 59), filed July 17, 1967. Applicant: HUDSON TRANSIT LINES, INC., 17 Franklin Turnpike, Mahwah, N.J. 07430. Applicant's representative: Samuel B. Zinder, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, their baggage, express, and newspapers*, in the same vehicle with passengers; (1) Between the intersection of New Jersey Highway 17 and Interstate 80 and the intersection of New Jersey Highway 4 and Interstate 95, from the intersection of Interstate 80 and New Jersey Highway 17 over Interstate Highway 80 to the intersection of Interstate 80 and Interstate 95, thence over Interstate 95 to its intersection with New Jersey Highway 4, and any and all access roadways and ramps, and return over the same route, serving no intermediate points, except for purposes of joinder. (2) Between the intersection of New Jersey Highway 46, New Jersey Turnpike and Interstate 95 and the intersection of Interstate 80 and Interstate 95: From the intersection of New Jersey Highway 46, New Jersey Turnpike and Interstate 95 over Interstate 95 to the intersection of Interstate 80 and Interstate 95, and any and all access roadways and ramps, and return over the same route, serving no intermediate points, except for purposes of joinder. (3) Between the intersection of New York Highway 17 and the Thomas E. Dewey Thruway and the intersection of the Garden State Parkway and New Jersey Highway 17: From the intersection of New York Highway 17 and the Thomas E. Dewey Thruway over the Thomas E. Dewey Thruway to the intersection of the Thomas E. Dewey Thruway and the Garden State Parkway, thence over the Garden State Parkway to the intersection of the Garden State Parkway and New Jersey Highway 17, and any and all access roadways and ramps, and return over the same route, serving no intermediate points except for the purposes of joinder; as alternate routes for operating convenience only. NOTE: Applicant states that it proposes to join the proposed routes to its existing authority and that the proposed routes are designed and intended to enable it to operate over interstate highways, turnpikes, and parkways in addition to and in lieu of existing authorized regular routes under which it presently provides service through Bergen County, N.J. If a hearing is deemed necessary, applicant did not specify a location.

APPLICATION OF FREIGHT FORWARDER

No. FF-221 (Sub-No. 4), BARGE SERVICE CORPORATION EXTENSION-ARKANSAS RIVER, filed July 19, 1967. Applicant: BARGE SERVICE CORPORATION, 1202 Benedum-Trees Building, Pittsburgh, Pa. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Fannin at Capitol, Houston, Tex. 77002. Authority sought under section 410, Part IV of the Interstate Commerce Act to extend operations as a freight forwarder in interstate or foreign commerce, through use of the facilities of *common carriers* by water, in the transportation of *General commodities*, between points on the Ohio, Monongahela, and Allegheny Rivers in Pennsylvania, Ohio, West Virginia, Indiana, and Kentucky, and points on the Gulf Intracoastal Waterway between New Orleans, La., and Brownsville, Tex., on the one hand, and, on the other, points on the Arkansas River System from its confluence with the Mississippi River to and including Catoosa (Tulsa), Okla.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAVE BEEN REQUESTED

No. MC 109616 (Sub-No. 17), filed July 14, 1967. Applicant: CONSOLIDATED TRUCK LINES, LIMITED, 775 The Queensway, Toronto, Ontario, Canada. Applicant's representatives: Floyd B. Piper, 47 Ramsdell Avenue, Buffalo, N.Y.

14216, and Robert D. Schuler, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the plantsite of Ford Motor Co., on Sheldon Road, Plymouth Township, Wayne County, Mich., as an off-route point in connection with authorized service at Detroit, Mich. NOTE: Common control may be involved.

No. MC 112613 (Sub-No. 4), filed July 19, 1967. Applicant: T. ACHENBERG TRANSPORTATION CO., a corporation, 208 Sheridan Street, Perth Amboy, N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies*, as are used in the manufacture, sale and distribution of toilet preparations (except in bulk), from Perth Amboy, N.J., to points in Essex and Hudson Counties, N.J., and New York, N.Y., under a continuing contract with Chesebrough-Pond's, Inc.

