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Agencies in this issue—

The President
Army Department
Civil Aeronautics Board
Civil Service Commission
Consumer and Marketing Service
Customs Bureau
Engineers Corps
Federal Aviation Administration
Federal Communications Commission
Federal Highway Administration
Federal Maritime Commission
Federal Power Commission
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
Interior Department
Internal Revenue Service
Interstate Commerce Commission
Land Management Bureau
Maritime Administration
National Park Service
Packers and Stockyards
Administration
Securities and Exchange Commission
Small Business Administration

Detailed list of Contents appears inside.



Current White House Releases

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Issues at the end. Cumulation of this index terminates at the end of each quarter and begins anew with the following issue. Semiannual and annual indexes are published separately.

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Contents

THE PRESIDENT

EXECUTIVE ORDER

Designating the Lake Ontario Claims Tribunal as a public international organization entitled to enjoy certain privileges, exemptions, and immunities... 13251

EXECUTIVE AGENCIES

AGRICULTURE DEPARTMENT

See Consumer and Marketing Service; Packers and Stockyards Administration.

ARMY DEPARTMENT

See also Engineers Corps.

Rules and Regulations

Former personnel; appearances before command or agency of Army Department... 13279

CIVIL AERONAUTICS BOARD

Rules and Regulations

Delegations and review of action under delegation, nonhearing matters; classification of stations... 13272

Notices

Hearings, etc.:

Bonanza Air Lines, Inc., et al... 13299
Ling-Temco-Vought, Inc... 13300

CIVIL SERVICE COMMISSION

Notices

Nurses, Seattle and Bremerton, Wash.; adjustment of minimum rates and rate ranges... 13299

COMMERCE DEPARTMENT

See Maritime Administration.

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Celery grown in Florida; shipments limitation... 13253
Cranberries grown in certain States; expenses and rate of assessment, etc... 13253

Proposed Rule Making

Greens, canned leafy; standards for grades... 13289
Olives grown in California; expenses and rate of assessment... 13292
Prunes, fresh, grown in Idaho and Oregon; expenses and rate of assessment... 13292
Raisins, natural Thompson seedless, from California; free tonnage... 13292

CUSTOMS BUREAU

Rules and Regulations

Duties, countervailing; bounty or grant paid or bestowed... 13276

DEFENSE DEPARTMENT

See Army Department; Engineers Corps.

ENGINEERS CORPS

Rules and Regulations

Public use of certain reservoir areas; use of boats... 13280

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Airworthiness directives:
Allison-Aero Products propellers... 13268
British Aircraft Corp. Model BAC 1-11 200 and 400 Series airplanes... 13269
Control zone; alteration... 13269
Federal airway; revocation... 13272
Positive control area; alteration... 13270
Transition areas; designations (2 documents)... 13269, 13270
Transport category airplanes; crashworthiness and passenger evacuation standards... 13255

Proposed Rule Making

Control zone and transition area; alteration... 13293
Federal airways; alteration... 13294
Transition area; designation... 13293

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

Domestic public radio services other than maritime mobile; license periods... 13281

Proposed Rule Making

Radio transmitters; measurement of output power... 13294
Television broadcast stations; table of assignments, Winona, Minn... 13294

Notices

Hearings, etc.:

Great River Broadcasting, Inc., et al... 13300
Malrite, Inc., and Philip Y. Hahn, Jr... 13300
Smith, E. O. (KRDS)... 13301

FEDERAL HIGHWAY ADMINISTRATION

Rules and Regulations

Cooperative agreements with States... 13283

FEDERAL MARITIME COMMISSION

Notices

American Ensign Van Service, Inc., et al.; agreement filed for approval... 13301

FEDERAL POWER COMMISSION

Notices

Elliott Production Co.; hearing, etc... 13301

FEDERAL TRADE COMMISSION

Rules and Regulations

Standards of conduct... 13272

FISH AND WILDLIFE SERVICE

Rules and Regulations

Hunting on certain national wildlife refuges:
Illinois and certain other States... 13284
Oklahoma... 13286
Oregon (3 documents)... 13285, 13286
Washington (3 documents)... 13286, 13287

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Federal Food, Drug, and Cosmetic Act and Fair Packaging and Labeling Act, enforcement regulations; ruling on objections... 13276
Oxytetracycline; moisture content... 13279
Pesticide chemical tolerances; requirements regarding certain tests... 13278

Notices

Union Carbide Corp.; pesticide petition... 13299

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration.

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Land Management Bureau; National Park Service.

Notices

Central and field organization; Regional Coordinators—Program Support Staff... 13298
Report of appointment and statement of financial interests; Patrick N. Griffin... 13298

INTERNAL REVENUE SERVICE

Proposed Rule Making

Income tax; investment companies... 13288

(Continued on next page)

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11372

DESIGNATING THE LAKE ONTARIO CLAIMS TRIBUNAL AS A PUBLIC INTERNATIONAL ORGANIZATION ENTITLED TO ENJOY CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES

By virtue of the authority vested in me by section 1 of the International Organizations Immunities Act (59 Stat. 669; 22 U.S.C. 288), and having found that the United States participates in the Lake Ontario Claims Tribunal pursuant to the Agreement with Canada Concerning the Establishment of an International Arbitral Tribunal to Dispose of United States Claims Relating to Gut Dam, March 25, 1965, TIAS 6114, I hereby designate the Lake Ontario Claims Tribunal as a public international organization entitled to enjoy the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act.



THE WHITE HOUSE,
September 18, 1967.

[F.R. Doc. 67-11113; Filed, Sept. 18, 1967; 4:31 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

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

PART 929—CRANBERRIES GROWN IN STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

Expenses and Rate of Assessment, Carryover of Unexpended Funds, and Handler Reports

Notice was published in the August 31, 1967, issue of the FEDERAL REGISTER (32 F.R. 12621) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the fiscal period beginning August 1, 1967, and ending July 31, 1968, carryover of unexpended funds, and handler reports, pursuant to the marketing agreement, as amended and Order No. 929, as amended (7 CFR Part 929), regulating the handling of cranberries. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

After consideration of all relevant matter presented, including the proposals which were submitted by the Cranberry Marketing Committee (established pursuant to the amended marketing agreement and order) and set forth in the aforesaid notice, and other available information, it is hereby found and determined that:

A. Section 929.208 is added to read as follows:

§ 929.208 Expenses and rate of assessment.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Cranberry Marketing Committee during the fiscal period August 1, 1967, through July 31, 1968, in accordance with the marketing agreement, as amended, and this part, will amount to \$8,010.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 929.41, is fixed at one-half cent (\$0.005) per barrel of cranberries, or equivalent quantity of cranberries.

B. Section 929.105(b) is amended by deleting "and August 1, 1967." from the end thereof and substituting—August 1, 1967; November 1, 1967; February 1, 1968; May 1, 1968; and August 1, 1968."

As so amended, paragraph (b) reads as follows:

§ 929.105 Reporting.

(b) Certified reports shall be submitted to the committee by each handler not later than 10 days after each of the specified dates showing, for the preceding 3-month period, the total quantity of cranberries such handler acquired and the total quantity of cranberries such handler handled, and, as of the specified dates, the respective quantities of cranberries and cranberry products such handler had on hand: November 1, 1965; February 1, 1966; May 1, 1966; August 1, 1966; November 1, 1966; February 1, 1967; May 1, 1967; August 1, 1967; November 1, 1967; February 1, 1968; May 1, 1968; and August 1, 1968.

C. Paragraph (b) of § 929.204 is hereby deleted and a new paragraph (b) is inserted reading as follows:

§ 929.204 Reserve.

(b) Assessments collected for each of the fiscal periods ended July 31, 1963; July 31, 1965; July 31, 1966; and July 31, 1967, were in excess of expenses for such periods. The committee is hereby authorized to place excess funds in said reserve.

It is hereby found that good cause exists for not postponing the respective effective dates of § 929.208, and of the amendatory provisions of §§ 929.204 and 929.105 until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) With respect to § 929.208, the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable cranberries from the beginning of such year; (2) the current fiscal period began on August 1, 1967, and the rate of assessment herein fixed will automatically apply to all assessable cranberries beginning with such date; (3) with respect to the amendatory provisions of § 929.204, unexpended assessment funds are on hand and should be transferred to the reserve promptly to enable the committee to use such funds in accordance with § 929.42; (4) with respect to the amendatory provisions of § 929.105, the first certified report should be due from handlers not later than November 10, 1967, because the harvesting of a considerable portion of the crop from all areas will be completed by November 1, and data should be promptly compiled from such reports and made available to the industry by the committee to provide the first and timely information with respect to the total size of the crop, thus enabling the industry to more effectively plan the utilization thereof, and handlers should be given as much ad-

vance notice of such reporting requirement as possible; and (5) the reporting requirements do not require any special preparation on the part of handlers for compliance therewith which cannot be completed by the effective time thereof and no useful purpose would be served by postponing such time beyond the date of publication in the FEDERAL REGISTER.

(Secs. 1-19, 43 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated, September 15, 1967, with the amendatory provisions of §§ 929.105 and 929.204 to become effective upon publication in the FEDERAL REGISTER.

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

[F.R. Doc. 67-11633; Filed, Sept. 19, 1967; 3:46 a.m.]

PART 967—CELERY GROWN IN FLORIDA

Limitation of Shipments

Notice of the rule making with respect to a proposed limitation of shipments regulations to be made effective under Marketing Agreement No. 149 and Order No. 967 (7 CFR Part 967), herein referred to as the "order," regulating the handling of celery grown in Florida, was published in the FEDERAL REGISTER, July 28, 1967 (32 F.R. 11037). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than 15 days after publication.

An exception was filed requesting "that with or without the establishment of a reserve, the Secretary determine which Base Quantities are not being utilized and transfer an equitable part of such Base Quantities to 'the exceptor' so as to increase their Base Quantity 200,000 crates and and to grant 'the exceptor' such other and further relief as may be equitable in the premises."

The exceptor's view as to when Base Quantities are not being utilized does not conform to that contemplated by the order. Under the order, "non-use" is considered as applying only to a Base Quantity holder who neither grows any celery (and therefore had no celery produced to be handled under his Marketable Allotment) nor transfers his Marketable Allotment to another. No Base Quantity holder was in that category during the past season.

During the 1966-67 season, Base Quantity holders (and all transferees of Marketable Allotments) produced celery in excess of the Marketable Quantity (7,887,375 crates) but were unable to

market up to the full amount of the total Marketable Allotments due to depressed prices and had to abandon over 1,600 acres—approximately 1 million crates of celery. As against the Marketable Quantity of 7,887,375 crates of celery approximately 7.7 million crates were marketed. This is not a situation where enough celery was not produced for market.

Considering the large quantity of celery abandoned because of insufficient demand therefor, establishing a reserve under such conditions and assigning it to the exceptor as requested, would not increase the demand but would only tend to further reduce the available market for celery of other producers under their Marketable Allotments. Hence, no provision is made for a reserve for the 1967-68 season.

Based on the marketing policy of the Florida Celery Committee submitted for the 1967-68 marketing season, the committee recommended a Marketable Quantity in the amount of 7,887,375 crates—the same as for the 1966-67 season. In any event, as provided in § 967.35 of the order, the committee is required to review, prior to November 1, the marketing policy it had adopted for the 1967-68 season and, as changes are indicated, the committee may recommend appropriate revisions in the Marketable Quantity.

After consideration of all relevant matter presented including the proposals set forth in the aforesaid notice, the data, views, and recommendations of the Florida Celery Committee, the exceptions and comments that were submitted, and other available information, it is hereby found that the limitation of shipments regulation, as hereinafter set forth, including the establishment of Marketable Quantity and the determination of the Uniform Percentage, as provided in § 967.38(a), will tend to effectuate the declared policy of the act by maintaining orderly marketing conditions tending to increase returns to producers of such celery.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice was given of the proposed limitation of shipments set forth in this section through publicity in the production area and by prior publication in the FEDERAL REGISTER, (2) as provided in the order, this regulation applies to the handling of celery during the entire 1967-68 marketing year, which began August 1, 1967, and actual handling of harvested celery is not expected to begin until approximately the latter part of October, (3) prompt promulgation affords producers and handlers maximum time to plan their handling operations accordingly, and (4) compliance with this section will not require any special preparation on the part of handlers which cannot be completed prior to such handling.

It is, therefore, ordered as follows:

§ 967.303 Marketable quantity for 1967-68 season; uniform percentage; and limitation on handling.

(a) The Marketable Quantity for the 1967-68 season is established, pursuant to § 967.36(a), as 7,887,375 crates.

(b) As provided in § 967.38(a), the Uniform Percentage for the 1967-68 season is determined as 84.231 percent.

(c) During the season August 1, 1967, through July 31, 1968, no handler may handle, as provided in § 967.36(b)(1), any harvested celery unless it is within the Marketable Allotment for the producer of such celery.

(d) No reserve for Base Quantities for the 1967-68 season is established.

(e) Terms used herein shall have the same meaning as when used in the marketing agreement and order.

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

Dated: September 15, 1967.

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

[F.R. Doc. 67-11046; Filed, Sept. 19, 1967;
8:49 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Packers and Stockyards Administration, Department of Agriculture

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

Miscellaneous Amendments

On June 15, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 8621) concerning proposed amendments to §§ 201.10, 201.50, 201.52, 201.58, 201.61, and 201.71 of the regulations (9 CFR 201.10, 201.50, 201.52, 201.58, 201.61, and 201.71) under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.). Interested persons were given an opportunity to submit written data, views, and arguments with respect to the proposed amendments. After consideration of all relevant matters submitted by interested persons, §§ 201.50(b), 201.52, 201.58, and 201.71, Part 201, Chapter II, Title 9 of the Code of Federal Regulations are hereby amended to read as follows:

§ 201.50 Records; disposition.

(b) Every stockyard owner, market agency, dealer, or licensee may destroy or dispose of the following categories of records after they have been retained for a period of 2 full calendar years:

STOCKYARD OWNERS

All feed records.
Dipping and spraying orders.
Vaccinating and testing orders.
Orders for special services.

Routine correspondence.
Railroad advance charges.
Bills to commission firms and others.
Records of shipments by States and markets.
Deposit slips.
Bank statements.
Cancelled checks and drafts.
Check stubs.
Railroad in-bound records.
Truck-in receipt records.
Delivery records.
Yarding receipts.
Pass-out and delivery orders.
Truck shipping orders.
Railroad shipping orders.
Scale yarding records.
Scale tickets.
Scale test reports.

MARKET AGENCIES

Scale tickets.
Bills from stockyard company.
Bills for livestock purchased.
Gate tickets.
Routine correspondence.
Way-bills and truckers tickets.
Accounts of sales.
Accounts of purchases.
Bills and invoices to buyers.
Deposit slips.
Bank statements.
Cancelled checks and drafts.
Check stubs.
Scale test reports.

DEALERS

Bills from stockyard company.
Bills for livestock purchased.
Accounts of sales.
Routine correspondence.
Bills to purchasers.
Scale tickets.
Deposit slips.
Bank statements.
Cancelled checks and drafts.
Check stubs.
Scale test reports.

LICENSEES

(COMMISSION MERCHANTS)

Invoice or receiving tickets.
Scale tickets—Charge tickets.
Accounts of sales.
Deposit slips.
Bank statements.
Cancelled checks and drafts.
Check stubs.
Bills to purchasers.
Lists of accounts receivable.
Routine correspondence.
Sales tickets.
Scale test reports.

(DEALERS)

Purchase statements to shippers.
Contracts with shippers.
Bills from receivers.
Deposit slips.
Bank statements.
Cancelled checks and drafts.
Check stubs.
Sales tickets—Charge tickets.
Routine correspondence.
Scale tickets.
Scale test reports.

§ 201.52 Information as to sales on commission or agency basis not to be furnished to unauthorized parties.

No market agency or licensee, in connection with the sale of livestock or live poultry on a commission or agency basis, shall give to any person, except a person authorized by the Administrator to obtain such information or a person who

has a financial interest in the consignment or a statement in writing from the owner thereof authorizing the market agency or licensee to furnish such information, any copy of an account of sale or other paper or information which will reveal to such person information relating to the price at which livestock or live poultry was sold or the amount of the net proceeds thereof remitted to the owner or consignor: *Provided, however*, That this shall not prevent a market agency or licensee from furnishing to any person, hauling livestock or live poultry for hire, information as to the weight of such livestock or live poultry in order that such person may have the necessary facts on which to base his hauling charges: *And provided further*, That this shall not prevent a market agency or licensee from giving to recognized market news reporting services such information as may be necessary to enable such reporting services to furnish the public with market news data: *And provided further*, That this shall not prevent a market agency or licensee from giving to any agency of the Government (Federal, State, or local) such information or records as are described herein.

§ 201.58 Sales to be made openly and in a manner to promote interests of consignors and not conditioned on sales of other consignments.

Every market agency and licensee engaged in the business of selling livestock or live poultry on a commission or agency basis shall sell the livestock or live poultry consigned to it openly, at the highest available bid, and in such manner as to best promote the interests of the consignors. The market agency or licensee shall sell each consignment of livestock or live poultry on its merits, and shall not make the sale of one consignment of livestock or live poultry conditional on the sale of another and different consignment of livestock or live poultry: *Provided*, That this shall not prohibit the sale in graded lots of livestock or live poultry belonging to different consignors who have consented thereto. In such cases, settlement shall be on the basis of the weight shown on the scale ticket issued at the time the consignor's livestock or live poultry is weighed.

§ 201.71 Accurate weights.

Each stockyard owner, market agency, dealer, or licensee who weighs livestock or live poultry shall install, maintain, and operate the scales used for such weighing so as to insure accurate weights. All livestock scales shall be equipped with a type-registering weigh-beam, a dial with a mechanical ticket printer, or a similar device which shall be used for printing or stamping the weight values on scale tickets.

Numerous objections were filed to the proposed amendments to §§ 201.10(d) and 201.61. In view of the statements and comments received from members of the livestock industry opposing the changes to these two sections, further consideration and study will be given to §§ 201.10(d) and 201.61.

(Sec. 407(a), 42 Stat. 169, as amended; 7 U.S.C. 228(a); 29 F.R. 16210, as amended and 32 F.R. 7189)

The amendments to §§ 201.50, 201.52, 201.58, and 201.71 shall become effective on October 20, 1967.

Done at Washington, D.C., this 13th day of September 1967.

GLENN G. BIERLIAN,
Acting Administrator, Packers
and Stockyards Administration.

[F.R. Doc. 67-11010; Filed, Sept. 19, 1967; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 7522; Amdt. 21-16, 25-15, 37-14, 121-30]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, SUPPLEMENT AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Crashworthiness and Passenger Evacuation Standards; Transport Category Airplanes

The purpose of these amendments is to improve the emergency evacuation equipment requirements and operating procedures for transport category airplanes.

These amendments are based on a notice of proposed rule making (31 F.R. 10275, July 29, 1966), circulated as Notice No. 66-26 dated July 26, 1966, and on a supplement to notice of proposed rule making (31 F.R. 11725, Sept. 7, 1966), circulated as Notice No. 66-26A dated September 2, 1966.

Numerous comments were received in response to Notice 66-26 and supplemental Notice 66-26A. Based upon these comments and upon review within the FAA, a number of changes have been made to the proposed rule. Most of these changes involve rewording and reorganization for greater clarity and consistency. However, certain substantive changes have been made to the proposed regulation that do not require compliance for periods of from 1 to 2 years. While all but a few of these changes fall within the scope of Notices 66-26 and 66-26A, interested persons have not been given the opportunity to comment on the details of the requirements. The issuance of a supplemental notice of proposed rule making to solicit comments upon these was considered.

However, comments from the public on the original notices and from within the FAA indicated that the further delays attendant to this course of action would not be in the best interest of those concerned. Consequently, the FAA is issuing a final rule to allow the persons affected by these regulations to proceed with the certification or retrofitting of their airplanes without further delay. Thereafter, the FAA will consider comments on the changes referred to above received from interested persons on or before October 24, 1967, and may further amend the regulations in the light of these comments. The FAA believes that this course of action is justified and is in the best interest of the public.

The amendments incorporated herein are aimed at increasing substantially the probability of occupant survival in an aircraft accident. The FAA will consider additional revisions of the regulations, as advances in the state-of-the-art allow, in order to further increase that probability of survival. To this end, Government and industry development programs have been established to devise new techniques, designs, and equipment. In progress now are developments on: More effective self-extinguishing characteristics for aircraft interior materials; cabin fire suppressant systems; protection from smoke and fumes; gelled fuels; improved emergency lighting and exit conspicuity; and improved evacuation facilities and techniques.

The final amendments and the more pertinent of the comments received in response to the notices are set forth hereinafter.

PART 21

Sections 21.17 and 21.101 are amended as proposed to accommodate the special retroactive requirements incorporated by new § 25.2.

PART 25

Section 25.2. Of key importance in the notice was the provision relating to retroactivity. Proposed § 25.2 covered special requirements applicable to type certificates and to supplemental type certificates (or amended type certificates) involving increases in passenger seating capacity. There were numerous comments received with respect to this section as proposed and certain of the recommended changes have been adopted.

We agree with one recommendation that § 25.2 be changed to clarify the intent that insofar as supplemental type certificates and amendments to type certificates are concerned, the special requirements are applicable only when there is an increase in passenger seating capacity beyond that already approved under the terms of the basic type certificate. Section 25.2 has been amended accordingly.

The preamble to Notice 66-26 explained the intent to make all the proposed regulatory items applicable to airplanes for which an application for a type certificate is made after the effective date of the amendments and to airplanes for which type certificates are issued after

the effective date irrespective of the date of application. The same considerations would apply to supplemental type certificates, and amendments to type certificates, involving increases in passenger seating capacity and § 25.2 has been amended to make it clear that the provisions of this section will apply to any such certificate issued after the effective date of this amendment irrespective of the date of application.