No. MC 124073 (Sub-No. 4) (Correction), filed May 22, 1967, published in FEDERAL REGISTER issue of June 8, 1967, corrected July 14, 1967, and republished as corrected this issue. Applicant: ROY S. SARGEANT, INC., Barkers Mill Road, Vienna, N. J. Applicant's representative: Edward F. Bowes, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen meat*, from the Polarized Meat Division, Durkee Famous Foods, plantsite of The Glidden Co., located at or near Moosic, Pa., to Manchester and Nashua, N.H., Burlington, Vt., Milton, Ithaca, Newark, Newburgh, Rome, Utica, New York, Mineola, and Huntington, N.Y., Meriden, Waterbury, Hartford, Hamden, New Haven, Norwich, Wallingford, and Danbury, Conn., Pawtucket and Providence, R.I., and Ludlow, Fall River, Southboro, and Worcester, Mass., (2) *fresh meat*, from the Polarized Meat Division, Durkee Famous Foods, plantsite of The Glidden Co. located at or near Moosic, Pa., to New York, Mineola, and Huntington, N.Y., (3) *fresh and frozen meat*, from the Beef Products Division, Durkee Famous Foods, plantsite of The Glidden Co. located at or near Pittston, Pa., to New York and Rockville Centre, N.Y., (4) *fresh and frozen meat*, from New York, N.Y., to the Polarized Meat Division, Durkee Famous Foods, plantsite of The Glidden Co., located at or near Moosic, Pa., (5) *frozen poultry, frozen hors d'oeuvres, frozen prepared dough, and frozen bakery products*, from the plantsite of The Glidden Co. located at or near Moosic, Pa., to Nashua and Manchester, N.H., Burlington, Vt., Buffalo, Jamestown, Rochester, Newark, Newburgh, New York, Olean, Norwich, Syracuse, Schenectady, Albany, Troy, Kingston, Monticello, Utica, Milton, Ithaca, and Rome, N.Y., Newark, and Paterson, N.J., Waterbury, Hartford, Hamden, New Haven, Stamford, Bridgeport, Norwich, Meriden, Wallingford, and Danbury, Conn., Woonsocket, Pawtucket, and Providence, R. I., and Springfield, Pittsfield, Boston, Worcester, Southboro, Fall River, and Ludlow, Mass., (6) *frozen hors d'oeuvres, frozen prepared dough, and frozen bakery products*, from the plantsite of Gretchen Grant Kitchens Divison, Durkee Famous Foods, The Glidden Co. located at or near Maplewood, N.J., or its warehouse at Jersey City, N.J., to the plantsite of Polarized Meat Division, Durkee Famous Foods, The Glidden Co. at Moosic, Pa., (7) *frozen poultry*, prepared, from the Empire Chicken Industries Division, Durkee Famous Foods, plantsite of The Glidden Co. located at or near Moosic, Pa., to Hoboken, N.J., New York, Farmingdale, Floral Park, and Mineola, N.Y., (8) *poultry, fresh and frozen*, when transported in the same vehicle with frozen prepared poultry, frozen hors d'oeuvres, frozen prepared dough, frozen bakery products, pizza, and frozen fish, from the plantsite of The Glidden Co., Moosic, Pa., to Hoboken, N.J., New York, Farmingdale, Mineola, and Floral Park, N.Y., and (9) *frozen pizza pies*, from Scranton, Pa., to Buffalo, Fulton, Syracuse, and Troy, N.Y., New Brunswick, Newark, Jersey City, and Paterson, N.J., Bridgeport and Hamden, Conn., Woonsocket and Pawtucket, R.I., and Springfield, Pittsfield, and Boston, Mass., under contract with The Glidden Co., and Profera's Pizza Pies, Inc. NOTE: The purpose of this republication is to correct paragraph (1) by adding *Utica, N.Y.*, and in paragraph (5) show *frozen poultry*, in lieu of *fresh poultry*, and to add the word *"prepared"* in commodity description in paragraph (7).

By the Commission.