It was suggested that because of necessary delays incidental to production engineering and tooling, certain of the regulations not become applicable until 18 months after the effective date of the amendment. The FAA agrees that there is a basis for an 18-month delay with respect to certain of the proposals in the notice. In this connection, we have determined that manufacturers who now have airplane type certification programs underway would be unreasonably burdened if certain of these rules (i.e., those which necessarily involve considerable engineering development and extensive changes in the type design) were to be made effective on the date of amendment as a condition for obtaining a type certificate, and that delaying their effectivity for 18 months would provide a measure of relief not inconsistent with the safety objectives of this rule-making action. Section 25.2 has accordingly been revised to segregate those regulations with which an applicant need not show compliance until 18 months after the effective date of the amendment.

Section 25.721(d). Several commentators recommended clarification of proposed § 25.721(d) with respect to the overloads and to the parts of the fuel system requiring protection. It is the intent of the section to ensure that no part of the fuel system, lines and tanks, located in the fuselage is likely to be damaged by failure of the landing gear due to overload in the vertical plane parallel to the longitudinal axis of the airplane. The proposal has been changed to reflect this intent. For the reasons set forth above, the effective date of this amendment has been postponed for 18 months.

Section 25.783. The purpose of the proposed changes to § 25.783 was to require that all passenger entrance doors in the side of the fuselage qualify as Type I or Type II passenger emergency exits. Two commentators read the proposed section as introducing substantive changes in the requirements for exits which are covered elsewhere in the regulations and stated that no explanation was given for amending the entire section. We agree with these comments to the extent that the present section should be retained with the addition of a new paragraph covering door requirements as necessary to make them emergency exits.

In connection with the foregoing, the substance of proposed § 25.783(a) has been added to presently effective § 25.783 as new paragraph (g). Moreover, in response to a recommendation, the doors to which the paragraph is applicable have been defined as "entry" doors. With reference to the integral stair, objections were made to the prohibition of any interference with emergency egress after

failure of the landing gear. We agree that the emphasis should be placed on ensuring egress. Interference to a degree that will not reduce the effectiveness of emergency egress should not prevent approval of the integral stair, and the paragraph has been so revised. Finally, the proposal has been revised to state that the entry door may also qualify as a Type A emergency exit. The introduction of the Type A exit in this amendment is discussed below in connection with § 25.807.

Section 25.785(c). Various comments on the proposed requirements applicable to sideward facing seats in § 25.785(c) indicated general belief that they were overly strict inasmuch as provision for only one method of compliance was made. The FAA agrees with the comments and has provided an alternative in the form of a safety belt and shoulder harness combination. The FAA also finds merit in a further suggestion that suitable protection may be afforded by energy-absorbing material such as honeycomb, even though it is noncushioned. Section 25.785(c) has been amended to allow the use of such material.

Section 25.803. The purpose of the proposed regulation is to provide for the emergency evacuation of every occupant of an airplane, whether crewmember or passenger. To clarify this aspect of the requirement proposed in § 25.803(c) and to make it consistent with the intent as expressed in the preamble to Notice 66-26 and with § 121.291, § 25.803(c) is amended to require demonstration of evacuation of the maximum number of airplane occupants, including crewmembers, within the given time limit. Since the number of crewmembers may vary, it is reasonably set for purposes of the test at the number required by the applicable operating rules.

In response to a recommendation that the rule state when the demonstration is considered completed, the first sentence of § 25.803(c) has been amended to state that the demonstration is complete when the occupants have been evacuated from the airplane to the ground. The regulation also makes it clear that evacuees using stands or ramps allowed at the wings are considered to be on the ground when they are on the stand or ramp, provided that the acceptance rate of the stand or ramp is no greater than the acceptance rate of the means available on the airplane for descent from the wing during an actual crash situation.

One commentator pointed out that although ventral and tail cone exits are proposed as passenger emergency exits in § 25.807, they are excluded in the evacuation demonstration required in proposed § 25.803(c). Ventral and tail cone exits were excluded purposely because there is insufficient service experience in the use of these exits as emergency exits. Until more data and experience are accumulated on the effectiveness of these new exit types, the FAA has determined it advisable to preclude their use in the evacuation demonstration. In addition, the FAA cannot accept a recommendation that a new evacuation demonstration be required for passenger

seating increases of 15 percent or more, rather than 5 percent as stated in the notice. The 5-percent variation will permit some flexibility, whereas any greater seating increase could reasonably be expected to involve additional exits and equipment, and changes in interior arrangement and should, therefore, require a new evacuation demonstration.

While there is no intent to require a manufacturer to simulate actual crash conditions as a part of his demonstration, nevertheless, a crash condition will be assumed to occur during takeoff. Section 25.803(c)(3) has, therefore, been changed to require that internal doors and curtains be in the configuration simulating normal takeoff. Also, § 25.803(c)(7) has been further amended to make it clear that it is the passengers rather than the crewmembers who may not have the benefit of prior practice or rehearsal in fulfilling the evacuation demonstration requirements.

In addition, some question has been raised as to whether the term "previously approved" referred to approval based on the actual demonstration. Since the proposal was concerned with the need for repeating the demonstration, it should be made clear that by "previously approved" the FAA meant by actual demonstration.

The FAA does not agree with the suggestions that emergency evacuation demonstrations be the sole responsibility of the air carriers or that the manufacturer be required to demonstrate evacuation under the same conditions now imposed on the operators under Part 121. The FAA believes that since the evacuation capability of an airplane, as defined in this regulation, depends to a large degree on the design of that airplane, it is fundamental to the type certification process to ensure that the airplane has the necessary evacuation capability for the maximum passenger capacity for which certification is sought. Furthermore, for the reasons set forth in the preamble to Notice 66-26, since a manufacturer will be demonstrating the basic capability of a new airplane type, it is not necessary that the demonstration be conducted under the detailed conditions regarding crewmember training, operating procedures and similar items that are of concern to an operator. Nor do we find any justification for a recommendation that evacuation times should vary depending on airplane ground attitude since there is no apparent correlation between the degree of evacuation urgency and airplane ground attitude. Likewise, as to the same commentator's recommendation that the manufacturer be permitted to use 50 percent of the exits rather than those on one side of the fuselage, the FAA believes that the language proposed is more appropriate for type certification since it would ensure evaluation of all the required type exits and emergency evacuation installations incorporated in the type design.

Various commentators objected to the proposed 90-second evacuation time. Some indicated it was too long, others that it was not long enough, while still

others took exception to any evacuation time requirement. In this matter, the basis for proposing a 90-second limit was covered in the preamble to Notice 66-26, and nothing has been presented in the comments that is persuasive of change. Numerous demonstrations by manufacturers and air carriers have indicated that the 90-second criterion is reasonable at the present, and 90-seconds as proposed is being retained. As evacuation system component and equipment advances permit reductions in evacuation time, the FAA will consider appropriate changes in the requirements.

The requirement for the designation of an escape route by a slip resistant surface as proposed in § 25.812 does not specify an emergency lighting requirement. Therefore, it is considered appropriate to transfer that requirement to § 25.803. In response to comments, the white color proposed for the slip resistant surface has been deleted since other colors can serve the purpose. Further, the rule has been amended to exclude flaps used as slides from the slip resistant surface requirement.

A recommendation that cabin inerting system requirements be added to § 25.803 in order to allow an increase in the evacuation time has not been adopted. Although such a system may have merit, studies, tests and evaluations will be necessary before such standards could be proposed.

Section 25.807. Although there was some concurrence, a majority of the comments received opposed the increase in Type I passenger emergency exit minimum height from 48 to 60 inches as proposed in § 25.807(a) (1). It was the position of those not favoring the change that evacuation effectiveness is not improved with the increased height. In this connection, recent FAA test data likewise indicates that the 60-inch door permits no material improvement in evacuation flow rates. Therefore, since the higher door has not been shown to improve the flow rate of the Type I exit and would cause an increased installation burden on the manufacturers, we believe it advisable to retain the 48-inch minimum Type I exit height currently specified in the regulations.

Section 25.807(a) (5) has been amended, in response to a recommendation for clarification of ventral exit definition, by stating that the "same rate of egress as a Type I exit" refers to a Type I exit with the airplane in the normal ground altitude with the landing gear extended. Likewise, following another recommendation, the definition of tail cone in § 25.807(a) (6) has been broadened to permit "openable" designs rather than "detachable" as proposed.

A number of commentators objected to the emergency exit distribution requirements proposed in § 25.807(c). The FAA agrees that the notice stated an unnecessarily inflexible requirement for multiple floor level exit locations at each end of the cabin and this has been relaxed to allow locations near each end of the cabin. Moreover, when a design incorporates more than one floor level exit on each side of the fuselage, there

is some ambiguity as between proposed paragraph (c) and paragraphs (a) (1) and (2) of current § 25.807. We have, therefore, deleted the location requirement for the first Type I or Type II exit as stated in current § 25.807(a) (1) and (2) and substituted a similar requirement for the first floor level exit in § 25.807(c). Finally, as pointed out in the comments, the proposal did not provide for variations made necessary by cargo/passenger configurations and an exception to take care of such situations has been written into the regulation.

For the period of time since Notice 66-26 was published (over 1 year), the design-development of several large transport airplanes had indicated the desirability if not the necessity of incorporating doors whose width permits two-abreast evacuation. Under current regulations, a Type I exit need be only 24 inches wide. However, limited tests to date on an exit, designated the "Type A" emergency exit, measuring 42 by 76 inches, tend to establish that, subject to certain conditions, its evacuation rate materially exceeds the combined rate of two standard Type I exits. In connection with the foregoing, there is an industry recommendation that the rule being promulgated make provision for the "Type A" emergency exit under § 25.807(a).

In the light of recent developments relating to large airplanes, the FAA agrees that passenger emergency exit requirements should contain a standard for an exit larger than Type I. Accordingly, § 25.807 is amended to include a new standard for a "Type A" emergency exit. Although the tests previously mentioned were conducted with exits measuring 42 inches wide by 76 inches high, the FAA believes that a reduction in height from 76 to 72 inches would not have a significant effect on emergency evacuation rate. Any proposal to reduce further the exit opening size, however, would necessitate additional test data.

Section 25.807(c) (1) of the notice proposed the number and type of passenger emergency exits for passenger seating capacities up to 339. Industry response was to the effect that the combination of exit types was arbitrary and inconsistent with evacuation capabilities of the larger aircraft; that inadequate credit was allowed for Types II and IV exits, thereby tending to minimize the number of exits; and that the nonlinear assignment of exit credit versus the number of passengers was without sufficient justification. A major objection voiced was that for the new emergency exits being developed in connection with new transports, no credit was available for exits larger than Type I. One commentator recommended that the proposed table of passenger seating capacity versus required number and types of exits be deleted and that the table showing increases in passenger capacity for each type exit be amended to allow credit for Types A, III, and IV and increases for Types I and II from that proposed in the notice. Another commentator recommended retention of the present table of § 25.803(c)(1) as adequate for pres-

ent size aircraft and pointed out that the proposed table did not reflect proper credit for new double size exits being designed for new large aircraft.

The FAA does not agree that the table in current § 25.807(c)(1) should be deleted in its entirety inasmuch as the current version represents many years experience with passenger configurations up to the 179-passenger limit. However, it has subsequently been determined that there is not sufficient justification for extending the table to 339 passengers. Accordingly, the current table in § 25.807(c)(1) is being retained for seating capacities up through 179 passengers. In addition, the provision set forth in current § 25.807(c)(4) is being retained to permit the passenger emergency exit relationship to be increased by not more than 10 passengers for slides, but has been restricted to airplanes having a passenger seating capacity of 189 or less.

In order to meet the industry request for more flexible and realistic standards for the individual exit types, we have amended the table in § 25.807(c)(4) to credit evacuation capability of 100 passengers for each pair of Type A exits, to increase to 45 and 40 passengers, respectively, the credit for Types I and II exits, and to give a credit of 35 passengers for Type III exits. Furthermore, in keeping with the intent of the notice that airplanes having passenger seating capacities more than 299 use only the two largest size exits, we have included the requirement that emergency exits be either Type A or Type I on airplanes having passenger capacities in excess of 299. The proposal would have permitted the use of Type I and Type II combination exit arrangement for passenger capacities between 300 and 339. This was based on the fact that the Type II exit required in the notice had to be both floor level and overwing. Since the final rule retains the current requirements for Type II, which are less severe in these respects, the passenger credit for Type II exits above a passenger capacity of 299 has been deleted.

The 100-passenger increase in seating capacity allowed per pair of Type A exits is based on tests conducted to date using both overwing and non-overwing exits. The value of 100 is conservatively set at 85 percent of the test evacuation capacity of the non-overwing type and is considered acceptable for all Type A exits inasmuch as the rate of evacuation of the overwing type exit, established by tests, exceeds that of the non-overwing exit. In connection with the overwing exit, however, the tests were conducted using self-supporting and automatically deployed devices to assist evacuees in reaching the wing surface. Therefore, to ensure that overwing exits having step-down distances are as effective as non-overwing exits, standards have been added relating to assist devices at such overwing exits.

The significant factor in achieving the Type A egress rate, is an adequate flow of passengers to the exit. Certain design features, other than the mere size of the exit, must, therefore, be incorporated in order to realize the effectiveness of the

exit. In concept, the Type A exit is a system rather than a mere opening. Configuration requirements are therefore set forth, as part of the Type A exit system, concerning, among other things number, location and size of aisles, and passageways, and exterior slides.

Questions on proposed § 25.807(c) (3) (now § 25.807(c) (6)) indicated that it was unclear as to what was meant by the phrase "usable following the collapse of one or more legs of the landing gear". The intent of the requirement was to cover the situation of reduced exit effectiveness due to some restriction that would affect egress after the gear failure. The key condition for which usability is required is the critical fuselage attitude after gear failure. The paragraph has been amended, therefore, to make it clear that usability must relate to the airplane in the most adverse exit opening condition following collapse of one or more legs of the landing gear. Our further evaluation indicates that in going from gear normal attitude to critical gear failure attitude, it would be reasonable to specify, as the criterion of usability, that the tail cone or ventral exit must have a rate of egress at least equivalent to that of a Type III exit.

The passenger credit in proposed § 25.807(c) (3) (ii) (now § 25.807(c) (6) (ii)) was predicated on a tail cone exit incorporating, among other things, a Type I size opening 60 inches in height. As discussed previously, however, the Type I height is being retained at 48 inches. Since it is necessary to maintain a walkthrough from the pressure shell to the emergency exit, the 60-inch height must be retained. Section 25.807(c) (6) (ii), therefore, contains the actual dimensions of the required opening in the pressure shell rather than specifying a Type I size opening. A similar situation exists in connection with the proposed requirements for a tail cone exit incorporating a Type III size opening. Again, the intent is that an evacuee be forced to bend over the least to get through the opening so that there is minimum impedance to flow. Accordingly, to preclude floor level Type III size openings and to assure a minimum height, § 25.807(c) (6) (iii) requires that the top of the opening be not less than 56 inches from the passenger compartment floor.

Pointing out that for a tail cone exit incorporating a Type I opening, the rate of egress is at least equivalent to a side mounted Type I exit and that a passenger's ability to mount the slide is enhanced because he doesn't have to clear the exit at the same time, one commentator expressed the belief that the 20-passenger credit in proposed § 25.807(c) (3) was unduly restrictive and unrealistic. Inasmuch as recent tests have substantiated higher egress rates and studies have indicated the reduced vulnerability of the tail cone to obstructions resulting from crash damage or hazards due to wing tank fuel fires, the FAA agrees that the 20-passenger credit is conservative. We believe that the reduced vulnerability of the tail cone exit offsets the fact that there is no requirement for

a "back-up" exit and that the passenger credit factor may be approximately the same as for the Type I side mounted exit. Based on the foregoing considerations, the FAA believes it appropriate to increase the passenger credit of proposed § 25.807(c) (3) (ii) (now § 25.807(c) (6) (ii)) from 20 to 25. Likewise, in connection with ventral exits, a credit for 10 passengers appears conservative. Since the FAA has previously allowed credit for 12 passengers by way of exemption, proposed § 25.807(c) (3) (i) (now § 25.807(c) (6) (i)) is relaxed to allow that higher number.

The FAA agrees with comments as to the impracticability of attempting to regulate, in general, those situations in which the location of the wing does not allow the installation of overwing exits. Each case must be governed by its own special considerations. It would appear that proposed § 25.807(c) (5) could be unnecessarily burdensome if not impossible of accomplishment where the smaller transports are involved. Therefore, the current requirement of § 25.807(c) (5) has been retained and designated as § 25.807(c) (7).

The proposed requirement in § 25.807(c) (4) (now § 25.807(c) (8)) concerning emergency exits in excess of the minimum number of required emergency exits, has been retained. The comments did not present sufficient supporting data to justify deleting this requirement.

As proposed, § 25.807(d) (1) (ii) retained the ditching exit requirements of the like-numbered present regulation governing the minimum size opening for airplanes with a passenger seating capacity of 11 or more. The proposal, furthermore, deleted the § 25.807(d) (3) equivalency provision that permitted substitution of two Type IV exits for each Type III exit. Objections were stated to both the foregoing provisions in that they did not give credit for the new larger Type A exits while at the other extreme, small diameter fuselages may not accommodate openings as large as Type III. While we do not agree that there is sufficient basis to establish a specific passenger ditching credit for the new Type A exit, the FAA believes the regulation as proposed may be broadened to make provision for credit in excess of 35 passengers in a case where the large exits and other improved designs are shown to have better capabilities. However, in view of the changes being made to § 25.807(c), there is no longer any basis for prohibiting the Type IV as a ditching exit.

One commentator suggested that in a case where a high wing airplane sinks to wing level, egress through a Type III size overhead hatch is much more difficult than through a Type I or Type II size opening. In this connection, however, the FAA is not aware of any unsatisfactory service experience with the present requirements. Furthermore, it would appear that requirements for overhead Type I or Type II size hatches would impose difficult if not impossible design limitations in small airplanes. Although the FAA finds no basis for amending requirements as to the size of overhead hatches,

the FAA believes that in the light of increasing fuselage sizes, the implicit requirement of accessibility should be clarified. Section 25.807(d) is, therefore, amended to require readily accessible overhead hatches.

Section 25.809. In accordance with recommendations received in response to the notice, proposed § 25.809(f) has been revised to provide for assist means that are erected by means other than by inflation. However, for lack of supporting data to justify such a change, the requirement that the assisting means must be automatically erected has not been deleted as requested by some commentators. The proposal set forth in § 25.809(h) has been changed to make it clear that an assist means must be provided if the trailing edge of the flaps is more than 6 feet above the ground or if the wing is more than 6 feet above the ground and the flaps are unsuitable as a slide. A suggestion was made that the slide specified in § 25.809 should be referred to as "rigid type" slide. This suggestion has not been adopted since requiring a "rigid type" slide could be construed as requiring a device that is not collapsible.

Section 25.811. With respect to requirements of § 25.811 concerning emergency exit markings, some comments indicated that strobe lights should be installed to assist in locating exits. Other comments pointed out the disadvantages associated with the use of strobe lights and suggested a thorough check of such lights prior to any implementation for use with emergency exits. The FAA believes that a mandatory requirement for strobe lights would be premature. However, the FAA believes that perhaps strobe light designs could be devised for complying with the requirement in § 25.811(c) under conditions of dense smoke. Each such design would have to be thoroughly evaluated during the type certification of the airplane.

Comments were also received suggesting the use of signs incorporating arrows as emergency exit markings, and suggesting that exit signs at overwing exits should not be located at that portion of the window that would be removed in the case of an emergency. In this connection, it should be noted that both the current regulations and those set forth in his regulation permit the use of signs incorporating arrows. Moreover, § 25.811 as amended herein requires that exit signs be next to or above each passenger emergency exit. A suggested change to require that emergency exit instructions be painted on a transparent panel or glass panel backed by a panel illuminated to a brightness level of 3 to 4 foot-lamberts, has not been adopted. While this suggestion could be incorporated by any manufacturer, the commentator has presented no supporting data to justify such a change in the regulations and the FAA does not consider that such a requirement is necessary as a minimum standard.

Objections were received concerning the proposed change to the color contrast requirements of current § 25.811

(h). In this regard, the comments suggested that the time between the effective date of the current rule and Notice 66-26 was not sufficient to permit the necessary evaluation of the effectiveness of the current requirement. The FAA does not agree with this comment. Experience has shown that when the color reflectance is of a low value, it is possible to get a 3 to 1 ratio as currently prescribed and still not have adequate visual contrast between the colors.

Section 25.812. With respect to the requirements of proposed § 25.812, paragraph (b) has been revised in response to a comment, to make it clear that exit locating signs that are self-illuminated by other than electrical means as well as signs that are internally electrically illuminated may be used in meeting the requirements of that paragraph.

A suggestion was made that the emergency lighting requirements are unrealistic for small business jet aircraft and that aircraft certificated to carry 10 passengers or less should be exempt from certain requirements of § 25.812. The FAA does not agree with this comment. The emergency exit location and identification requirements are particularly important for the small business jets used as executive airplanes since the applicable operating rules do not require crew training in emergency evacuation procedures or a flight attendant or passenger briefing to assist in the evacuation of the passengers of such an airplane.

In response to comments objecting to the requirement for a brightness of at least 50 foot-lamberts, the FAA has decided to retain the current requirement for a brightness of 160 microlamberts. The FAA agrees that the matter of the brightness level for emergency exits requires further investigation before attempting to revise the present requirement.

In addition to the foregoing, the requirements set forth in proposed paragraphs (c) and (d) of § 25.812, have, for purposes of clarification, been incorporated into paragraph (b) of § 25.812.

Proposed paragraph (e) of § 25.812 has been redesignated as paragraph (c) and revised to read substantially the same as the present requirement in § 25.811(f), the only change being a definition of the main passenger aisle.

In response to comments, the requirement for at least 2 foot-candles illumination in proposed paragraph (f) (now paragraph (d)) has been deleted.

With respect to the proposed paragraph (g) of § 25.812 (now paragraph (e)), comments objected to the requirement for a cabin switch for the emergency lighting system as being unnecessary. In addition, it was believed that under such a proposal, inadvertent operation of the switch is possible and might be unavoidable. The FAA believes that for airplanes having flight attendants the switch in the passenger cabin serves a necessary function in the event that the flight crew forgot to arm, or inadvertently disarmed, the emergency lighting system. The possibility that the passenger cabin switch might be misused is

minimized by the requirement for a means to prevent inadvertent operation of the manual controls. The proposal has been changed to require a switch in the passenger cabin where such a switch is required by the operating rules. The rule has been clarified to provide for arming or turning on rather than switching on.

In paragraph (h) of § 25.812, the FAA proposed to require that exterior emergency lighting be provided at each overwing exit to illuminate the adjacent wing surface and the escape route from that exit. In addition, under paragraph (i), the FAA proposed to require that the means used to assist the occupants of an airplane in descending to the ground from overwing and non-overwing exits must be illuminated. Several commentators objected on the grounds that there was no indication as to the illumination level that would be required to meet these rules. Subsequent to the issuance of Notice 66-26, however, the SAE Committee A-20 conducted a series of lighting tests on the basis of which they recommended various emergency lighting intensities wherever exterior emergency lighting is required. These recommended illumination values have been generally accepted by the various segments of the industry and the FAA finds that the recommended illumination intensities provide an adequate level of illumination for the purpose of proposed paragraphs (h) and (i). For these reasons, and since the incorporation of the various levels of illumination into the regulation serves to clarify the requirement, the FAA considers it appropriate to change the proposal accordingly. In addition, the requirement that the escape route must be indicated by a white slip resistant surface has been changed to delete the color requirement and as revised, relocated in § 25.803(e). The requirement for automatic operation of the lights when the exit is opened has also been deleted. The proposed paragraphs (h) and (i) have been redesignated as paragraphs (f) and (g), respectively.

For the reasons set forth earlier in this preamble, the effective date of the requirements of paragraphs (f) and (g) of § 25.812, have been postponed for 18 months.

Numerous comments were received requesting clarification of the requirement proposed in § 25.812(i) for illumination of the means used to assist occupants in descending to the ground. In this connection, it was pointed out that the rule should permit the use of self-illuminated slides and should specify the amount of tape or ropes used as assist means that must be actually illuminated. The FAA agrees with the need for clarification and has changed the proposal to prescribe that the assist means must be externally illuminated or self-illuminated so that the deployed assist means is visible from the airplane. However, the FAA does not consider that it is necessary to require a specific light intensity on the assist means as long as it is visible from the airplane.

The requirements set forth in proposed paragraph (j) of § 25.812 (now paragraph (h)) have been revised to state a more realistic power requirement for emergency lights. In this connection, in response to various comments, the proposal has been amended to require that the energy supply provide the required level of illumination for at least 10 minutes at the critical ambient conditions after emergency landing.

Finally, there were various objections to the proposed paragraph (m) of § 25.812 (now paragraph (k)). The comments contend that as proposed, each light would require a separate power source and would impose penalties in terms of weight, cost, and complexity that would overshadow the benefits. The comments stated that a zone concept is employed in aircraft which should assure that a portion of the cabin lighting will remain operative following fuselage breakup. Moreover, they state that for larger airplanes it may be desirable if not imperative to have one battery serve a number of lights which are located in the general area of the battery and suggest the number of lights which might be lost due to crash damage should be in the order of 25 percent.

Upon reconsideration the FAA agrees that insofar as the proposal would have required that only those lights directly damaged by the fuselage breakup could be inoperative following the breakup, it stated an unnecessarily burdensome requirement. The FAA has subsequently determined through analysis that the zone concept for emergency lighting design is acceptable. However, the FAA recognized that in the case of aircraft utilizing the zone concept, lights in addition to those damaged by the fuselage breakup would be rendered inoperative by that breakup. On this basis, the FAA has revised the proposal to allow a lighting system in which up to 25 percent of the emergency lights, in addition to those directly damaged by the fuselage breakup, could be rendered inoperative after any single vertical separation of the fuselage. However, the revised requirement now states that the system must be so designed that certain important interior lights and certain exterior lights will remain operative after fuselage breakup.

Section 25.813. The FAA does not agree with the recommendation that the width of the passageway to Type II exits should be reduced or that the rule should permit certain obstructions. The current rules prescribe a 20-inch passageway and numerous evacuation demonstrations indicate that with all factors taken into consideration the 20-inch width is the minimum that can be accepted.

Comments took exception to the proposed § 25.813(c), contending that only the outboard seat need be limited as to seatback position insofar as obstruction to exits is concerned. Other comments stressed the increased accessibility of exits in smaller transports having a single seat on both sides of one aisle, and suggested that a different standard be made applicable to these. In the light

of these comments, the FAA has reconsidered § 25.813(c) and agrees that the proposal should be revised to require that the projected exit opening not be obstructed by the seatback of the seat in the outboard position. The "projected exit opening" referred to above and in the notice is the actual, rather than the minimum required opening and the paragraph has been further amended to make this clear. Moreover, the FAA agrees that less stringent requirements are appropriate for the smaller transport category airplanes and the proposal has been changed to retain the language of the current rule for airplanes having a maximum passenger seating capacity of 19 or less, to allow minor obstructions if compensatory factors are available to maintain the effectiveness of the exit.

No comments were received with respect to proposed § 28.815 and that section is adopted as proposed in the notice.

Several comments pointed out an ambiguity in proposed § 25.817 governing the number of seats abreast in airplanes having a single passenger aisle. It was the intent of the section to limit to three the number of seats in any one row on each side of the aisle. The section has been amended to make this clear.

Section 25.853. The notice proposed to require that all compartment interior materials under § 25.853, without exception, meet certain self-extinguishing criteria, involving short flame times and burn lengths after removal of the ignition source. Many comments from industry have shown that materials that will meet these criteria are not commercially available at present in quantities suitable for aircraft production or with characteristics compatible with the production of aircraft. These comments have shown that the best available materials for interior wall panels, interior ceiling panels, structural flooring, baggage racks, partitions, draperies, thermal insulation, and coated fabric insulation covering can be made self-extinguishing within average char lengths of 8 inches when tested vertically and 4 inches when tested horizontally, under established test conditions. These comments also have shown that "flame resistance" is an adequate standard for other materials, such as floor coverings, upholstery and its covering, webbing, transparencies, window shades, thermoplastic trim, seat cushion foam, furnishing, and seals. The proposed standards have been amended accordingly in § 25.853 (a) and (b).

One commentator noted that the proposed test procedures of § 25.853 were appropriate only for cloth materials and asked for clarification with respect to glazing materials. Another commentator submitted an alternate test procedure as equivalent to the procedure proposed. In the light of these comments the FAA has reviewed the proposal and agrees that the test criteria should extend to other materials. Furthermore, with some modification, the recommended test procedure is suitable for all materials. Accordingly, Part 25 has been amended by adding a new Appendix F containing an acceptable test procedure for showing

compliance with section 25.853. Section 25.853 has been amended to allow the use of this test procedure as an alternative to that proposed in the notice.

Several comments urged upgrading of the standards, maximum use of materials such as glass fiber products, and development of materials that minimize the production of noxious smoke and gas when burned. The FAA agrees that continual upgrading of the standards for fire protection of compartment interior is necessary to make the maximum possible use of the best interior materials as they become commercially available and to encourage the development of such materials. To this end, the standards in amended § 25.853 (a) and (b) are believed to represent the most advanced technology now available in this design area.

Section 25.855. The notice proposed to amend § 25.855(a) to require that all cargo and baggage compartment materials must meet the test criteria in proposed § 25.853(a). As discussed above, those proposed test criteria have been altered to reflect the current state of the art in interior materials design. As further stated above, "flame resistant" is the standard now commercially feasible for the materials used in certain applications as covered in § 25.853(b). Therefore, § 25.855(a) as amended requires that the materials used in the baggage and cargo compartments at least meet the requirement of either paragraph (a) or (b) of § 25.853, depending upon the application of the materials.

Section 25.993. The notice proposed to add a new § 25.993(f) providing that each fuel line within the fuselage must be designed and installed to allow a reasonable degree of deformation and stretching without failure or leakage, and must be enclosed in a shroud.

Several comments concerned the requirement for a shroud. However, this amendment omits such a requirement since a shroud is a device that protects against the effects of leakage rather than a device that prevents leakage. Leakage prevention is the object of this amendment. The need for a shroud should be determined, in each case, under the flammable fluid fire protection requirements of § 25.863.

One comment suggested that the proposal should be applied only to fuel lines within occupied and cargo compartments. Another comment suggested that the proposal should apply only to lines within the pressurized section of the fuselage. These comments are not accepted since fuel lines passing from the fuel tanks through any portion of the fuselage to the engines should be evaluated for leakage security.

This amendment specifies only "leakage" rather than "failure or leakage". Failures other than those that cause leakage, such as those that cause fuel stoppage only, are not the subject of this amendment.

Section 25.1359. The notice proposed to add a new § 25.1359(c) to require that electrical cables must be isolated from flammable fluid lines and must be

shrouded in insulated, flexible conduit to allow a reasonable degree of deformation and stretching without failure.

One comment suggested further limitation of the proposal to main power leads only, stating that the shroud should be separate from the usual insulating cover, and stating that the proposal should apply only to cables in the vicinity of flammable fluid lines. Limitation to main power cables, including generator cables, expresses the intent of the notice and is adopted. Limitation to cables in the vicinity of flammable fluid lines is not necessary in addition to the isolation requirement since a cable not in the vicinity of a fuel line would meet the isolation condition.

One comment suggested that the cable shrouds should be in addition to the normal insulation cover and separate from the cable itself. This characteristic is a part of any main cable now used in aircraft, and was within the intent of the notice. However, this suggestion may result in clarification and is therefore accepted.

PART 37

The notice proposed to amend § 37.132, Safety Belts, TSO-C22e, § 37.136, Aircraft Seats, and Berths, TSO-C39, and § 37.178, Individual Flotation Devices, TSO-C72a to require compliance with test criteria in proposed § 25.853(a). All of the articles covered in these TSO's incorporate materials now covered by § 25.853(b). Since the standard and test procedure now applicable to materials covered by § 25.853(b) are the same as that currently applicable to the materials used in the manufacture of the articles under the referenced TSO's, it is not necessary to cross reference § 25.853 in the TSO's and the proposal is withdrawn.

Section 37.175. The notice proposed to amend § 37.175, Emergency Evacuation Slides, TSO-C69, to require that new models of such equipment must be able to be fully inflated in not more than 10 seconds after activation of the inflation means. One comment suggested that full inflation within the prescribed time limit is not essential if the slide can serve its evacuation function when less than fully inflated and suggested that the regulation should not require full inflation. While the FAA is aware that a slide may be capable of receiving an evacuee prior to the 10 seconds time limit specified in the proposal, the requirement for full inflation in 10 seconds is a design requirement considered by the FAA as necessary to ensure that the slide will provide its maximum support capability within an established period. Moreover, this regulation would not prohibit the use of a slide prior to the time it became fully inflated. The proposal has not, therefore, been changed as suggested.

In accordance with the proposal, the Applicability provision in § 37.175 has been amended to state that new models of slides manufactured after the effective date of this amendment must be designed so as to be fully inflated in not more than 10 seconds after activation of the inflation means.

PART 121

General. As discussed in the beginning of this preamble, substantive changes have been made in some amendments which, for the most part, have a postponed applicability date. As previously indicated, interested persons may submit comments on these changes.

Due to the length of time that will be necessary for the extensive retrofitting required by these amendments and the time that has passed since publication of the notice, most of the applicable dates of the new equipment provisions have been extended to October 1, 1969.

Certain existing provisions in Part 121 have been deleted since they are no longer applicable. These are §§ 121.309 (f), (g), and (h) and § 121.319. In addition, the provisions of § 121.310(h) have been transferred to § 121.309(f). Appendix D to Part 121 has been reorganized and clarified in line with existing FAA interpretations. The applicability dates in the various paragraphs of § 121.310 have been deleted and, where appropriate under these amendments, new dates have been added.

Section 121.291. *Demonstration of emergency evacuation procedures:* The comments generally agreed with the proposed reduction of time to 90 seconds that will be possible with the new equipment required by these amendments. As provided in the notice, this section will not require redemonstration, except under the stated conditions, by operators who have already met the 2-minute minimum. Due to some confusion over the meaning of the term "previously approved" in § 121.291(a) (2), this section has been changed to make it clear that the 5-percent increase is determined from the passenger seating capacity for which a successful demonstration has been conducted.

The preamble to the notice stated that demonstrations to meet the 90-second maximum would not be required except in one of the three situations set forth in this section. However, the notice did propose to require a demonstration meeting the 90-second maximum in those three situations even though the new equipment upon which the reduction was predicated was not required to be installed for 2 years. The FAA has determined that this demonstration requirement could prove to be an undue burden on a certificate holder initially introducing an airplane type certificated under rules that did not prescribe this new equipment. Consequently, until the new equipment is required, the 2-minute maximum is retained for airplanes that are being initially introduced without such equipment.

Section 121.310(a). *Means for emergency evacuation.* The comments on this section suggested that "inflatable" slides may not be feasible on some airplanes. Therefore, § 25.809(f) (1) has been changed to require that the slides be "erectable" rather than "inflatable". Since it was also indicated that it would take several years to install these slides and that the automatic deployment feature has not been developed for some

types of floor level exits, the applicable date of this paragraph has been extended to October 1, 1969.

Section 121.310(d). *Interior emergency light operation.* It was not intended that the interior emergency lights be actually turned on during taxiing, takeoff, and landing, but only that they be activated to the extent that they will become lighted as soon as the airplane's normal electrical power is interrupted. The requirement has been clarified in this respect and has otherwise been modified as previously discussed under § 25.812(e).

Section 121.310(f) (3). *Emergency exit access.* As proposed in the notice, the provisions allowing minor obstructions have been deleted except (as discussed under § 25.813(c) above) with respect to certain smaller airplanes. In addition, for the reasons also discussed under § 25.813(c) above, a provision has been added to prohibit obstruction of the projected exit opening by outboard seat backs adjacent to Type III and Type IV exits. Although this latter requirement was not specifically detailed in the notice, the FAA believes that it is in the interest of safety that it be adopted now. Since a compliance date has been established 1 year after the effective date of this amendment, interested persons may (as indicated previously in this preamble) submit comments on these provisions to the FAA.

Section 121.310(g). *Exterior exit markings.* The change in this paragraph was proposed because the present requirement for a reflectance ratio of 3:1 has not proven practical, particularly with respect to colors of very low reflectance. Two comments noted that the present regulation has been effective for only a short time and questioned the propriety of changes at this time. However, the necessity for the proposed revisions is readily apparent. A darker color with a reflectance of 5 percent required a lighter color with a reflectance of only 15 percent. This 10 percent difference does not provide adequate visual contrast. However, at a reflectance of 30 percent for the darker color, the lighter color is required to have a reflectance of 90 percent, which is more than is necessary for adequate visual contrast. For these reasons, the proposal is adopted without substantive change. Since this requirement need only be complied with by October 1, 1969, or when the markings are repainted, whichever occurs first, it does not present an unreasonable burden.

Section 121.310(h). *Exterior emergency lighting and escape routes.* This section incorporates § 25.812(f) which has been rewritten from the proposal in the notice. A discussion of the changes is contained in the portion of the preamble on this section. Since the provisions on the slip resistant escape route have been transferred to § 25.803(e), this section is also incorporated.

Section 121.310(i). *Other floor level exits.* This paragraph was presented as paragraph (k) in the notice and is adopted without substantive change.

Section 121.310(j). *Additional emergency exits.* The objective of this provision was to assure that all installed and

approved emergency exits, irrespective of whether they were in excess of the required number, would be fully equipped and available for use in an emergency evacuation. However, it was pointed out in the comments that this would tend to penalize operators who provided extra exits since it could cause removal of some passenger seats. To avoid this problem while still maintaining the efficacy of these exits, it has been decided that instead of meeting the specific access requirements of § 121.310(f) (1), (2), and (3), they must be readily accessible to the passengers in addition to meeting the other provisions of this section.

Section 121.311 (c) and (d). *Sideward facing seats and placing of seat backs in the upright position.* The proposal relating to sideward facing seats is adopted with two minor changes in the Part 25 provisions that is incorporated by reference in this paragraph. The alternative of a shoulder harness is added and the term "cushioned" is changed to "energy-absorbing" to allow more flexibility in the type of protection that must be provided.

As proposed in the notice, the requirement that during taxiing, takeoff, and landing each seatback must be in the upright position was addressed to seatbacks affecting access to Type III and Type IV exits. The FAA now believes that notwithstanding the limited scope of the proposal in the notice, it is essential for the safety of passengers in a crash situation that during taxiing, takeoff, and landing, each passenger seatback in the airplane must be in the upright position. In adopting this requirement a provision specifically requiring passengers to comply with appropriate crewmember instructions has been included.

Section 121.312. *Materials for compartment interiors.* The notice proposed to add a new requirement that after June 30, 1968, all replacement materials used in passenger or crew compartments would have to meet the new requirements proposed for § 25.853. As discussed above, the proposed requirements for § 25.853 have been revised in this amendment. In addition, several comments pointed out that the replacement requirement as proposed for Part 121 could necessitate impractical and sometimes useless patching with new materials when making small repairs to existing cabin interiors. Since FAA's intent was to require the complete upgrading of existing cabin interiors, the rule as adopted (§ 121.312) requires that after October 24, 1968, upon the first major overhaul of an aircraft cabin or refurbishing of the cabin interior there must be a complete replacement of all material with materials that meet § 25.853. In addition, the FAA will survey certificate holders to determine when the requirements of § 25.853 would be met for each airplane in their fleets. If the results of this survey indicate that this phased replacement program will not accomplish the desired upgrading of cabin interiors within a reasonable period of time, the FAA will consider separate rule making action to establish a specific cutoff date for accomplishing such replacement.

RULES AND REGULATIONS

Section 121.391. *Flight attendants.* After considering all of the comments submitted the FAA has decided to retain the limited deviation authority presently in § 121.391(b) rather than the one proposed in the notice. However, the additional limitation proposed in the notice prohibiting any operation with fewer flight attendants than the number used in emergency evacuation demonstrations under § 121.291 is being retained.

Section 121.571(b). *Passenger briefing cards.* Several comments were of the opinion that distributing cards to each passenger was impractical and would add very little to the oral briefing. There is also an FAA study in progress to determine better methods of informing passengers on emergency exists. In view of these facts, the requirement for distributing the briefing cards has been deleted from this amendment.

Section 121.589. *Carry-on baggage.* The provisions of this new section have been revised and clarified to permit more effective enforcement. The prohibition against carrying articles of baggage aboard that could slide out from under seats in the event of a crash has been postponed in order to allow installation of a means of securing them. One comment indicated that it would take several years to equip all existing seats in this manner. However, the FAA believes that such an installation will be relatively simple and can be accomplished in a much shorter period of time.

Appendix D. The changes proposed in the notice and other existing FAA interpretations (see for example item 20) are incorporated in paragraph (a) and, in addition, the paragraph is reorganized and reworded for greater clarity.

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

(Secs. 313(a), 601, 603, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, and 1424))

In consideration of the foregoing, Parts 21, 25, 37, and 121 of the Federal Aviation Regulations are amended effective October 24, 1967, as follows:

1. Section 21.17(a) is amended to read as follows:

§ 21.17 Designation of applicable regulations.

(a) Except as provided in § 25.2 of this chapter, an applicant for a type certificate (other than for restricted category, import, or surplus military, aircraft) must show that the aircraft, aircraft engine, or propeller concerned meets the applicable requirements of this subchapter that are effective on the date of application for that certificate, unless—

- (1) Otherwise specified by the Administrator; or
- (2) Compliance with later effective amendments is elected or required under this section.

2. The introductory statement in § 21.101(a) is amended to read as follows:

§ 21.101 Designation of applicable regulations.

(a) Except as provided in § 25.2 of this chapter, an applicant for a change to type certificate must comply with either—

- (1) The regulations incorporated by reference in the type certificate; or
- (2) The applicable regulations in effect on the date of the application, plus any other amendments the Administrator finds to be directly related.

3. A new § 25.2 is added after § 25.1 to read as follows:

§ 25.2 Special retroactive requirements.

Notwithstanding §§ 21.17 and 21.101 of this chapter and irrespective of the date of applicant, each applicant for a type certificate and each applicant for a supplemental-type certificate (or an amendment to a type certificate) involving an increase in passenger seating capacity to a total greater than that for which the airplane has been type certificated, must show:

(a) After October 23, 1967, that the airplane concerned meets the requirements of §§ 25.783(g), 25.785(c), 25.803(b), (c), and (d), 25.807(a), 25.807(c), 25.807(d), 25.809(f) and (h), 25.811(a), (b), (d), (e), (f), and (g), 25.812(a)(1), (b), (c), (d), (e), (h), (i), (j), (k)(1), (k)(2), 25.813(a), (b), and (c), 25.815, 25.817, 25.853(a) and (b), 25.855(a), 25.993(f), 25.1359(c), in effect on October 24, 1967; and

(b) After April 24, 1969, that the airplane concerned meets the requirements of §§ 25.721(d), 25.803(e), 25.811(c), 25.812(a)(2), (b), (g), and (k)(3) in effect on October 24, 1967.