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

[F.R. Doc. 67-8974; Filed, Aug. 2, 1967; 8:45 a.m.]

[Notice 16]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 31, 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-69549. By order of July 27, 1967, the Transfer Board approved the transfer to Leon Ledbetter, Vega, Tex., of the operating rights in certificate No. MC-125000 (Sub-No. 3), issued September 30, 1964, to Lewis G. Herring, Pampa, Tex., authorizing the transportation, over irregular routes, of sand, gravel, crushed stone, rock, stone, caliche, and dirt, between points in 73 specified counties in Texas, New Mexico, Oklahoma, Kansas, and Colorado. Grady L. Fox, 222 Amarillo Building, Amarillo, Tex., attorney for applicants.

No. MC-FC-69722. By order of July 24, 1967, the Transfer Board approved the transfer to Film Transfer Co., Inc., Dallas, Tex.; of certificate in No. MC-119280 (Sub-No. 1), issued April 8, 1965, to White Air Freight Service, Inc.; Houston, Tex.; authorizing the transportation of: General commodities (except household goods), between Houston, Tex., International Airport and the Jefferson County, Tex., Airport, on the one hand, and, on the other, certain specified counties in Texas. Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701, and Harry W. Patterson, 1808 First City National Bank, Houstin, Tex. 77002, attorney for applicants.

No. MC-FC-69791. By order of July 26, 1967, the Transfer Board approved the tranfer to Giuffre Bros. Bus Co., Inc., Amsterdam, N.Y., of the operating rights in certificate No. MC-124599 issued December 31, 1962, to Philip L. Giuffre and Anthon J. Giuffre, a partnership doing business as Giuffre Brothers, Amsterdam, N.Y., authorizing the transportation of: Passengers and their baggage, in charter operations, beginning and ending at points in specified counties in New York, and extending to points in the United States, including Alaska, but excluding Hawaii. Charles H. Trayford, 220 East 42d Street, New York, N.Y. 10017, representative for applicants.

No. MC-FC-69793. By order of July 26, 1967, the Transfer Board approved the transfer to B & G Express, Inc., Attalla, Ala., of certificate of registration No. MC-96753 (Sub-No. 1) issued May 12, 1964, to W. C. Heard, doing business as B & G Express, Gadsden, Ala., evidencing a right to engage in interstate or foreign commerce within the State of Alabama. Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala., attorney for applicants.

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

[F.R. Doc. 67-9045; Filed, Aug. 2, 1967; 8:48 a.m.]

[Notice 16-a]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 31, 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-69850. By application filed July 28, 1967, CARTAGE SERVICES, INC., 26380 Van Born Road, Dearborn Heights, Mich. 48125, seeks temporary authority to lease the operating rights of CAIN BROS., INC., 3413 Crystle Road, Terre Haute, Ind. 47801, under section 210a(b). The transfer to CARTAGE SERVICES, INC., of the operating rights of CAIN BROS., INC., is presently pending.

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

[F.R. Doc. 67-9046; Filed, Aug. 2, 1967; 8:48 a.m.]

TARIFF COMMISSION

[APTA-W-15]

BORG-WARNER CORP.

Workers' Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Termination of Investigation

Notice is hereby given that the investigation instituted by the Tariff Commission on June 12, 1967, at the request of the Automotive Agreement Adjustment Assistance Board, pursuant to section 302(e) of the Automotive Products Trade Act of 1965, with respect to a petition filed with the Board by the International Union, United Automobile Workers, and its Local 314, on behalf of a group of workers at the Long Manufacturing Division, Borg-Warner Corp., Detroit, Mich., has been terminated without prejudice. Notice of the investigation appeared in the FEDERAL REGISTER of June 17, 1967 (32 F.R. 8740).

The Board has advised the Commission that it would not object to this termination of the investigation because the petitioner has requested permission from the Board to withdraw its original petition without prejudice in order that it might submit a revised and more extensive petition for its consideration.

Issued: July 31, 1967.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 67-9055; Filed, Aug. 2, 1967; 8:49 a.m.]

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