4. Section 25.721 is amended by adding a new paragraph (d) to read as follows:

§ 25.721 General.

(d) The main landing gear system must be designed so that if it fails due to overloads during takeoff and landing (assuming the overloads are in the vertical plane parallel to the longitudinal axis of the airplane), the failure mode is not likely to puncture any part of the fuel system in the fuselage.

5. Section 25.783 is amended by adding a new paragraph (g) to read as follows:

§ 25.783 Doors.

(g) Each passenger entry door in the side of the fuselage must qualify as a Type A, Type I, or Type II passenger emergency exit and must meet the requirements of §§ 25.807 through 25.813 that apply to that type of passenger emergency exit. If an integral stair is installed at such a passenger entry door, the stair must be designed so that when subjected to the inertia forces specified in § 25.561, and following the collapse of one or more legs of the landing gear, it will not interfere to an extent that will

reduce the effectiveness of emergency egress through the passenger entry door.

6. Section 25.785(c) is amended to read as follows:

§ 25.785 Seats, berths, safety belts, and harnesses.

(c) Each occupant of a sideward facing seat must be protected from head injury by a safety belt and an energy absorbing rest that will support the arms, shoulders, head, and spine, or by a safety belt and a shoulder harness that will prevent the head from contacting any injurious object. Each occupant of any other seat must be protected from head injury by—

(1) A safety belt and shoulder harness that will prevent the head from contacting any injurious object;

(2) A safety belt plus the elimination of any injurious object within striking radius of the head; or

(3) A safety belt and an energy absorbing rest that will support the arms, shoulders, head, and spine.

7. Section 25.803 is amended by amending paragraph (b) and by adding new paragraphs (c), (d), and (e) as follows:

§ 25.803 Emergency evacuation.

(b) Passenger ventral and tail cone, crew access, and service doors may be considered as emergency exits if they meet the applicable requirements of this section and §§ 25.805 through 25.813.

(c) Except as provided in paragraph (d) of this section, on airplanes having a seating capacity of more than 44 passengers, it must be shown by actual demonstration that the maximum seating capacity, including the number of crewmembers required by the operating rules, for which certification is requested can be evacuated from the airplane to the ground within 90 seconds. Evacuees using stands or ramps allowed by subparagraph (8) of this paragraph are considered to be on the ground when they are on the stand or ramp, provided that the acceptance rate of the stand or ramp is no greater than the acceptance rate of the means available on the airplane for descent from the wing during an actual crash situation. The demonstration must be conducted under the following conditions:

(1) It must be conducted either during the dark of the night or during daylight with the dark of the night simulated, utilizing only the emergency lighting system and utilizing only the emergency exits and emergency evacuation equipment on one side of the fuselage, with the airplane in the normal ground attitude, with landing gear extended.

(2) All emergency equipment must be installed in accordance with specified limitations of the equipment.

(3) Each external door and exit, and each internal door and curtain must be in a configuration to simulate a normal takeoff.

(4) Seat belts and shoulder harnesses (as required) must be fastened.

(5) A representative passenger load of persons in normal health must be used as follows:

- (i) At least 30 percent must be female.
- (ii) Approximately 5 percent must be over 60 years of age, with a proportionate number of females.
- (iii) At least 5 percent but no more than 10 percent must be children under 12 years of age, prorated through that age group.

(6) Persons who have knowledge of the operation of the exits and emergency equipment may be used to represent an air carrier crew. Such representative crewmembers must be in their seats assigned for takeoff and landing and none may be seated next to an emergency exit unless that seat is his assigned seat for takeoff. They must remain in their assigned seats until receiving the signal for the beginning of the demonstration.

(7) There can be no practice or rehearsal of the demonstration for the passengers except that they may be briefed as to the location of all emergency exits before the demonstration. However, no indication may be given of the particular exits to be used in the demonstration.

(8) Stands or ramps may be used for descent from the wing to the ground.

(9) All evacuees other than those using an overwing exit must leave the airplane by the means provided as part of the airplane's equipment.

(d) The emergency evacuation demonstration need not be repeated after a change in the interior arrangement of the airplane or an increase of not more than 5 percent in passenger seating capacity over that previously approved by actual demonstration, or both, if it can be substantiated by analysis, taking due account of the differences, that all the passengers for which the airplane is certificated can evacuate within 90 seconds.

(e) An escape route must be established from each overwing emergency exit, marked and (except for flap surfaces suitable as slides) covered with a slip resistant surface.

8. Section 25.807(a) is amended to read as follows:

§ 25.807 Passenger emergency exits.

(a) *Type and location.* For the purpose of this part, the types and locations of exits are as follows:

(1) *Type I.* This type must have a rectangular opening of not less than 24 inches wide by 48 inches high, with corner radii not greater than one-third the width of the exit. Type I exits must be floor level exits.

(2) *Type II.* This type must have a rectangular opening of not less than 20 inches wide by 44 inches high, with corner radii not greater than one-third the width of the exit. Type II exits must be floor level exits unless located over the wing, in which case they may not have a step-up inside the airplane of more than 10 inches nor a stepdown outside the airplane of more than 17 inches.

(3) *Type III.* This type must have a rectangular opening of not less than 20 inches wide by 36 inches high, with

corner radii not greater than one-third the width of the exit, located over the wing, with a step-up inside the airplane of not more than 20 inches and a stepdown outside the airplane of not more than 27 inches.

(4) *Type IV.* This type must have a rectangular opening of not less than 19 inches wide by 26 inches high, with corner radii not greater than one-third the width of the exit, located over the wing, with a step-up inside the airplane of not more than 29 inches and a stepdown outside the airplane of not more than 36 inches.

(5) *Ventral.* This type is an exit from the passenger compartment through the pressure shell and the bottom fuselage skin. The dimensions and physical configuration of this type of exit must allow at least the same rate of egress as a Type I with the airplane in the normal ground attitude, with landing gear extended.

(6) *Tail cone.* This type is an aft exit from the passenger compartment through the pressure shell and through an openable cone of the fuselage aft of the pressure shell. The means of opening the tail cone must be simple and obvious, and must employ a single operation.

(7) *Type A.* An emergency exit may be designated as a Type A exit if the following criteria are met:

(i) There must be a rectangular opening not less than 42 inches wide by 72 inches high, with corner radii not greater than one-sixth of the width of the exit.

(ii) It must be a floor level exit.

(iii) Unless there are two or more main (fore and aft) aisles, the exit must be located so that there is passenger flow along the main aisle to that exit from both the forward and aft direction.

(iv) There must be an unobstructed passageway at least 36 inches wide leading from each exit to the nearest main aisle.

(v) If two or more main aisles are provided, there must be unobstructed cross aisles at least 20 inches wide between main aisles. There must be a cross aisle leading directly to each passageway between the exit and the nearest main aisle.

(vi) There must be a least one seat adjacent to each such exit that could be occupied by a flight attendant.

(vii) Adequate assist space next to each Type A exit must be provided at each side of the passageway, to allow the crewmember(s) to assist in the evacuation of passengers without reducing the unobstructed width of the passageway below that required by subdivision (iv) of this subparagraph.

(viii) At each non-over-wing exit there must be installed a slide capable of carrying simultaneously two parallel lines of evacuees.

(ix) Each overwing exit having a stepdown must have an assist means unless the exit without an assist means can be shown to have a rate of passenger egress at least equal to that of the same type of non-over-wing exit. If an assist means is required it must be automatically deployed, and automatically erected, concurrent with the opening of the exit and self-supporting within 10 seconds.

Stepdown distance as used in this section means the actual distance between the bottom of the required opening and a usable foothold, extending out from the fuselage, that is large enough to be effective without searching by sight or feel.

9. Section 25.807(c) is amended to read as follows:

(c) *Passenger emergency exits.* The prescribed exits need not be diametrically opposite each other nor identical in size and location on both sides. They must be distributed as uniformly as practicable taking into account passenger distribution. The first floor level exit on each side of the fuselage must be in the rearward part of the passenger compartment unless another location affords a more effective means of passenger evacuation. Where more than one floor level exit per side is prescribed, at least one floor level exit per side must be located near each end of the cabin, except that this provision does not apply to combination cargo/passenger configurations. Exits must be provided as follows:

(1) Except as provided in subparagraphs (2) through (8) of this paragraph, the number and type of passenger emergency exits must be in accordance with the following table:

| Passenger seating capacity (cabin attendants not included) | Emergency exits for each side of the fuselage | | | |
|--|---|---------|----------|---------|
| | Type I | Type II | Type III | Type IV |
| 1 through 10 | | | | 1 |
| 11 through 19 | | | 1 | 1 |
| 20 through 29 | | 1 | | 1 |
| 30 through 39 | 1 | | | 1 |
| 40 through 49 | 1 | | 1 | 1 |
| 50 through 59 | 1 | | 1 | 1 |
| 60 through 69 | 2 | | 1 | 1 |
| 70 through 79 | 2 | | 2 | 1 |

(2) Two Type IV exits may be installed instead of each Type III exit prescribed in subparagraph (1) of this paragraph.

(3) If slides meeting the requirements of § 25.809(f) (1) are installed at floor level exits (other than overwing exits), the passenger/emergency exit relationship specified in subparagraph (1) of this paragraph may be increased by—

(i) Not more than five passengers on airplanes with at least two of these exits; and

(ii) Not more than 10 passengers on airplanes with at least four of these exits.

However, no increase in passenger seating capacity is allowed under this subparagraph if an increase in passenger seating capacity is obtained under subparagraph (4) of this paragraph.

(4) An increase in passenger seating capacity above the maximum permitted under subparagraph (1) of this paragraph but not to exceed a total of 299 may be allowed in accordance with the following table for each additional pair of emergency exits in excess of the minimum number prescribed in subparagraph (1) of this paragraph for 179 passengers:

| Additional emergency exits (each side of fuselage) | Increase in passenger seating capacity allowed |
|--|--|
| Type A----- | 100 |
| Type I----- | 45 |
| Type II----- | 40 |
| Type III----- | 35 |

(5) For passenger capacities in excess of 299, each emergency exit in the side of the fuselage must be either a Type A or a Type I. A passenger seating capacity of 100 is allowed for each pair of Type A exits and a passenger seating capacity of 45 is allowed for each pair of Type I exits.

(6) If a passenger ventral or tail cone exit is installed and can be shown to allow a rate of egress at least equivalent to that of Type III exit with the airplane in the most adverse exit opening condition because of the collapse of one or more legs of the landing gear, an increase in passenger seating capacity beyond the limits specified in subparagraph (1), (4), or (5) of this paragraph may be allowed as follows:

(i) For a ventral exit, 12 additional passengers.

(ii) For a tail cone exit incorporating a floor level opening of not less than 20 inches wide by 60 inches high, with corner radii not greater than one-third the width of the exit, in the pressure shell and incorporating an approved assist means in accordance with § 25.809(f) (1), 25 additional passengers; or

(iii) For a tail cone exit incorporating an opening in the pressure shell which is at least equivalent to a Type III emergency exit with respect to dimensions, step-up and stepdown distance, and with the top of the opening not less than 56 inches from the passenger compartment floor, 15 additional passengers.

(7) For airplanes on which the vertical location of the wing does not allow the installation of overwing exits, an exit of at least the dimensions of a Type III must be installed instead of each Type III and each Type IV exit required by subparagraph (1) of this paragraph.

(8) Each emergency exit in the passenger compartment in excess of the minimum number of required emergency exits must meet the applicable requirements of §§ 25.809 through 25.812, and must be readily accessible.

10. Section 25.807(d) is amended to read as follows:

(d) *Ditching emergency exits for passengers.* If the emergency exits required by paragraph (c) of this section do not meet subparagraphs (1) and (2) of this paragraph, exits must be added to meet them:

(1) A Type IV exit on each side of the airplane, both above the waterline, with a passenger seating capacity of 10 or less.

(2) A Type III exit for airplanes with a passenger seating capacity of 11 or more, with at least one emergency exit above the waterline for each unit (or part of a unit) of 35 passengers, but no less than two such exits, with one on each side of the airplane. However, where it has been shown through analysis, ditching demonstrations, or any other tests found necessary by the Ad-

ministrator, that the evacuation capability of the airplane during ditching is improved by the use of larger exits or by other means, the passenger/exit ratio may be increased.

(3) If side exits cannot be above the waterline, the side exits must be replaced by an equal number of readily accessible overhead hatches of not less than the dimensions of a Type III exit except that, for airplanes with a passenger capacity of 35 or less, the two required Type III side exits need be replaced by only one overhead hatch.

(4) Two Type IV exits may be installed instead of each required Type III exit.

11. Section 25.809 is amended by amending paragraph (f) and by adding a new paragraph (h) as follows:

§ 25.809 Emergency exit arrangement.

(f) Each landplane emergency exit (other than exits located over the wing) more than 6 feet from the ground with the airplane on the ground and the landing gear extended must have an approved means to assist the occupants in descending to the ground as follows:

(1) The assisting means for each passenger emergency exit must be a self-supporting slide or equivalent, and must be designed so that it is—

(i) Automatically deployed, and automatically erected, concurrent with the opening of the exit except that the assisting means may be erected in a different manner when installed at service doors that qualify as emergency exits, and at passenger doors; and

(ii) Erectable within 10 seconds and of such length that the lower end is self-supporting on the ground after collapse of any one or more landing gear legs.

(2) The assisting means for flight crew emergency exits may be a rope or any other means demonstrated to be suitable for the purpose. If the assisting means is a rope, or an approved device equivalent to a rope, it must be—

(i) Attached to the fuselage structure at or above the top of the emergency exit opening, or, for a device at a pilot's emergency exit window, at another approved location if the stowed device, or its attachment, would reduce the pilot's view in flight;

(ii) Able (with its attachment) to withstand a 400-pound static load.

(h) If the trailing edge of the flaps in the landing position is more than 6 feet above the ground with the airplane on the ground and the landing gear extended, or if the wing is more than 6 feet above the ground with the landing gear extended and the flaps are unsuitable as a slide, means must be provided to assist evacuees (who have used the overwing exits) to reach the ground.

12. Section 25.811 is amended to read as follows:

§ 25.811 Emergency exit marking.

(a) Each passenger emergency exit, its means of access, and its means of opening must be conspicuously marked.

(b) The identity and location of each passenger emergency exit must be recognizable from a distance equal to the width of the cabin.

(c) Means must be provided to assist the occupants in locating the exits in conditions of dense smoke.

(d) The location of each passenger emergency exit must be indicated by a sign visible to occupants approaching along the main passenger aisle. There must be a locating sign—

(1) Above the aisle near each over-the-wing passenger emergency exit, or at another ceiling location if it is more practical because of low headroom;

(2) Next to each floor level passenger emergency exit, except that one sign may serve two such exits if they both can be seen readily from the sign; and

(3) On each bulkhead or divider that prevents fore and aft vision along the passenger cabin, to indicate emergency exits beyond and obscured by it, except that if this is not possible the sign may be placed at another appropriate location.

(e) The location of the operating handle and instructions for opening must be shown—

(1) For each passenger emergency exit, by a marking on or near the exit that is readable from a distance of 30 inches; and

(2) For each Type I or Type II passenger emergency exit with a locking mechanism released by rotary motion of the handle, by—

(i) A red arrow, with a shaft at least three-fourths inch wide and a head twice the width of the shaft, extending along at least 70° of arc at a radius approximately equal to three-fourths of the handle length; and

(ii) The word "open" in red letters 1 inch high, placed horizontally near the head of the arrow.

(f) Each emergency exit that is required to be openable from the outside, and its means of opening, must be marked on the outside of the airplane. In addition, the following apply:

(1) The outside marking for each passenger emergency exit in the side of the fuselage must include a 2-inch colored band outlining the exit.

(2) Each outside marking including the band, must have color contrast to be readily distinguishable from the surrounding fuselage surface. The contrast must be such that if the reflectance of the darker color is 15 percent or less, the reflectance of the lighter color must be at least 45 percent. "Reflectance" is the ratio of the luminous flux reflected by a body to the luminous flux it receives. When the reflectance of the darker color is greater than 15 percent, at least a 30-percent difference between its reflectance and the reflectance of the lighter color must be provided.

(3) In the case of exists other than those in the side of the fuselage, such as ventral or tail cone exists, the external means of opening, including instructions if applicable, must be conspicuously marked in red, or bright chrome yellow if the background color is such that red is

inconspicuous. When the opening means is located on only one side of the fuselage, a conspicuous marking to that effect must be provided on the other side.

(g) Emergency exits need only be marked with the word "Exit."

13. A new § 25.812 is added to read as follows:

§ 25.812 Emergency lighting.

(a) An emergency lighting system, independent of the main lighting system, must be installed which includes:

(1) Illuminated emergency exit marking and locating signs, sources of general cabin illumination, and interior lighting in emergency exit areas.

(2) Exterior emergency lighting.

(b) Each passenger exit sign and each exit locating sign must have white letters at least 1 inch high on a red background at least 2 inches high. These signs may be internally electrically illuminated, or self-illuminated by other than electrical means, with an initial brightness of at least 160 microlamberts. The colors may be reversed in the case of internally electrically illuminated signs if this will increase the illumination of the exit.

(c) General illumination in the passenger cabin must be provided so that when measured along the centerline of main passenger aisles at seat armrest height and at 40-inch intervals, the average illumination is not less than 0.05 foot-candle. A main passenger aisle is considered to extend along the fuselage from the most forward passenger emergency exit or cabin occupant seat, whichever is farther forward, to the most rearward passenger emergency exit or cabin occupant seat, whichever is farther aft.

(d) The floor of the passageway leading to each floor-level passenger emergency exit, between the main aisles and the exit openings, must be provided with illumination.

(e) The emergency lighting system must be designed as follows:

(1) The lights must be operable manually from the flight crew station and (if required by the operating rules of this chapter) from a point in the passenger compartment that is readily accessible to a normal flight attendant seat. Means must be provided to safeguard against inadvertent operation of the manual controls.

(2) When armed or turned on, the lights must remain lighted or become lighted upon interruption (except an interruption caused by a vertical separation of the fuselage during crash landing) of the airplane's normal electric power.

(f) Exterior emergency lighting must be provided at each overwing exit so that the illumination is—

(1) Not less than 0.02 foot-candle (measured on a plane parallel to the surface) on a 2-square-foot area where an evacuee is likely to make his first step outside the cabin;

(2) Not less than 0.05 foot-candle (measured normal to the direction of the incident light) for a minimum width of 2 feet along the 30 percent of the slip-resistant escape route required in

§ 25.803(e) that is farthest from the exit; and

(3) Not less than 0.02 foot-candle on the ground surface with the landing gear extended (measured on a horizontal plane) where an evacuee using the established escape route would normally make first contact with the ground.

(g) The means required in § 25.809 (f) (1) and (h) to assist the occupants in descending to the ground must be illuminated so that the deployed assist means is visible from the airplane.

(1) If the assist means is illuminated by exterior emergency lighting, it must provide—

(i) Illumination at each overwing emergency exit of not less than 0.02 foot-candle on the ground surface with the landing gear extended (measured in a horizontal plane) where an evacuee using the established escape route would normally make first contact with the ground; and

(ii) Illumination at each non-overwing emergency exit, of not less than 0.03 foot-candle (measured normal to the direction of the incident light) at the ground end of the assist means and, for each non-over-wing exit in the side of the fuselage, over a spherical surface 10° to either side of the center of the assist means and from 30° above to 5° below the 45° position of the assist means.

(2) If the assist means is self-illuminated, the lighting provisions—

(i) May not be adversely affected by stowage; and

(ii) Must provide sufficient ground surface illumination so that obstacles at the end of the assist means are clearly visible to evacuees.

(h) The energy supply to each emergency lighting unit must provide the required level of illumination for at least 10 minutes at the critical ambient conditions after emergency landing.

(i) If storage batteries are used as the energy supply for the emergency lighting system, they may be recharged from the airplane's main electric power system; *Provided*, That, the charging circuit is designed to preclude inadvertent battery discharge into charging circuit faults.

(j) Components of the emergency lighting system, including batteries, wiring relays, lamps, and switches must be capable of normal operation after having been subjected to the inertia forces listed in § 25.561(b).

(k) The emergency lighting system must be designed so that after any single vertical separation of the fuselage during crash landing—

(1) Not more than 25 percent of all electrically illuminated emergency lights required by this section are rendered inoperative, in addition to the lights that are directly damaged by the separation;

(2) Each electrically illuminated exit sign required under § 25.811(d)(2) remains operative exclusive of those that are directly damaged by the separation; and

(3) At least one required exterior emergency exit light for each side of the airplane remains operative exclusive of

those that are directly damaged by the separation.

14. Section 25.813 is amended by amending paragraphs (a), (b), and (c) to read as follows:

§ 25.813 Emergency exit access.

(a) There must be a passageway between individual passenger areas, and leading from each aisle to each Type I and Type II emergency exit. These passageways must be unobstructed and at least 20 inches wide.

(b) For each passenger emergency exit covered by § 25.809(f), there must be enough space next to the exit to allow a crewmember to assist in the evacuation of passengers without reducing the unobstructed width of the passageway below that required for the exit.

(c) There must be access from each aisle to each Type III or Type IV exit. The access must not be obstructed by seats, berths, or other protrusions which would reduce the effectiveness of the exit. However, for airplanes having a maximum passenger seating capacity not exceeding 19, there may be minor obstructions if there are compensatory factors to maintain the effectiveness of the exit. For airplanes having a maximum seating capacity of 20 or more, the projected opening of the exit provided must not be obstructed by a seatback in any position at the outboard seat locations.

15. Section 25.815 is amended to read as follows:

§ 25.815 Width of aisle.

The passenger aisle width at any point between seats must equal or exceed the values in the following table:

| Passenger seating capacity | Minimum passenger aisle width (inches) | |
|----------------------------|--|-------------------------------|
| | Less than 25 inches from floor | 25 inches and more from floor |
| 19 or less..... | 12 | 15 |
| 11 through 19..... | 12 | 20 |
| 20 or more..... | 15 | 20 |

16. A new § 25.817 is added to read as follows:

§ 25.817 Maximum number of seats abreast.

On airplanes having only one passenger aisle, no more than 3 seats abreast may be placed on each side of the aisle in any one row.

17. Paragraphs (a) and (b) of § 25.853 are amended to read as follows:

§ 25.853 Compartment interiors.

Materials (including finishes, if applied) used in each compartment occupied by the crew or passengers, must meet the following test criteria, as applicable:

(a) When tested in accordance with the applicable portions of Appendix F of this part or the applicable portions of methods 5902 and 5906, dated May 15, 1951, of Federal Specification CCC-T-191b (which is available from the General Services Administration, Business

Service Center, Region 3, Seventh and D Streets S.W., Washington, D.C. 20407), or other approved equivalent method, the interior wall panels, interior ceiling panels, draperies, structural flooring, baggage racks, partitions, thermal insulation, and coated fabric insulation covering must be self-extinguishing after flame removal. All materials used in these applications must be tested vertically. If the material is tested vertically as a fabricated unit, a section of that fabricated unit must also be tested horizontally. The average char length may not exceed 8 inches when the material is tested vertically, and may not exceed 4 inches when the material is tested horizontally. Layered materials may not be separated for the purpose of this test.

(b) When tested horizontally under the applicable portions of Appendix F of this part, or the applicable portions of method 5906, dated May 15, 1951 of Federal Specification CCC-T-191b, or other approved equivalent method, interior materials not specified in paragraph (a) of this section must be at least flame resistant. Layered materials may not be separated for the purpose of this test.

18. Paragraph (a) of § 25.855 is amended to read as follows:

§ 25.855 Cargo and baggage compartments.

(a) Each cargo and baggage compartment (including tie down equipment) must be constructed of materials that at least meet the requirements set forth in § 25.853.

19. A new paragraph (f) is added to § 25.993 to read as follows:

§ 25.993 Fuel system lines and fittings.

(f) Each fuel line within the fuselage must be designed and installed to allow a reasonable degree of deformation and stretching without leakage.

20. A new paragraph (c) is added to § 25.1359 to read as follows:

§ 25.1359 Electrical system fire and smoke protection.

(c) Main power cables (including generator cables) must—

(1) Be isolated from flammable fluid lines in the fuselage;

(2) Be shrouded by means of electrically insulated flexible conduit, or equivalent, which is in addition to the normal cable insulation; and

(3) Be designed to allow a reasonable degree of deformation and stretching without failure.

21. Part 25 is amended by adding a new Appendix F to read as follows:

APPENDIX F

AN ACCEPTABLE TEST PROCEDURE FOR SHOWING COMPLIANCE WITH SECTION 25.853

(a) *Conditioning.* Specimens must be conditioned at 70° F. plus or minus 5° and at 50 percent plus or minus 5 percent relative humidity until moisture equilibrium is reached. Only one specimen at a time may be

removed from the conditioned environment immediately before subjecting it to the flame.

(b) *Specimen configuration.* The specimen must be no thicker than the minimum thickness to be qualified for use in the airplane. Rigid and flexible specimens, 4½ inches by 12½ inches, or the actual size used in the airplane must be clamped in a metal frame so that the two long edges and one end are held securely. The frame must be such that the exposed area is at least 2 inches wide and 11½ inches long unless the actual size used in the airplane is smaller. In the case of fabrics, the direction of the weave corresponding to the most critical burn rate must be parallel to the longest dimension.

(c) *Apparatus.* The tests must be conducted in a sheet metal cabinet of appropriate size provided with a door containing a glass insert for observing the burning specimen. The cabinet top must contain a baffled vent. There must be baffled holes or similar means of ventilation near the bottom of the cabinet. Larger panels need not be tested in this apparatus but must be tested in similar draft-free conditions.

(d) *Horizontal test.* A minimum of three specimens must be tested and the results averaged. Each specimen must be supported horizontally. The surface exposed to the air when installed in the aircraft must be face down for the test. The specimen must be ignited by a Bunsen burner or Tirrill burner with a nominal three-eighths inch I.D. tube adjusted to give a flame of 1½ inches in height with the air completely shut off. The specimen must be positioned so that the edge being tested is three-fourths of an inch above the top of, and on the center line of, the burner. The flame must be applied for 15 seconds and then removed. Char length must be noted when testing for compliance with § 25.853(a). To determine burn rate for compliance with § 25.853(b), a minimum of 10 inches of the specimen must be used for timing purposes, approximately 1½ inches must burn before the burning front reaches the timing zone, and the average burn rate must not exceed 4 inches per minute. If, in testing for compliance with § 25.853(b), the specimens do not support combustion after the ignition flame is applied for 15 seconds, or if the flame extinguishes itself and subsequent burning without a flame does not extend into the undamaged areas, the material is also acceptable.

(e) *Vertical test.* A minimum of three specimens must be tested and the results averaged. Each specimen must be supported vertically. Ceiling or floor panels may be tested with any edge down. Rigid specimens of materials mounted vertically in the airplane must be oriented for the test in the same manner as oriented in the airplane. The specimen must be ignited by a Bunsen or Tirrill burner with a nominal three-eighths inch I.D. tube adjusted to give a flame of 1½ inches in height with the air completely shut off. The center line of the burner must be in line with a surface of the material being tested or, in the case of fabricated units, must be in line with the surface exposed to the air in the airplane. The lower edge of the specimen being tested must be three-fourths inch above the top of the burner. The flame must be applied for 12 seconds and then removed. Char length must be noted.

(f) *Char length.* Char length for fabrics and coated fabrics is the distance from the specimen end that was exposed to the flame to the end of a tear made lengthwise on the specimen through the center of the charred area. The tear must be made as follows: A hook must be inserted in the specimen at one side of the charred areas one-fourth inch from the adjacent outside edge and one-fourth inch in from the charred end of the specimen. A weight of sufficient size

such that the weight and hook together equal the total tearing load specified below must be applied gently to the specimen by grasping the corner of the cloth at the opposite edge of the char from the load and raising the specimen and weight clear of the support. The total tearing load for various weights per square yard of test cloth is as follows:

| Weight per square yard of test cloth (ounces) | Total tearing load (pounds) |
|---|-----------------------------|
| 2 to 6..... | 0.25 |
| Over 6 to 15..... | 0.5 |
| Over 15 to 23..... | 0.75 |
| Over 23..... | 1.0 |

On materials other than fabrics, the char length is the total length of the specimen consumed or charred by burning. The length is measured from the ignition edge to a point that is not punctured by a ballpoint pen (or equivalent) when progressively moved from unburned to burned areas.

§ 37.175 [Amended]

22. Paragraph (a)(1) of § 37.175 is amended by adding a new sentence before the last sentence to read as follows: "However, new models manufactured on or after October 24, 1967, are required to be designed so as to be fully inflated in not more than 10 seconds after actuation of the inflation means."

23. Section 121.291 is amended to read as follows:

§ 121.291 Demonstration of emergency evacuation procedures.

(a) Each certificate holder must show, by actual demonstrations conducted in accordance with paragraphs (a) and (b) of Appendix D to this part, that the emergency evacuation procedures for each type and model of airplane with a seating capacity of more than 44 passengers, that is used in its passenger-carrying operations, allow the evacuation of the full seating capacity, including crewmembers, in 90 seconds or less—

(1) Upon the initial introduction of a type and model of airplane into passenger-carrying operations;

(2) Upon increasing by 5 percent or more the passenger seating capacity for which a successful demonstration has been conducted; or

(3) Upon a major change in the passenger cabin interior configuration that will affect the emergency evacuation of passengers.

However, until October 1, 1969, a certificate holder who is initially introducing a type and model aircraft that does not meet the requirements of § 25.809 (f)(1) of this chapter need only accomplish the required demonstrations in 2 minutes or less.

(b) Each certificate holder operating or proposing to operate one or more landplanes in extended overwater operations, or otherwise required to have certain equipment under § 121.339, must show, by a simulated ditching conducted in accordance with paragraph (c) of Appendix D to this part, that it has the ability to efficiently carry out its ditching procedures.

24. Section 121.309 is amended by deleting paragraphs (f), (g), and (h) and

by adding a new paragraph (f) to read as follows:

§ 121.309 Emergency equipment.

(f) *Megaphones.* Each passenger-carrying airplane must have a portable battery-powered megaphone or megaphones readily accessible to the crewmembers assigned to direct emergency evacuation, installed as follows:

(1) One megaphone on each airplane with a seating capacity of more than 60 and less than 100 passengers, at the most rearward location in the passenger cabin where it would be readily accessible to a normal flight attendant seat.

(2) Two megaphones in the passenger cabin on each airplane with a seating capacity of more than 99 passengers, one installed at the forward end and the other at the most rearward location where it would be readily accessible to a normal flight attendant seat.

25. Section 121.310(a) is amended to read as follows:

§ 121.310 Additional emergency equipment.

(a) *Means for emergency evacuation.* Each passenger-carrying landplane emergency exit (other than over-the-wing) that is more than 6 feet from the ground with the airplane on the ground and the landing gear extended, must have an approved means to assist the occupants in descending to the ground. The assisting means for a floor level emergency exit must comply with the following:

(1) Until October 1, 1969, it must be a slide or equivalent approved device suitable for rapid evacuation of passengers. During flight the slide, or equivalent approved device, must be kept readily accessible for immediate installation and use.

(2) After September 30, 1969, it must meet the requirements of § 25.809(f) (1) of this chapter. An assisting means that deploys automatically must be armed during taxiing, takeoffs, and landings. This paragraph does not apply to the rear window emergency exit of DC-3 airplanes operated with less than 36 occupants including crewmembers and less than five exits authorized for passenger use.

26. Section 121.310(b) is amended by deleting the phrase "After September 15, 1966," from the lead sentence, by capitalizing the word which follows that phrase, and by changing the cross-reference in subparagraph (2) to read "§ 25.812(b)".

27. Section 121.310(c) is amended by deleting the phrase "After September 15, 1966," from the lead sentence and by capitalizing the word which follows that phrase.

28. Section 121.310(d) is amended to read as follows:

(d) *Interior emergency light operation.* Each light required by paragraph (c) of this section must comply with the following:

(1) Until October 1, 1969, each light must be operable manually, and must op-

erate automatically from the independent lighting system—

(i) In a crash landing; or
(ii) Whenever the airplane's normal electric power to the light is interrupted.

(2) After September 30, 1969, each light must—

(i) Be operable manually both from the flight crew station and from a point in the passenger compartment that is readily accessible to a normal flight attendant seat;

(ii) Have a means to prevent inadvertent operation of the manual controls; and

(iii) When armed or turned on at either station, remain lighted or become lighted upon interruption of the airplane's normal electric power.

Each light must be armed or turned on during taxiing, takeoff, and landing. In showing compliance with this paragraph a vertical separation of the fuselage need not be considered.

29. Section 121.310(e) is amended by deleting the phrase "After June 30, 1966," from the lead sentence and by capitalizing the word which follows that phrase.

30. Section 121.310(f) is amended by deleting the phrase "After June 30, 1966," from the lead sentence, by capitalizing the word which follows that phrase, and by amending subparagraph (3) to read as follows:

(f) *Emergency exit access.* * * *

(3) There must be access from the main aisle to each Type III and Type IV exit. The access from the aisle to these exits must not be obstructed by seats, berths, or other protrusions in a manner that would reduce the effectiveness of the exit. In addition, after October 24, 1968, the access must meet the requirements of § 25.813(c).

31. Section 121.310(g) is amended to read as follows:

(g) *Exterior exit markings.* Each passenger emergency exit and the means of opening that exit from the outside must be marked on the outside of the airplane. There must be a 2-inch colored band outlining the exit and each outside marking, including the band, must be readily distinguishable from the surrounding fuselage surface by contrast in color. The markings must comply with the following:

(1) Until October 1, 1969, unless all the requirements of subparagraph (2) of this paragraph are met, the reflectance of the lighter color must exceed the reflectance of the darker color by a factor of at least three.

(2) After September 30, 1969, or whenever the exterior exit markings on an airplane are repainted, whichever occurs first—

(i) If the reflectance of the darker color is 15 percent or less, the reflectance of the lighter color must be at least 45 percent;

(ii) If the reflectance of the darker color is greater than 15 percent, at least a 30-percent difference between its reflectance and the reflectance of the lighter color must be provided; and

(iii) Exits that are not in the side of the fuselage must have the external

means of opening and applicable instructions marked conspicuously in red or, if red is inconspicuous against the background color, in bright chrome yellow and, when the opening means for such an exit is located on only one side of the fuselage, a conspicuous marking to that effect must be provided on the other side.

"Reflectance" is the ratio of the luminous flux reflected by a body to the luminous flux it receives.

32. Sections 121.310(h) and 121.310(i) are deleted and new § 121.310 (h), (i), and (j) are added after § 121.310(g) to read as follows:

(h) *Exterior emergency lighting and escape route.* After September 30, 1969, no person may operate a passenger-carrying airplane unless it is equipped with exterior emergency lighting that meets the requirements of § 25.812(f) of this chapter and a slip resistant escape route that meets the requirements of § 25.893 (e) of this chapter.

(i) *Other floor level exits.* After September 30, 1969, no certificate holder may operate a passenger-carrying airplane unless each floor level exit on the airplane meets all the emergency exit requirements of this section. However, the Administrator may grant a deviation from this paragraph for a floor level exit outside the passenger cabin if he finds that special circumstances make compliance impractical and that the proposed deviation provides an equivalent level of safety.

(j) *Additional emergency exits.* Approved emergency exits in the passenger compartments that are in excess of the minimum number of required emergency exits must meet all of the applicable provisions of this section except paragraph (f) (1), (2), and (3) and must be readily accessible.

33. Section 121.311 is amended by adding new paragraphs (c) and (d) at the end thereof to read as follows:

§ 121.311 Seat and safety belts.

(c) After September 30, 1969, each sideward facing seat must comply with the applicable requirements of § 25.785 (c) of this chapter.

(d) Except where necessary to comply with § 121.310(f) (3), no person may taxi, takeoff, or land an airplane unless each passenger seat back is in the upright position. Each passenger shall comply with instructions given by a crewmember in compliance with this paragraph.

34. A new § 121.312 is added to read as follows:

§ 121.312 Materials for compartment interiors.

After October 24, 1968, upon the first major overhaul of an aircraft cabin or refurbishing of the cabin interior all materials in each compartment used by the crew or passengers that do not meet § 25.853 must be replaced with materials that meet that requirement.

§ 121.319 [Deleted]

35. Section 121.319 is deleted.

36. Section 121.391 is amended as follows:

a. Paragraph (a) is amended to read as follows:

§ 121.391 Flight attendants.

(a) Each certificate holder shall provide at least the following flight attendants on each passenger-carrying airplane used:

(1) For airplanes having a seating capacity of more than nine but less than 45 passengers—one flight attendant.

(2) For airplanes having a seating capacity of more than 44 but less than 100 passengers—two flight attendants.

(3) For airplanes having a seating capacity of more than 99 passengers—two flight attendants plus one additional flight attendant for each unit (or part of a unit) of 50 passenger seats above a seating capacity of 99 passengers.

b. Paragraph (b) is amended by adding the following flush sentence: "However, no certificate holder may take off an airplane with fewer flight attendants than the number used in conducting the emergency evacuation demonstration required by § 121.291 of this chapter."

c. A new paragraph (d) is added to read as follows:

(d) During takeoff and landing, flight attendants shall be located as near as practicable to floor level exits and shall be uniformly distributed throughout the airplane in order to provide the most effective egress of passengers in event of an emergency evacuation.

§ 121.571 [Amended]

37. Section 121.571 is amended by adding a flush sentence at the end of paragraph (b) to read as follows: "Each card required by this paragraph must contain information that is pertinent only to the type and model airplane used for that flight."

38. A new § 121.589 is added to read as follows:

§ 121.589 Carry-on baggage.

(a) No certificate holder may permit a passenger to carry any article of baggage aboard an airplane unless—

(1) That article is stowed in a suitable baggage or cargo storage compartment, or is stowed as provided in paragraph (c) of section 121.285; or

(2) That article can be stowed under a passenger seat.

(b) After April 24, 1969, no certificate holder may permit a passenger to carry any article of baggage aboard an airplane under paragraph (a) (2) of this section unless that article can be stowed under a passenger seat in such a way that it will not slide forward under crash impacts severe enough to induce the inertia loads specified in § 25.561(b) (3).

39. Paragraph (a) of Appendix D to Part 121 is amended to read as follows:

APPENDIX D

CRITERIA FOR DEMONSTRATION OF EMERGENCY EVACUATION PROCEDURES UNDER § 121.291

(a) *Aborted takeoff demonstration.*

(1) The demonstration must be conducted either during the dark of the night or during daylight with the dark of the night simulated. If the demonstration is conducted indoors during daylight hours, it must be conducted with each window covered and each door closed to minimize the daylight effect. Illumination on the floor or ground may be used, but it must be kept low and shielded against shining into the airplane's windows or doors.

(2) The airplane must be a normal ground attitude with landing gear extended.

(3) Stands or ramps may be used for descent from the wing to the ground. Safety equipment such as mats or inverted life rafts may be placed on the ground to protect participants. No other equipment that is not part of the airplane's emergency evacuation may be used to aid the participants in reaching the ground.

(4) The airplane's normal electrical power sources must be deenergized.

(5) All emergency equipment for the type of passenger-carrying operation involved must be installed in accordance with the certificate holder's manual.

(6) Each external door and exit, and each internal door or curtain must be in position to simulate a normal takeoff.

(7) A representative passenger load of persons in normal health must be used. At least 30 percent must be females. At least 5 percent must be over 60 years of age with a proportionate number of females. At least 5 percent but not more than 10 percent must be children under 12 years of age, prorated through that age group. Three life-size dolls, not included as part of the total passenger load, must be carried by passengers to simulate live infants 2 years old or younger. Crewmembers, mechanics, and training personnel, who maintain or operate the airplane in the normal course of their duties, may not be used as passengers.

(8) No passenger may be assigned a specific seat except as the Administrator may require. Except as required by item (12) of this paragraph, no employee of the certificate holder may be seated next to an emergency exit.

(9) Seat belts and shoulder harnesses (as required) must be fastened.

(10) Before the start of the demonstration, approximately one-half of the total average amount of carry-on baggage, blankets, pillows, and other similar articles must be distributed at several locations in the aisles and emergency exit access ways to create minor obstructions.

(11) The seating density and arrangement of the airplane must be representative of the highest capacity passenger version of that airplane the certificate holder operates or proposes to operate.

(12) Each crewmember must be a member of a regularly scheduled line crew, must be seated in his normally assigned seat for takeoff, and must remain in that seat until he receives the signal for commencement of the demonstration.

(13) No crewmember or passenger may be given prior knowledge of the emergency exits available for the demonstration.

(14) The certificate holder may not practice, rehearse, or describe the demonstration for the participants nor may any participant have taken part in this type of demonstration or a gear-up crash landing demonstration within the preceding 6 months.

(15) The pretakeoff passenger briefing required by § 121.571 may be given in accordance with the certificate holder's manual. The passengers may also be warned to follow directions of crewmembers, but may not be instructed on the procedures to be followed in the demonstration.

(16) If safety equipment as allowed by item (4) of this section is provided, either all passenger and cockpit windows must be blacked out or all of the emergency exits must have safety equipment in order to prevent disclosure of the available emergency exits.

(17) Not more than 50 percent of the emergency exits may be used for the demonstration. Exits that are not to be used in the demonstration must have the exit handle deactivated or must be indicated by red lights, red tape, or other acceptable means, placed outside the exits to indicate fire or other reason that they are unusable. The exits to be used must be representative of all of the emergency exits on the airplane and must be designated by the certificate holder, subject to approval by the Administrator. At least one floor level exit must be used.

(18) All evacuees, except those using an over-the-wing exit, must leave the airplane by a means provided as part of the airplane's equipment.

(19) The certificate holders approved procedures and all of the emergency equipment that is normally available, including slides, ropes, lights, and megaphones, must be fully utilized during the demonstration.

(20) The evacuation time period is completed when the last occupant has evacuated the airplane and is on the ground. Evacuees using stands or ramps allowed by item (3) above are considered to be on the ground when they are on the stand or ramp: *Provided*, That the acceptance rate of the stand or ramp is no greater than the acceptance rate of the means available on the airplane for descent from the wing during an actual crash situation.

39. Paragraph (b) of Appendix D to Part 121 is amended to read as follows:

(b) *Gear-up crash landing demonstration.* The demonstration must assume the following conditions:

(1) Daylight hours exist outside the airplane.

(2) The airplane was involved in an unanticipated gear-up crash landing.

(3) All required flight crewmembers are incapacitated.

(4) All regularly assigned flight attendants are available to conduct the evacuation. In addition, the evacuation demonstration must be conducted under the conditions of Nos. (4)-(20) of the aborted takeoff demonstration, except that a stand must be placed at each emergency exit or wing with the top platform of the stand level with the bottom of the fuselage.

Issued in Washington, D.C., on September 15, 1967.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 67-11032; Filed, Sept. 18, 1967; 8:50 a.m.]

[Docket No. 8015; Amdt. 39-481]

PART 39—AIRWORTHINESS DIRECTIVES

Allison-Aero Products Models A6441FN-606, A6441FN-606A Propellers

Amendment 39-417 (32 F.R. 7124), AD 67-17-1, requires daily inspection, or replacement where necessary, of Allison-Aero Products Models A6441FN-606 and A6441FN-606A propellers in which were

installed fixed splines Part No. 6522974, Serial No. 1367 and up or Part Nos. 6523110 and 6509978. Subsequent to the issuance thereof, it has come to the attention of the FAA that fixed splines bearing Part No. 6508538 were also subject to failure which could result in propeller overspeeds.

Pursuant to the authority delegated to me by the Administrator, an amendment to AD 67-17-1 was adopted on September 8, 1967, and made effective immediately, by telegram, as to all known operators of the aforementioned Allison-Aero Products Models propellers, adding a paragraph (e) to the AD to require the marking and inspection as outlined in paragraphs (b) and (c) of AD 67-17-1 of those propellers in which are installed fixed spline Part No. 6508538 and which do not have the restrictors required by AD 67-20-1. The purpose of the marking and inspection is to determine the airworthiness of fixed spline Part No. 6508538 by an operational ground check.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impractical and contrary to the public interest and good cause existed for making the amendment to the AD effective immediately as to all known operators of the propellers. These conditions still exist and the addition to the AD is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In view of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-417 (32 F.R. 7124), AD 67-17-1, is amended as follows:

Add a paragraph (e) to read as follows:

(e) Within the next 10 hours' time in service from the effective date of this amendment, unless already accomplished, each propeller which has not been modified to comply with the restrictor installation of paragraph (a) of AD 67-20-1 and in which is installed a fixed spline Part No. 6508538, accomplish the markings and inspections outlined in paragraphs (b) and (c).

This amendment becomes effective September 20, 1967 for all persons except those to whom it was made effective by telegram dated September 8, 1967.

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

Issued in Kansas City, Mo., on September 13, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-11013; Filed, Sept. 19, 1967; 8:47 a.m.]

[Docket No. 8382; Amdt. 39-485]
**PART 39—AIRWORTHINESS
DIRECTIVES**

**British Aircraft Corp. Model BAC 1-11
200 and 400 Series Airplanes**

Amendment 39-477 (32 F.R. 12911)
AD 67-25-2, requires the inspection of

the flap drive screw jacks on Model BAC 1-11 200 and 400 Series airplanes for (1) freedom of movement, (2) chipping and gouging, and (3) backlash. The AD requires that each of these inspections be repeated at intervals not to exceed 160 hours' time in service from the last such inspection. The FAA has subsequently determined that the inspections for backlash may be performed at intervals not to exceed 600 hours' time in service from the last such inspection, and the AD is being amended to permit this time interval between the inspections.

Since this amendment relieves a restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-477 (32 F.R. 12911) AD 67-25-2 is amended by amending paragraphs (a) and (b) to read as follows:

(a) For airplanes with flap drive screw jacks with 1,550 or more hours' time in service on September 9, 1967, comply with paragraphs (c), (d) and (e) within the next 50 hours' time in service after September 9, 1967, and thereafter (1) comply with paragraphs (c) and (d) at intervals not to exceed 160 hours' time in service from the last inspection, and (2) comply with paragraph (e) at intervals not to exceed 600 hours' time in service from the last inspection.

(b) For airplanes with flap drive screw jacks with less than 1,550 hours' time in service on September 9, 1967, (1) comply with paragraph (c) within the next 50 hours' time in service after September 9, 1967, and thereafter at intervals not to exceed 160 hours' time in service from the last inspection, (2) comply with paragraph (d) before the accumulation of 1,600 hours' time in service and thereafter at intervals not to exceed 160 hours' time in service from the last inspection, and (3) comply with paragraph (e) before the accumulation of 1,600 hours' time in service and thereafter at intervals not to exceed 600 hours' time in service from the last inspection.

This amendment becomes effective September 20, 1967.

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

Issued in Washington, D.C., on September 15, 1967.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-11014; Filed, Sept. 19, 1967; 8:47 a.m.]

[Airspace Docket No. 67-SO-66]

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

Alteration of Control Zone

On August 23, 1967, F.R. Doc. No. 67-9861, effective October 12, 1967, was published in the FEDERAL REGISTER (32 F.R. 12110) amending Part 71 of the Federal Aviation Regulations.

In the amendment, an extension to the Fort Stewart, Ga., control zone was described as " * * * within 2 miles each side of the 049° bearing from the Stewart RBN, extending from the 5-mile radius zone to 2 miles northeast of the RBN * * *".

Subsequent to the publication of the rule, the U.S. Army advised that the name of the Stewart RBN would be changed to "Allenhurst RBN," effective October 12, 1967. It is necessary to alter the rule accordingly.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, F.R. Doc. No. 67-9861 is amended as follows:

Beginning on line 8 of the Fort Stewart, Ga., control zone description " * * * within 2 miles each side of the 049° bearing from the Stewart RBN * * * " is deleted and " * * * within 2 miles each side of the 049° bearing from the Allenhurst RBN * * * " is substituted therefor.

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

Issued in East Point, Ga., on September 8, 1967.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 67-11099; Filed, Sept. 19, 1967; 8:46 a.m.]

[Airspace Docket No. 67-EA-4]

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

Designation of Transition Area

On pages 8724 and 8725 of the FEDERAL REGISTER for June 17, 1967, the Federal Aviation Administration published proposed regulations which would designate a 700-foot floor transition area over Elizabethtown-Hardin County Airport, Elizabethtown, Ky.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., November 9, 1967.

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

Issued in Jamaica, N.Y., on August 24, 1967.

R. M. BROWN,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor transition area for Elizabethtown, Ky., described as follows:

ELIZABETHTOWN, KY.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 37°45'10" N., 85°53'10" W., of Elizabethtown-Hardin County Airport, Elizabethtown, Ky., and within 2 miles each side of the New Hope, Ky., VOR 308° radial extending from the 5-mile radius

area to the VOR excluding that portion that coincides with the Louisville, Ky., transition area. This transition area shall be in effect from sunrise to sunset, daily.

[F.R. Doc. 67-11001; Filed, Sept. 19, 1967; 8:46 a.m.]

[Airspace Docket No. 67-EA-14]

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

Designation of Transition Area

On page 8977 of the FEDERAL REGISTER for June 23, 1967, the Federal Aviation Administration published proposed regulations which would designate a 700-foot floor transition area over Schuylkill County (Zerby) Airport, Pottsville, Pa.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., November 9, 1967.

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

Issued in Jamaica, N.Y., on August 24, 1967.

R. M. BROWN,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Pottsville, Pa., transition area described as follows:

POTTSVILLE, Pa.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40°42'25" N., 76°22'40" W., of Schuylkill County (Zerby) Airport, Pottsville, Pa.; and within 2 miles each side of the Ravine, Pa., VOR 049° radial extending from the 6-mile radius area to 9 miles northeast of the VOR.

[F.R. Doc. 67-11002; Filed, Sept. 19, 1967; 8:46 a.m.]

[Airspace Docket No. 67-WA-16]

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

Alteration of Positive Control Area

The purpose of this amendment is to designate positive control area over portions of the northeast and north central United States between flight level 240 and 18,000 feet MSL.

The FAA published a notice of proposed rule making in the FEDERAL REGISTER on May 13, 1967 (32 F.R. 7219) which proposed an amendment to Part 71 of the Federal Aviation Regulations that would designate positive control area in this airspace. Many comments were received in response to the notice, some favoring and many objecting to the proposed amendment. Comments varied from a recommendation to designate positive control area down to 10,000 feet MSL to another recommendation to revoke all existing positive control area.

Due consideration was given to all comments received.

The largest number of comments was received from general aviation interests which generally objected to the lowering of positive control area. The principal objections raised by this group are as follows:

1. The development and market potential of light, supercharged aircraft capable of operating in this strata would be reduced and programs in general aviation would be retarded because of the cost of installing and maintaining transponders and communications equipment.

2. High altitude soaring activities would be unnecessarily restricted.

3. The FAA should exercise less control of aircraft operations rather than more control.

4. There have been no collisions in the proposed airspace so positive control could not improve safety.

5. Positive control is not needed in the airspace proposed, but is needed at lower altitudes.

It is difficult to forecast the number of general aviation aircraft which may operate in the strata between 18,000 feet MSL and FL 240, and it is even more difficult to forecast the extent to which sales of aircraft or economic capabilities and desires of prospective buyers would be affected. It is our view, however, that there will be little additional operations above 18,000 feet resulting from supercharger installations to existing single-engine, light aircraft. These modifications, if made, would improve aircraft performance below 18,000 feet as well as above. On the other hand, the number of pressurized aircraft powered by turbojet, or supercharged conventional engines capable of operating in this strata is expected to increase. Further, the cost of these aircraft would be sufficiently great that it would be expected that virtually all pilots operating them would be IFR rated, and the equipment necessary for operation in positive control area would be a very minor portion of their total cost. The speeds of these aircraft would be great enough that collision hazards in this strata will increase considerably and cause even more justification for positive control area. At the same time, greater use of this altitude strata by the short haul air carrier jet is expected. It is therefore evident that the combination of military, increased general aviation and increased air carrier aircraft will raise the collision hazard in this strata well beyond its current level.

The FAA's program to improve the national airspace system necessarily involves improving the type and quality of airborne equipment required for safe and efficient operations in the airspace. Over the years, the FAA has presented an equipment program for general aviation through press releases, conferences, reports, speeches, and rule making. This program was published in detail in an advance notice of proposed rule making entitled "Airborne Radio Navigation and Communications Equipment for General Aviation Aircraft, and Related Considerations, 1965-75" (Docket No. 6606—

Notice 65-9) which was published in the FEDERAL REGISTER on April 29, 1965 (30 F.R. 6074). In this notice the FAA informed aircraft owners and operators, manufacturers, and other interested persons, of its tentative plans for the ensuing 10 years which could affect them.

Direct radio communication between pilot and controller is desirable for normal IFR operations and is imperative to provide the added degree of safety obtained within positive control airspace. It is not contemplated that all aircraft would need to have 360 channel VHF radio equipment, but that only the number of channels need be installed in a particular aircraft that is required for the environment and area in which it will be operated. Of course, 360 channel equipment would be useful for providing the maximum current communications capability.

Air traffic control can safely reduce the aircraft separation minimums through the use of radar. Yet the use of primary radar alone poses a serious limitation in that all targets would be displayed on the controller's radar console, resulting in scope clutter. The use of radar beacon greatly enhances the controller's capability to identify individual aircraft and provides radar target reinforcement. Air traffic control can safely handle a much greater volume of air traffic with a radar beacon system than without it. This equipment will also help to reduce the number of voice communications which would alleviate the increasing congestion of air-ground communications.

Positive separation at these altitudes requires target reinforcement and the elimination of extraneous radar targets which the radar beacon provides. A further factor which must be considered is that the future of the air traffic control system is dependent upon a radar beacon response for tracking, altitude reporting and target identification.

As stated in the notice, most high altitude soaring operations are conducted near the mountainous areas in the western part of the United States, and, therefore would not be affected by this action. The issuance of a waiver could accommodate the rare excursion of a soaring operation into this airspace.

The FAA exercises en route traffic control to the extent that IFR aircraft are provided separation from each other. This separation would be complete if all aircraft involved are operating IFR and if no human error is committed by the pilot or controller. Visual separation provided by pilots operating VFR has its limitations and is not as effective as IFR separation provided by the FAA. Even though the cruising altitude of VFR traffic is usually separated by at least 500 feet from IFR traffic and by 1,000 feet from opposite direction VFR traffic, no separation is provided during an altitude change. The specified horizontal and vertical distances to be maintained from cloud formations are difficult to estimate with accuracy, and at a relatively slow closure speed of 500 knots, the 2,000 foot distance between a VFR aircraft

and an IFR aircraft departing a cloud-formation would be traversed in 2.4 seconds, which may be insufficient time for the pilots to detect each other and take evasive action. Visibility while in flight may decrease below the 3-mile minimum existing on departure. The physical structure and configuration of various types of aircraft may limit the pilot's peripheral vision, thus reducing the effectiveness of the see and avoid type of separation. This is especially true where a slow aircraft is descending and a faster aircraft to the rear and below is climbing. These inadequacies are eliminated when the FAA provides IFR separation service for all aircraft within a given parcel of airspace.

The statement made by several commentators that there have been no collisions in the strata proposed herein is correct. The FAA feels that steps taken now toward the prevention of collision would be wiser than frantic measures following an accident. Even though there have been no collisions within positive control area pilots have reported near collisions. A study of all near collision reports within and outside positive control area reveals that a much more favorable ratio of flights per near collision report exists within positive control area. In 1962, when positive control area was designated in only a small portion of the United States, the ratio of total flights above FL 240 to near collision reports was only 6,543 to 1. In the same year the ratio between FL 180 and FL 240 was slightly less, 6,204 to 1. In 1966 when positive control area virtually blanketed the conterminous United States, the ratio of total flights within positive control area to near collision reports increased favorably to 76,097 to 1 (11.6 times safer than in 1962), whereas between FL 180 and FL 240 below positive control area, the ratio increased to only 19,047 to 1. Unfortunately, there will always be a remote possibility of collision of aircraft resulting from human error, structural failure, or some unforeseen circumstance. However, these statistics indicate that the threat of collision is reduced within a positive control environment.

The comment that collision is more likely at low altitudes than between 18,000 feet and FL 240 is obviously correct since many more aircraft operate at the lower altitudes. The present state of the art precludes the designation of positive control area at low altitudes without an unacceptable delay due to the volume of aircraft operations. Most aircraft which cruise between 18,000 feet and FL 240 now operate IFR. The FAA has the capability now to provide positive control service without increased delay to the small number of aircraft operations which will be added to the air traffic system by designation of this strata as positive control area.

Included in the comments were two requests for a public hearing. A public hearing will not be convened since the Administrator has determined that no significant information could be adduced from a public hearing beyond that which has already been obtained from comments to the notice of proposed rule mak-

ing and from previous meetings with user groups.

The Department of Defense concurred with the proposal provided this expansion can be accomplished with the present FAA resources including equipment, personnel and frequencies. The National Airspace System presently can absorb the slight amount of added traffic without expanding its capability.

Most of the comments received were from individual pilots who objected to the proposal. Comments from national organizations which represent large numbers of pilots and business aircraft interests throughout the United States were equally divided in their attitude toward the proposal.

The FAA is appreciative of all comments received and, even though the volume of comments precludes individual replies, consideration has been given to all relevant arguments presented.

It is recognized that an added economic burden will be borne by a small number of users who will have to purchase additional equipment to operate within this airspace. However, the addition of all aircraft which operated on a VFR flight plan within this airspace in 1966 would increase the total number of IFR flights by only three-tenths of 1 percent. The added degree of safety provided by the designation of this airspace as positive control area will outweigh the economic burden imposed upon the small number of persons affected. It should be noted that the required additional equipment for operation within positive control area (radar beacon and direct pilot to controller radio) are also useful outside positive control area for normal IFR operation and VFR flight. As aircraft operations continue to increase year after year, dependence upon the radar beacon features of target identification, target reinforcement and elimination of extraneous targets will become more pronounced.

The notice stated that in a separate action the FAA was proposing an amendment to Part 91 of the Federal Aviation Regulations that would permit a pilot possessing an FAA private or commercial certificate or the military equivalent, but not currently qualified to conduct instrument flight under the provisions of Part 61, to operate within certain positive control areas in accordance with controlled visual flight (CVF). This proposal is still under consideration.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 9, 1967, as hereinafter set forth.

Section 71.193 (32 F.R. 2274, 9643) is amended by adding the following:

That airspace within the continental control area from 18,000 feet MSL up to FL 240 bounded by a line beginning at: lat. 37°18'15" N., long. 80°44'45" W.; thence to lat. 37°16'00" N., long. 80°53'00" W.; thence to lat. 37°11'30" N., long. 81°03'00" W.; thence to lat. 36°34'00" N., long. 84°01'00" W.; thence to lat. 36°30'00" N., long. 84°45'00" W.; thence to lat. 36°12'30" N., long. 85°10'30" W.; thence to lat. 36°11'00" N., long. 85°24'00" W.; thence to lat. 36°54'00" N., long. 85°35'00" W.; thence to lat. 37°18'00" N., long. 86°09'00" W.; thence to lat. 37°16'30"

N., long. 87°23'59" W.; thence to lat. 37°43'30" N., long. 83°18'00" W.; thence to lat. 37°32'00" N., long. 83°53'00" W.; thence to lat. 37°03'00" N., long. 83°34'00" W.; thence to lat. 36°26'00" N., long. 84°41'00" W.; thence to lat. 36°55'00" N., long. 95°05'00" W.; thence to lat. 36°42'00" N., long. 95°53'00" W.; thence to lat. 38°04'00" N., long. 96°03'00" W.; thence to lat. 33°22'00" N., long. 96°22'00" W.; thence to lat. 33°22'00" N., long. 93°24'00" W.; thence to lat. 33°47'00" N., long. 93°04'00" W.; thence to lat. 39°23'00" N., long. 93°04'00" W.; thence to lat. 42°03'15" N., long. 93°01'15" W.; thence to lat. 42°29'00" N., long. 93°44'00" W.; thence to lat. 43°16'30" N., long. 97°01'45" W.; thence to lat. 43°03'00" N., long. 95°43'00" W.; thence to lat. 43°04'30" N., long. 95°37'00" W.; thence to lat. 45°54'00" N., long. 95°23'00" W.; thence to lat. 46°17'45" N., long. 93°50'00" W.; thence to lat. 44°57'45" N., long. 90°01'39" W.; thence to lat. 45°34'30" N., long. 83°18'00" W.; thence to lat. 45°10'00" N., long. 83°35'30" W.; thence to lat. 44°59'00" N., long. 83°00'00" W.; thence to lat. 44°04'00" N., long. 85°03'00" W.; thence to lat. 43°52'00" N., long. 84°10'00" W.; thence to lat. 43°52'00" N., long. 82°11'20" W.; thence along the United States/Canadian border to lat. 45°01'00" N., long. 71°23'00" W.; thence to lat. 45°17'00" N., long. 71°29'10" W.; thence to lat. 45°17'20" N., long. 71°16'00" W.; thence along the United States/Canadian border to lat. 45°18'10" N., long. 71°03'40" W.; thence to lat. 45°19'00" N., long. 70°55'00" W.; thence along the United States/Canadian border to lat. 45°19'55" N., long. 70°49'00" W.; thence to lat. 45°29'40" N., long. 70°33'30" W.; thence to lat. 45°40'40" N., long. 70°30'30" W.; thence along the United States/Canadian border to lat. 45°49'20" N., long. 67°46'30" W.; thence to lat. 45°37'30" N., long. 67°46'30" W.; thence to lat. 45°27'00" N., long. 67°23'00" W.; thence along the United States/Canadian border to lat. 44°43'00" N., long. 66°53'00" W.; thence via a line 3 nautical miles from the coastline to lat. 44°01'00" N., long. 63°01'00" W.; thence to lat. 43°47'48" N., long. 63°23'20" W.; thence via a line 3 nautical miles from the coastline to lat. 43°03'31" N., long. 70°31'24" W.; thence to lat. 43°07'40" N., long. 70°32'45" W.; thence to lat. 43°03'16" N., long. 70°38'17" W.; thence to lat. 42°57'43" N., long. 70°41'49" W.; thence via a line 3 nautical miles from the coastline to lat. 41°59'10" N., long. 70°32'10" W.; thence to lat. 42°05'45" N., long. 70°17'59" W.; thence via a line 3 nautical miles from the coastline to lat. 41°29'54" N., long. 70°39'26" W.; thence to lat. 41°26'24" N., long. 71°05'36" W.; thence via a line 3 nautical miles from the coastline to lat. 41°16'30" N., long. 71°47'35" W.; thence to lat. 41°04'50" N., long. 71°47'25" W.; thence to lat. 41°01'20" N., long. 71°50'45" W.; thence via a line 3 nautical miles from the coastline to lat. 33°09'00" N., long. 75°11'00" W.; thence to lat. 33°13'39" N., long. 75°41'00" W.; thence to lat. 38°20'30" N., long. 75°36'40" W.; thence to lat. 33°53'40" N., long. 75°51'23" W.; thence to lat. 33°26'20" N., long. 77°03'15" W.; thence to lat. 37°01'00" N., long. 77°55'00" W.; thence to lat. 36°19'00" N., long. 79°16'00" W.; thence to lat. 37°09'00" N., long. 80°25'10" W.; thence to lat. 37°12'15" N., long. 80°25'45" W.; thence to the point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1343)

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

ARCHIE W. LEAGUE,
Director, Air Traffic Service.

[P.R. Doc. 67-11015; Filed, Sept. 19, 1967; 8:47 a.m.]

[Airspace Docket No. 67-WA-30]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS**Revocation of Federal Airway**

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the U.S. segment of Amber Federal airway No. 1 from the intersection of Ediz Hook, Wash., RBN 090° bearing and the south course of the Victoria, B.C., Canada Radio Range to the United States/Canadian border.

The Canadian Department of Transport is considering the revocation of the Canadian portion of Amber 1 south of Victoria effective November 9, 1967, as they no longer have a requirement for this airway segment. If this action is taken, the segment of Amber 1 south of the international border would serve no useful purpose.

Since this amendment will revoke an extension to a Canadian airway that will be revoked effective November 9, 1967, the Administrator has determined that notice and public procedure thereon is unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., November 9, 1967, as hereinafter set forth.

Section 71.105 (32 F.R. 2006) is amended as follows:

In A-1 all before "From the Sandspit, B.C., Canada, RR" is deleted.

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

Issued in Washington, D.C., on September 14, 1967.

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

[F.R. Doc. 67-11016; Filed, Sept. 19, 1967; 8:47 a.m.]

Chapter II—Civil Aeronautics Board
SUBCHAPTER E—ORGANIZATION REGULATIONS
[Reg. OR-24; Amdt. 3]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Classification of Stations

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of September 1967.

Section 385.14(c) delegates to the Chief, Rates Division, authority to reclassify stations according to the tonnage schedule originally specified by the Board in Order E-9284, dated June 7, 1955, for purposes of determining domestic service mail compensation. In its recent decision in the "Domestic Service Mail Rate Investigation," Order E-25610, dated August 28, 1967, the Board reclassified all domestic stations in accordance with a revised tonnage schedule. The 1955 schedule, however, is still applicable to certain services not included in the recent proceeding. In lieu of setting out

all outstanding classifications, the section is editorially amended to state that authority to reclassify stations shall be exercised in accordance with the schedule specified in the applicable Board order. No substantive change is effected thereby.

This regulation is issued by the undersigned, pursuant to a delegation of authority from the Board to the General Counsel in 14 CFR 385.19, and shall become effective 20 days after publication in the FEDERAL REGISTER. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385 (14 CFR 385.50-385.54).

Accordingly, the Board hereby amends paragraph (c) of § 385.14 (14 CFR 385.14(c)), effective October 10, 1967, to read as follows:

§ 385.14 Delegation to the Chief, Rates Division, Bureau of Economics.

The Board hereby delegates to the Chief, Rates Division, Bureau of Economics, the authority to:

(c) Upon the application of any person or upon his own initiative, change the classification of any station for purposes of the multielement service mail rate formulas applicable to the transportation of airmail and nonpriority mail whenever the total revenue tons of all traffic enplaned at the station during the most recent 12-month period bring it within a different class, in accordance with the schedule specified in the applicable Board order.

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

By the Civil Aeronautics Board.

[SEAL] O. D. OZMENT,
Acting General Counsel.

[F.R. Doc. 67-11033; Filed, Sept. 19, 1967; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 0—STANDARDS OF CONDUCT

Effective September 20, 1967, Part 0 is revised and amended to read as follows:

| Subpart A—General Provisions | |
|------------------------------|---|
| Sec. 0.735-1 | Purpose. |
| 0.735-2 | Authority. |
| 0.735-3 | Presidential policy. |
| 0.735-4 | Definitions. |
| 0.735-5 | Interpretation and advisory service. |
| 0.735-6 | Reporting conflicts of interest. |
| 0.735-7 | Disciplinary and other remedial action. |
| 0.735-8 | Publication of regulations. |

Subpart B—Ethical and Other Conduct and Responsibilities of Employees

| | |
|---------------|--|
| Sec. 0.735-10 | Proscribed actions. |
| 0.735-11 | Gifts, entertainment, and favors. |
| 0.735-12 | Outside employment and other activity. |
| 0.735-13 | Financial interests. |
| 0.735-14 | Use of Government property. |
| 0.735-15 | Misuse of information. |
| 0.735-16 | Indebtedness. |
| 0.735-17 | Gambling, betting, and lotteries. |
| 0.735-18 | General conduct prejudicial to the Government. |
| 0.735-19 | Miscellaneous statutory provisions. |

Subpart C—Ethical and Other Conduct and Responsibilities of Special Government Employees

| | |
|----------|--|
| 0.735-21 | Application of Subpart B of this part to special Government employees. |
| 0.735-22 | Use of Government employment. |
| 0.735-23 | Use of inside information. |
| 0.735-24 | Coercion. |
| 0.735-25 | Gifts, entertainment, and favors. |
| 0.735-26 | Miscellaneous statutory provisions. |

Subpart D—Statements of Employment and Financial Interests

| | |
|----------|--|
| 0.735-31 | Form and content of statements. |
| 0.735-32 | Employees required to submit statements. |
| 0.735-33 | Presidential appointees. |
| 0.735-34 | Time and place for submission of statements. |
| 0.735-35 | Supplementary statements. |
| 0.735-36 | Interests of employees' relatives. |
| 0.735-37 | Information not known by employees. |
| 0.735-38 | Information prohibited. |
| 0.735-39 | Confidentiality of employees' statements. |
| 0.735-40 | Effect of employees' statements on other requirements. |
| 0.735-41 | Specific provisions for special Government employees. |
| 0.735-42 | Reviewing statements. |

Subpart E—Statutory Disqualification and Provision for Exemptions Thereof

| | |
|----------|-------------------|
| 0.735-51 | Disqualification. |
| 0.735-52 | Exemptions. |

AUTHORITY: The provisions of this Part 0 issued under E.O. 11222 of May 8, 1965; 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR 735.104.

Subpart A—General Provisions

§ 0.735-1 Purpose.

This part establishes standards of ethical conduct for employees and special Government employees in the Federal Trade Commission. It sets forth regulations pertaining to financial interests; acceptance of gifts, entertainment, and favors; outside employment; use of Government information; and teaching, lecturing, and writing. This part also contains instructions on the filing of statements of employment and financial interests by certain employees and special Government employees.

§ 0.735-2 Authority.

This part is based on Public Law 87-849, effective January 21, 1963; Executive Order 11222 of May 8, 1965; and Part 735 of Civil Service regulations (5 CFR Part 735). This part does not purport to refer to or enumerate every restriction or requirement imposed by statute, regulation, or other authority. The omission of a reference thereto in

no way alters the legal effect of such restriction or requirement. This part is not intended to limit whatever statutory authority or responsibility the Chairman may have with respect to employee conduct and discipline.

§ 0.735-3 Presidential policy.

The President's policy, in section 101 of Executive Order No. 11222, is that "Where government is based on the consent of the governed, every citizen is entitled to have confidence in the integrity of his government. Each individual officer, employee, or adviser of government must help to earn and must honor that trust by his own integrity and conduct in all official actions." When signing the order, the President spoke even more specifically of what he conceives to be the duty that this policy imposes on employees of the executive branch: "Government personnel bear a special responsibility to be fair and impartial in their dealings with those who have business with the government. We cannot tolerate conflicts of interest or favoritism—and it is our intention to see that this does not take place in the Federal Government." This policy is based on a recognition that the maintenance of unusually high standards of honesty, integrity, impartiality, and conduct by Government employees, and special Government employees, through informed judgment is essential to assure the proper performance of the Government's business and the maintenance of confidence and respect of the citizens in their Government.

§ 0.735-4 Definitions.

In this part:

(a) "Commission" means the Federal Trade Commission.

(b) "Employee" means an officer or employee of the Commission, and, insofar as statutory and Executive order provisions are concerned, a Commissioner, but does not include a special Government employee.

(c) "Executive order" means Executive Order 11222.

(d) "Person" means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

(e) "Special Government employee" means a "special Government employee" as defined in section 202 of title 18 of the United States Code, who is employed in the Federal Trade Commission. In general, this refers to employees appointed to perform temporary duties on either a full-time or intermittent basis for not to exceed 130 days during any period of 365 consecutive days.

§ 0.735-5 Interpretation and advisory service.

The Executive Director shall serve as counselor for the Commission on matters covered by the regulations in this part. Deputy counselors shall be the Director, Office of Administration and the Attorney in Charge of each Field Office. The counselor and deputy counselors shall be responsible for giving authoritative advice and guidance to each employee and

special Government employee who seeks such advice or guidance on questions of conflicts of interest or other matters pertaining to the regulations in this part.

§ 0.735-6 Reporting conflicts of interest.

When a statement of employment and financial interests submitted under Subpart D of this part or information from other sources indicates a conflict between the interests of an employee, other than a Commissioner, or special Government employee and the performance of his services for the Government and when the conflict or appearance of conflict is not resolved at a lower level in the Commission, the information concerning the conflict or appearance of conflict shall be reported to the Chairman through the Executive Director. The individual concerned shall be provided an opportunity to explain the conflict or appearance of conflict.

§ 0.735-7 Disciplinary and other remedial action.

(a) A violation of the regulations in this part by an employee, other than a Commissioner, or special Government employee may be cause for appropriate disciplinary action which may be in addition to any penalty prescribed by law.

(b) When, after consideration of the explanation as provided by § 0.735-6, the Chairman decides that remedial action is required, he will initiate immediate action to end the conflicts or appearance of conflicts of interest. Remedial action may include, but is not limited to:

(1) Changes in assigned duties;

(2) Divestment by the employee or special Government employee of his conflicting interest;

(3) Disciplinary action; or

(4) Disqualification for a particular assignment.

(c) Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, Executive orders, and regulations.

§ 0.735-8 Publication of regulations.

Each employee and special Government employee shall be furnished a copy of the regulations in this part within 90 days after their approval by the Civil Service Commission. Each new employee and special Government employee shall be furnished a copy at the time of his entrance on duty. At least once each year, an appropriate notice shall be issued by the Executive Director to bring the provisions of the regulations in this part to the attention of each employee and special Government employee.

Subpart B—Ethical and Other Conduct and Responsibilities of Employees

§ 0.735-10 Proscribed actions.

An employee shall avoid any action, whether or not specifically prohibited by this part, which might result in, or create the appearance of:

(a) Using public office for private gain;

(b) Giving preferential treatment to any person;

(c) Impeding Government efficiency or economy;

(d) Losing complete independence or impartiality;

(e) Making a Government decision outside official channels; or

(f) Affecting adversely the confidence of the public in the integrity of the Government.

§ 0.735-11 Gifts, entertainment, and favors.

(a) Except as provided in paragraphs (b) and (e) of this section, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with the Commission.

(2) Conducts operations or activities that are regulated by or are otherwise subject to the jurisdiction of the Commission.

(3) Has interests that may be substantially affected by the performance or nonperformance of his official duty.

(b) As exceptions to paragraph (a) of this section, an employee shall be permitted to:

(1) Accept gifts, gratuities, favors, entertainment, loans, or other things of monetary value from members of his immediate family (i.e., parents, children, or spouse) when the circumstances make it clear that it is the family relationship rather than the business of the persons concerned which is the motivating factor;

(2) Accept food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour where the employee may properly be in attendance;

(3) Accept loans from banks or other financial institutions on customary terms to finance proper and usual activities of an employee, such as home mortgage loans; and

(4) Accept unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, and other items of nominal intrinsic value.

(c) An employee shall not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself (5 U.S.C. 7351). However, this paragraph does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.

(d) An employee shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 7342.

(e) Neither this section nor § 0.735-12 precludes an employee from receipt of bona fide reimbursement, unless prohibited by law, for expenses of travel and such other necessary subsistence as is compatible with this part for which

no Government payment or reimbursement is made. However, this paragraph does not allow an employee to be reimbursed, or payment to be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits, nor does it allow an employee to be reimbursed by a person for travel on official business under Commission orders when reimbursement is proscribed by Decision B-128527 of the Comptroller General dated March 7, 1967.

§ 0.735-12 Outside employment and other activity.

(a) An employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his Government employment. Incompatible activities include but are not limited to:

(1) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, conflicts of interest;

(2) Outside employment which tends to impair his mental or physical capacity to perform his Government duties and responsibilities in an acceptable manner; or

(3) Outside employment or other outside activity which may tend to bring discredit upon the Government or the Commission.

(b) An employee shall not receive any salary or anything of monetary value from a private source as compensation for his services to the Government (18 U.S.C. 209).

(c) Employees are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law, the Executive order, or this part. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing that is dependent on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the Chairman gives written authorization for the use of nonpublic information on the basis that the use is in the public interest. In addition, an officer or employee who is a Presidential appointee covered by section 401(a) of the Executive order shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the Commission, or which draws substantially on official data or ideas which have not become part of the body of public information.

(d) An employee shall not engage in outside employment under a State or local government, except in accordance with Part 734 of Civil Service regulations (5 CFR Part 734).

(e) This section does not preclude an employee from:

(1) Participation in the activities of national or State political parties not proscribed by law.

(2) Participation in the affairs of or acceptance of an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational and recreational, public service, or civic organization.

(f) Before engaging in outside employment, an employee, other than a Commissioner, must obtain the written permission of the Executive Director. Request for approval shall be sent through normal supervisory channels and shall include the following information:

(1) Name of the person, group, or organization for whom the work is to be performed.

(2) Nature of the services to be rendered.

(3) Proposed hours of work (if regularly scheduled) or approximate dates of employment.

(4) Employee's certification as to whether the outside employment (including teaching, writing, or lecturing) will depend in any way on information obtained as a result of the employee's official Government position.

§ 0.735-13 Financial interests.

(a) An employee shall not:

(1) Have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his Government duties and responsibilities; or

(2) Engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through his Government employment.

(b) This section does not preclude an employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Government so long as it is not prohibited by law, the Executive order, or the regulations in this part.

§ 0.735-14 Use of Government property.

An employee shall not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to him.

§ 0.735-15 Misuse of information.

For the purpose of furthering a private interest, an employee shall not, except as provided in § 0.735-12(c), directly or indirectly use, or allow the use of, official information obtained through or in connection with his Government employment which has not been made available to the general public.

§ 0.735-16 Indebtedness.

An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law

such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which does not, under the circumstances, reflect adversely on the Government as his employer. In the event of dispute between an employee and an alleged creditor, this section does not require the Commission to determine the validity or amount of the disputed debt.

§ 0.735-17 Gambling, betting, and lotteries.

An employee shall not participate, while on Government-owned or leased property or while on duty for the Government, in any gambling activity including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket. However, this section does not preclude activities:

(a) Necessitated by an employee's law enforcement duties; or

(b) Under section 3 of Executive Order 10927, pertaining to fund-raising activities conducted by employee organizations.

§ 0.735-18 General conduct prejudicial to the Government.

An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government.

§ 0.735-19 Miscellaneous statutory provisions.

Each employee shall acquaint himself with each statute that relates to his ethical and other conduct as an employee of the Commission and of the Government. The attention of employees is directed to the following statutory provisions:

(a) House Concurrent Resolution 175, 85th Congress, 2d session, 72 Stat. B12, the "Code of Ethics for Government Service".

(b) Chapter 11 of title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employees concerned.

(c) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(d) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(e) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(f) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (2) the disclosure of confidential information (18 U.S.C. 1905).

(g) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(h) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(i) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(j) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(k) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(l) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(m) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(n) The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(o) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(p) The prohibition against political activities in subchapter III of chapter 73 of title 5, United States Code and 18 U.S.C. 602, 603, 607, and 608.

(q) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

Subpart C—Ethical and Other Conduct and Responsibilities of Special Government Employees

§ 0.735-21 Application of Subpart B of this part to special Government employees.

All provisions of Subpart B of this part except § 0.735-12(f) shall apply to special Government employees. In addition, the regulations in this Subpart C shall apply.

§ 0.735-22 Use of Government employment.

A special Government employee shall not use his Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business, or financial ties.

§ 0.735-23 Use of inside information.

Except as provided in § 0.735-12(c), a special Government employee shall not use inside information obtained as a result of his Government employment for private gain for himself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. For the purpose of this section, "inside information" means information obtained under Government authority which has not become part of the body of public information.

§ 0.735-24 Coercion.

A special Government employee shall not use his Government employment to

coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business, or financial ties.

§ 0.735-25 Gifts, entertainment, and favors.

Except as provided in § 0.735-11(b), a special Government employee, while so employed or in connection with his employment, shall not receive or solicit from a person having business with his agency anything of value as a gift, gratuity, loan, entertainment, or favor for himself or another person, particularly one with whom he has family, business, or financial ties.

§ 0.735-26 Miscellaneous statutory provisions.

Each special Government employee shall acquaint himself with each statute that relates to his ethical and other conduct as a special Government employee of the Commission and of the Government. The attention of special Government employees is directed to those statutory provisions listed in § 0.735-19.

Subpart D—Statement of Employment and Financial Interests

§ 0.735-31 Form and content of statements.

The statements of employment and financial interests required under this subpart for use by employees, other than Commissioners, and special Government employees shall contain the information required by the formats prescribed by the Civil Service Commission in the Federal Personnel Manual.

§ 0.735-32 Employees required to submit statements.

(a) The following employees shall submit statements of employment and financial interests:

- (1) The Executive Director and the Deputy Executive Director and Program Review Officer.
- (2) The General Counsel and the Assistant General Counsels.
- (3) The Secretary of the Commission.
- (4) Hearing Examiners.
- (5) Bureau Directors, Assistant Bureau Directors, and Chiefs of Divisions within the Bureaus.
- (6) Attorneys in Charge of the Field Offices.

(b) An employee who feels that his position has been improperly designated as one requiring the submission of a statement of employment and financial interests has recourse to the Commission's grievance procedures set forth in Chapter 5-771 of the Commission's Administrative Manual.

§ 0.735-33 Presidential appointees.

A statement of employment and financial interests is not required by this part from the Chairman or other Commissioners. These officials are subject to separate reporting requirements under section 401 of the Executive order.

§ 0.735-34 Time and place for submission of statements.

An employee required to submit a statement of employment and financial interests under the regulations in this part shall submit that statement to the Executive Director not later than:

(a) Ninety days after the effective date of the regulations in this part if employed on or before that effective date; or

(b) Thirty days after his entrance on duty, but not earlier than 90 days after the effective date, if appointed after that effective date.

§ 0.735-35 Supplementary statements.

Changes in, or additions to, the information contained in an employee's statement of employment and financial interests shall be reported in a supplementary statement as of June 30 each year. If no changes or additions occur, a negative report is required. Notwithstanding the filing of the annual report required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts of interest provisions of section 208 of title 18, United States Code, or Subpart B of this part.

§ 0.735-36 Interests of employees' relatives.

The interest of a spouse, minor child, or other member of an employee's immediate household is considered to be an interest of the employee. For the purpose of this section, "member of an employee's immediate household" means those blood relations who are residents of the employee's household.

§ 0.735-37 Information not known by employees.

If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit information in his behalf.

§ 0.735-38 Information prohibited.

This part does not require an employee to submit on a statement of employment and financial interests or supplementary statement any information relating to the employee's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

§ 0.735-39 Confidentiality of employees' statements.

Each statement of employment and financial interests, and each supplementary statement, shall be held in con-

confidence. Only the Chairman, the Executive Director, and the Deputy Executive Director are authorized to review and retain the statements. These officials are responsible for maintaining the statements in confidence and shall not allow access to, or allow information to be disclosed from, a statement except to carry out the purpose of this part. Information from a statement shall not be disclosed except as the Civil Service Commission or the Chairman may determine for good cause shown.

§ 0.735-40 Effect of employees' statements on other requirements.

The statements of employment and financial interests and supplementary statements required of employees are in addition to and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation.

§ 0.735-41 Specific provisions for special Government employees.

(a) Except as provided in paragraph (b) of this section, each special Government employee shall submit a statement of employment and financial interests which reports:

(1) All other employment; and
(2) The financial interests of the special Government employee which relate either directly or indirectly to the duties and responsibilities of the special Government employee.

(b) The Chairman may waive the requirement in paragraph (a) of this section for the submission of a statement of employment and financial interests in the case of a special Government employee who is not a consultant or an expert when he finds that the duties of the position held by that special Government employee are of a nature and at such a level of responsibility that the submission of the statement by the incumbent is not necessary to protect the integrity of the Government. For the purpose of this paragraph, "consultant" and "expert" have the meanings given those terms by chapter 304 of the Federal Personnel Manual.

(c) A statement of employment and financial interests required to be submitted under this section shall be submitted to the Executive Director not later than the time of employment of the special Government employee. Each special Government employee shall keep his statement current throughout his employment with the Commission by the submission of supplementary statements.

§ 0.735-42 Reviewing statements.

The Executive Director or the Deputy Executive Director shall review each statement of employment and financial interests to ascertain whether a conflict of interest or an apparent conflict of interest exists. If there is a conflict or apparent conflict, the procedures specified in §§ 0.735-6 and 0.735-7 shall be followed.

Subpart E—Statutory Disqualification and Provision for Exemptions Thereof

§ 0.735-51 Disqualification.

Pursuant to Public Law 87-849 (18 U.S.C. 208), except as permitted by § 0.735-52, no employee or special Government employee shall participate "personally and substantially as a Government officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner, or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest." Conviction under 18 U.S.C. 208 carries a fine of not more than \$10,000, or imprisonment for not more than 2 years, or both.

§ 0.735-52 Exemptions.

Section 0.735-51 and 18 U.S.C. 208(a) shall not apply if the employee or special Government employee sends prior written notification to the Chairman, through normal supervisory channels, "of the nature and circumstances of the * * * particular matter and makes full disclosure of the financial interest," and receives in advance a written determination made by the Chairman "that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from such officer or employee."

This Part 0 was approved by the Civil Service Commission on September 11, 1967, and supersedes the Part 0 previously approved by the Civil Service Commission on April 12, 1966, and published in the FEDERAL REGISTER on April 22, 1966 (31 F.R. 6197).

Effective date. This Part 0 shall become effective upon publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-11022; Filed, Sept. 19, 1967; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67-219]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Bounty or Grant Paid or Bestowed

SEPTEMBER 11, 1967.

To provide more orderly procedures for the Bureau of Customs and the Treasury Department to carry out their responsi-

bilities under section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) relating to countervailing duties, it is both desirable and appropriate to amend the Customs Regulations to provide for the issuance of a notice, to be published in the FEDERAL REGISTER, announcing when questions of whether bounties or grants are being paid or bestowed in particular circumstances are under investigation and consideration. The notice would invite written comments from interested persons.

Accordingly, § 16.24 of the Customs Regulations is amended, as follows:

Section 16.24(d) is amended to read as follows:

(d) Upon receipt by the Commissioner of Customs of any communication submitted pursuant to paragraph (a), (b), or (c), of this section and found to comply with the requirements of the pertinent paragraph, the Commissioner will cause such investigation to be made as appears to be warranted by the circumstances of the case. If he determines that the information presented in such communication is patently in error, he shall so advise the person who submitted the information and the case shall be closed. Otherwise, the Commissioner, with the approval of the Secretary of the Treasury, shall publish a notice in the FEDERAL REGISTER that a communication has been submitted pursuant to paragraph (a), (b), or (c) of this section. The notice shall invite interested persons to submit written comments with respect to the matter within such time as is specified in the notice.

Section 16.24(e) is amended by striking the words "if it" and substituting in lieu thereof the following: "If, after consideration of such written comments as are received in response to the notice provided for in paragraph (d) of this section and other relevant data, it"

The foregoing amendments are effective upon publication of this Treasury Decision in the FEDERAL REGISTER.

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

LESTER D. JOHNSON,
Commissioner of Customs.

Approved: September 11, 1967.

TRUE DAVIS,
Assistant Secretary
of the Treasury.

[F.R. Doc. 67-11038; Filed, Sept. 19, 1967; 8:48 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT, AND THE FAIR PACKAGING AND LABELING ACT

Ruling on Objections

In the matter of amending the enforcement regulations (21 CFR Part 1)

to implement the requirements of the Fair Packaging and Labeling Act (Public Law 89-755) by (1) establishing an exemption procedure for foods, drugs, and cosmetics, (2) establishing the requirements for label statements for foods, and (3) providing exemptions for foods:

After consideration of the more than 300 comments received in response to the proposal in this matter published in the FEDERAL REGISTER of March 17, 1967 (32 F.R. 4172), the Commissioner of Food and Drugs published an order July 21, 1967 (32 F.R. 10729), which provided in accordance with section 701(e) of the Federal Food, Drug, and Cosmetic Act for the filing within 30 days of objections and requests for a public hearing. Almost 50 communications were received in response to the order either expressing objections, offering comments, or asking questions. Some of those submitting objections also requested that their objections be the subject of a public hearing.

The Commissioner has evaluated the objections received, whether or not accompanied by a request for a public hearing, and concludes as follows:

1. Those objections that challenged the legal basis for the subject regulations are without merit and, in addition, do not properly raise any factual issues to be resolved through the public hearing procedure.

2. Some of the objections, comments, and questions show that certain changes should be made in the regulations for clarification, and these amendments are set forth below.

3. Several objections involving the labeling of nonalcoholic beverages sold in bottles closed by crowns were submitted allegedly to protect the legal rights of the objectors in the event of the Commissioner not acting favorably on certain requests for exemptions that were submitted at essentially the same time. The Commissioner will consider requests for exemptions from the basic regulations supported by good and sufficient reasons. Thus, objections seeking special exemptions in this category cannot be accepted as justifying a public hearing.

4. A substantial number of the objections and comments involved the requirement of § 1.8a(d) that the address of the manufacturer, packer, or distributor include the ZIP Code. Representations were made that a substantial number of labels currently in use are in compliance with the new regulations except for the ZIP Code, and most of those objecting or commenting urged that it be required only when new printing plates are made. The Commissioner concludes that such representations are reasonable and the regulation is accordingly amended below.

5. Several objections were received to the requirement of § 1.8a(b) that the corporate name of the manufacturer, packer, or distributor be declared even when a division of the corporation is also designated. Since this involves a question of law—is the corporation name necessary to meet the provision of section

403(e) (1) of the Federal Food, Drug, and Cosmetic Act and section 4(a) (1) of the Fair Packaging and Labeling Act—it is not properly a subject for consideration at a public hearing.

6. Several objections involved the provision of § 1.8b(f) specifying that the statement of net contents is to appear in the lower 30 percent of the label, which area was selected to meet the requirement of section 4(a) (2) of the Fair Packaging and Labeling Act that the statement "be separately and accurately stated in a uniform location upon the principal display panel." These objections represent that the selection of the lower 30 percent by the Commissioner is not in accord with the present location of the net quantity statement on some labels in use by the objectors and that this is not the best location that could have been chosen in the interest of consumers. The Commissioner does not dispute that other placement provisions could have been adopted. It was impossible for the Commissioner to select a single location that would be agreeable to all parties for all food labels on the market. The law requires the Commissioner to select a uniform location for this information that would be conspicuous and suitable. A public hearing as to the best location is not required, nor would a hearing of opinions on other places where this information might be placed change the situation. Such opinions have already been presented to the Commissioner at great length. Since the statute provides that the selection of the uniform location shall be made by the Commissioner and not by popular vote, and since no substantial objection to his selection has been offered, it is found that there is no basis for a public hearing on this issue. The lower 30 percent requirement took into account the use of tray-pack displays.

7. Objections were received with reference to the size of type selected by the Commissioner and to the dividing points for the different sizes of type. Here again, the situation called for the Commissioner to designate the size of type for different sizes of packages. It is recognized that the sizes selected would not necessarily meet the sizes now in use by some manufacturers and distributors; similarly it is recognized that no matter what dividing lines were selected, there would be those who would desire somewhat different dividing lines to meet their own particular problems. Since this was a matter that the Commissioner had to decide, it is not considered as one warranting a public hearing.

8. There were some objections indicating some confusion about a "serving suggestion." For example, one firm was concerned that a statement of the number of biscuits or slices of cheese in a package might be regarded as a serving suggestion. This is not so regarded by the Commissioner. Any firm having questions in this area may submit them to the Food and Drug Administration for comment.

9. Two objections were submitted to the language of revised § 1.10(d). This regulation was issued with particular

reference to section 201(n) of the Federal Food, Drug, and Cosmetic Act, and to clarify this for the benefit of the objectors, the language is changed as indicated below.

10. An objection was received to the definition of the principal display panel of the package. The Fair Packaging and Labeling Act requires uniform size of declaration for all packages of substantially the same size. This, therefore, is rejected as a basis for a hearing.

11. An objection was received to the requirement that one declaration of quantity of contents require the statement "net weight" or "net wt." The quoted words were selected to meet that requirement of section 4(a) (3) of the Fair Packaging and Labeling Act calling for identification as to avoirdupois or fluid ounces. Since the objector did not suggest an alternative to "net weight" for identification of avoirdupois, the objection fails to state reasonable grounds.

12. A substantial number of objections received dealt with the effective date of the regulations, July 1, 1968, for all packages introduced into interstate commerce. This is 1 year after the effective date of the Fair Packaging and Labeling Act and conforms to the intent of Congress as expressed in section 13 of that act. It is not a matter that may be resolved at a public hearing. Attention, however, is directed to the statement of policy, § 3.57, that was published in the FEDERAL REGISTER of July 21, 1967 (32 F.R. 10734).

Therefore, the Commissioner finds that none of the objections received during the statutory period warrant a stay of the effective date of the subject order or the holding of a public hearing, and hereby announces that the regulations as published in the FEDERAL REGISTER of July 21, 1967 (32 F.R. 10729), including the clarifying changes hereinafter set forth, are final.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act (secs. 4, 6, 80 Stat. 1297, 1299, 1300; 15 U.S.C. 1453, 1455) and the authority provided in the Federal Food, Drug, and Cosmetic Act (secs. 403(e), (f), (i), 502(b), 602(b), 701, 52 Stat. 1047, 1050, 1054, 1055, as amended; 21 U.S.C. 343 (e), (f), (i), 352(b), 362(b), 371), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120): *It is ordered*, That Part 1, as amended by the order of July 21, 1967 (32 F.R. 10729), be further amended as follows:

1. Section 1.1b(c) is revised to read as follows to correct an inadvertent omission:

§ 1.1b Packages; definition; presence of mandatory label information.

(c) Containers subject to the provisions of the Act of August 3, 1912 (37 Stat. 250, as amended; 15 U.S.C. 231-233), the Act of March 4, 1915 (38 Stat. 1186, as amended; 15 U.S.C. 234-236), the Act of August 31, 1916 (39 Stat. 673,

as amended; 15 U.S.C. 251-256), or the Act of May 21, 1928 (45 Stat. 685, as amended; 15 U.S.C. 257-257i).

2. Section 1.1c(a) (2) and (4) is revised to read as follows:

§ 1.1c Exemptions from required label statements.

(a) * * *

(2) Random food packages, as defined in § 1.8b(j), bearing labels declaring net weight, price per pound or per specified number of pounds, and total price, shall be exempt from the type size, dual declaration, and placement requirements of § 1.8b, if the accurate statement of net weight is presented conspicuously on the principal display panel of the package. In the case of food packed in random packages at one place for subsequent shipment and sale at another, the price sections of the label may be left blank provided they are filled in by the seller prior to retail sale.

(4) Individually wrapped pieces of "penny candy" shall be exempt from the labeling requirements of this part when the container in which such candy is shipped is in conformance with the labeling requirements of this part. Similarly, when individually wrapped pieces of candy of less than one-half ounce net weight per individual piece are sold in bags or boxes, such individual pieces shall be exempt from the labeling requirements of this part, including the required declaration of net quantity of contents specified in this part when the declaration on the bag or box meets the requirements of this part.

3. Section 1.7 is amended by revising paragraph (c) and the last two sentences of the section that immediately follow paragraph (c) to read as follows:

§ 1.7 Food in package form; principal display panel.

(c) In the case of any otherwise shaped container, 40 percent of the total surface of the container: *Provided, however,* That where such container presents an obvious "principal display panel" such as the top of a triangular or circular package of cheese, the area shall consist of the entire top surface.

In determining the area of the principal display panel, exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars. In the case of cylindrical or nearly cylindrical containers, information required by this part to appear on the principal display panel shall appear within that 40 percent of the circumference which is most likely to be displayed, presented, shown, or examined under customary conditions of display for retail sale.

4. Section 1.8a (c) and (d) is revised to read as follows:

§ 1.8a Food labeling; name and place of business of manufacturer, packer, or distributor.

(c) Where the food is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such food; such as "Manufactured for _____," "Distributed by _____," or any other wording that expresses the facts.

(d) The statement of the place of business shall include the street address, city, State, and ZIP Code; however, the street address may be omitted if it is shown in a current city directory or telephone directory. The requirement for inclusion of the ZIP Code shall apply only to consumer commodity labels developed or revised after the effective date of this section. In the case of nonconsumer packages, the ZIP Code shall appear either on the label or the labeling (including invoice).

5. In § 1.8b, paragraphs (b) (2) (1), (j) (3), and (o) are revised to read as follows:

§ 1.8b Food labeling; declaration of net quantity of contents; when exempt.

(b) * * *

(2) * * *

(i) In the case of frozen food that is sold and consumed in a frozen state, express the volume at the frozen temperature.

(j) * * *

(3) The declaration may appear in more than one line. The term "net weight" shall be used when stating the net quantity of contents in terms of weight. Use of the terms "net" or "net contents" in terms of fluid measure or numerical count is optional. It is sufficient to distinguish avoirdupois ounce from fluid ounce through association of terms; for example, "Net wt. 6 oz." or "6 oz. Net wt." and "6 fl. oz." or "Net contents 6 fl. oz."

(o) Nothing in this section shall prohibit supplemental statements at locations other than the principal display panel(s) describing in nondeceptive terms the net quantity of contents; provided, that such supplemental statements of net quantity of contents shall not include any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of the food contained in the package; for example, "jumbo quart" and "full gallon". Dual or combination declarations of net quantity of contents as provided for in paragraphs (a), (c), and (j) of this section (for example, a combination of net weight plus numerical count, net contents plus dilution directions of a concentrate, etc.) are not regarded as supplemental net quantity statements and may be located on the principal display panel.

§ 1.8c [Amended]

6. Section 1.8c *Food labeling; number of servings* is amended by adding to the end of paragraph (a) a new sentence

reading: "A statement of the number of units in a package is not in itself a statement of the number of servings."

7. Section 1.10(d) is revised to read as follows:

§ 1.10 Food; labeling; designation of ingredients.

(d) In the case of fabricated foods, including mixtures of food ingredients, where the proportion of an expensive ingredient or ingredients present has a material bearing on price or consumer acceptance, the label of such food shall bear a quantitative statement of such ingredient(s) if the label without such declaration may create an erroneous impression that such ingredient or ingredients are present in an amount greater than is actually the case. For example, a label designation of identity as "cottonseed oil and olive oil" for a mixture containing 80 percent or more of cottonseed oil would require a declaration of the percent of olive oil present. Similarly, a representation by vignette or statement of identity that a breakfast syrup is made from a mixture of sugar syrup and maple sugar syrup would necessitate a quantitative declaration of the maple sugar syrup unless more than 20 percent maple sugar syrup is present.

Effective date. This order shall become effective (1) December 31, 1967, for all new packages, new label designs, and labels being reordered and (2) July 1, 1968, for all packages introduced into interstate commerce.

(Secs. 4, 6, 80 Stat. 1297, 1309, 1300, 15 U.S.C. 1453, 1455; secs. 403 (o), (f), (l), 502(b), 602(b), 701, 52 Stat. 1047, 1050, 1054, 1055, as amended, 21 U.S.C. 343 (e), (f), (l), 353 (b), 362(b), 371)

Dated: September 15, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-11037; Filed, Sept. 10, 1967; 8:48 a.m.]

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

Revision of Requirements Regarding Certain Tests

A statement of policy, § 3.47, was published in the FEDERAL REGISTER of October 23, 1956 (21 F.R. 8104), and transferred with changes to Part 120 as § 120.35 by an order published December 6, 1962 (27 F.R. 12092). Said statement announced that potentiation studies were required to determine the toxic effect of combinations of organic phosphates (cholinesterase-inhibiting compounds). Included therein was the provision "This requirement will be relaxed if additional scientific evidence shows such action can be taken without hazard to the public health."

The ad hoc advisory committee on protocols for safety evaluations, which was appointed by the Commissioner of Food and Drugs, has through its panel on potentiation considered the usefulness of the FDA requirement (21 CFR 120.35) that each new anticholinesterase pesticide be tested for toxicity in combination with each of the anticholinesterase pesticides for which tolerances have been established and has concluded that this requirement has failed to serve any useful purpose and should be abandoned. The committee found that no single, rigid, practical experimental design has been developed by which it is possible to detect all cases of potentiation between pairs of anticholinesterase pesticides and that even in cases where the current test procedure has shown the existence of potentiation, the results do not supply information pertinent to the safety evaluation of pesticide residues on agricultural commodities. The committee also found that none of the established potentiative pairs, when fed subacutely to experimental animals at or near the minimal effect levels, show significant potentiation and therefore, on this basis, are not considered a public health hazard. The committee expressed interest in aliesterase inhibition as an indicator of potentiation capability but declined to recommend that such studies be a formal requirement.

The Commissioner concludes that the present requirements for potentiation studies are unnecessary and, accordingly, § 120.35 should be revised as set forth below. Although the problem of potentiation has not been resolved and tests may be required for compounds the nature of which indicates possible capacity for potentiation, such cases can be considered best on an individual basis.

Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 403, 68 Stat. 511; 21 U.S.C. 346a) and delegated by him to the Commissioner (21 CFR 2.120), Part 120 is amended by revising § 120.35 to read as follows:

§ 120.35 Tests for potentiation.

Experiments have shown that certain cholinesterase-inhibiting pesticides when fed together to test animals are more toxic than the sum of their individual toxicities when fed separately. One substance potentiates the toxicity of the other. Important toxicological interactions also have been observed between pesticides and other substances. Whenever there is reason to believe that a pesticide chemical for which a tolerance is proposed may interact with other pesticide chemicals or other substances to which man is exposed, it may be necessary to require special experimental data regarding potentiation capacities to evaluate the safety of the proposed tolerance. This necessarily will be determined on a case-by-case basis.

This order revises a procedural regulation and is nonrestrictive in nature; therefore, notice and public procedure

and delayed effective date are unnecessary prerequisites to this promulgation.

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

(Sec. 403, 68 Stat. 511; 21 U.S.C. 346a)

Dated: September 12, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-11019; Filed, Sept. 19, 1967; 8:47 a.m.]

SUBCHAPTER C—DRUGS

PART 148n—OXYTETRACYCLINE

Moisture Content

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), § 148n.1(a) (1) (vi) is revised to read as follows to increase the specified maximum moisture content for the subject antibiotic drug:

§ 148n.1 Oxytetracycline.

(a) * * *

(1) * * *

(vi) Its moisture content is not more than 9 percent.

This amendment merely changes the maximum moisture content specification for the subject drug, is nonrestrictive, and raises no points of controversy; therefore, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

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

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

Dated: September 11, 1967.

J. K. KINK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-11020; Filed, Sept. 19, 1967; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER F—PERSONNEL

PART 583—FORMER PERSONNEL

Appearances Before Command or Agency of Department of the Army

Section 583.1 is revised to read as follows:

§ 583.1 Appearances before command or agency of the Department of the Army.

(a) **Notice of appearance.** (1) Every individual who appears before any command, agency, or member of the Department of the Army or otherwise contacts in any manner such a command, agency,

or member, for the purpose of representing himself, or a party other than the United States, with respect to any claim against the United States, sale to the United States, or other matter in relation thereto, shall be required to file with the command or agency a Notice of Appearance Before a Command or Agency of the Department of the Army (DA Form 1627) if—

(1) He is currently an officer or employee of the United States, and is not appearing pursuant to his assigned duties, unless such officer or employee is appearing or otherwise making contact in relation to a claim against the United States wherein the officer or employee has a personal legal or equitable interest (such as a claim for loss or damage of household goods).

(ii) He is a retired Regular Army officer who—

(a) Is appearing for the purpose of selling to the United States through the Army; or

(b) Is appearing in a matter in which he personally participated as an officer of the United States while on active duty; or during the course of any subsequent employment with the United States; or

(c) Is appearing within 2 years after his retirement with respect to a claim against the Army; or within 1 year after his retirement or the termination of any subsequent employment with the United States, with respect to any matter which was within his official responsibility at any time within a 1-year period prior to his retirement, or the termination of any subsequent employment with the United States.

(iii) He is a former officer or employee of the United States, other than a retired Regular Army officer who—

(a) Is appearing in a matter in which he personally participated as an officer or employee of the United States while on active duty or in the employ of the United States; or

(b) Is appearing within 1 year after the termination of his active duty or employment with respect to any matter which was under his official responsibility as an officer or employee at any time within 1 year prior to such termination.

(iv) Although not himself falling within the categories of individuals described in subdivision (i), (ii), or (iii) of this subparagraph, he has been, or will be aided, advised, or otherwise assisted in the matter in which he appears by an individual who falls within subdivision (i), (ii), or (iii) of this subparagraph, or is the partner of an officer or employee of the United States, including a special Government employee.

(v) It is believed by responsible officers of the agency or command that his appearance may otherwise be contrary to law or regulations.

(2) Except as may be specifically permitted in other regulations (e.g., see § 536.2(b) of this chapter), no officer, employee, or other member of the Department of the Army will knowingly discuss, negotiate, communicate, or otherwise deal with an individual who has

not filed a Notice of Appearance as required by this section, with respect to any matter falling within the scope of this section, without the approval of the commanding officer of the agency, command, or installation concerned.

(3) If the individual desires, he may submit a statement or other documentary evidence in support of his Notice of Appearance. The Notice of Appearance and supporting documents will be submitted in duplicate and all copies signed by the individual concerned, or when applicable, certified over his signature as a true copy of the original.

(b) *Responsibility of the individual.* It is primarily the responsibility of the individual who seeks to act in a representative capacity to avoid activities that would violate Federal law or regulations. Accordingly, the provisions of this section or any action taken hereunder by any of the commands, agencies, or members of the Department of the Army will not constitute a "clearance," or "permission," or "waiver" in connection with an individual's representative activities which may be prohibited by Federal law or regulations.

(c) *Filing Notice of Appearance.* A Notice of Appearance should be filed on a case-by-case basis; however, in those instances deemed appropriate by the command or agency concerned, an individual may be allowed to file an annual Notice of Appearance in connection with multiple appearances during the year subsequent thereto. The individual will be advised that it is his responsibility to file a new or amended Notice of Appearance at any time during the year should circumstances change with respect to his qualifications to act in a representative capacity under this section either in connection with matters in general or in connection with a particular claim, sale or other matter.

(d) *Investigations and reports.* (1) An individual will not be permitted to appear for himself or another when—

(i) The appearance of an individual who is currently an officer or employee, including a special Government employee, would constitute a violation of 18 U.S.C. 203 or 205, or be contrary to § 1.302-6 of this title (see §§ 579.33(b) and 579.34 of this chapter, and paragraph XIII, A, B, DoD Dir. 5500.7).

(ii) The appearance of a retired Regular Army officer would constitute a violation of 18 U.S.C. 207, 281, or 283, or 37 U.S.C. 801(c) as amended by 5 U.S.C. 59c (see § 579.36(a) of this chapter, and paragraph XIII.D, DoD Dir. 5500.7).

(iii) The appearance of a former officer or employee, other than a retired Regular Army officer, including a special Government employee, would constitute a violation of 18 U.S.C. 207 (see § 579.35 of this chapter, and paragraph XIII, B, C, DoD Dir. 5500.7).

(iv) The individual appearing has been, is, or will be, assisted, advised, or aided, in a manner contrary to law or regulation, by a person who would be precluded by one of the foregoing from him-

self appearing or otherwise participating (see 18 U.S.C. 2205).

(v) The individual is a partner of an officer or employee of the U.S. Government, including a special Government employee, and is appearing in connection with a particular matter in which such officer or employee is participating or has participated upon behalf of the Government, or which is the subject of his official responsibility (see 18 U.S.C. 207(c)).

(vi) The appearance would otherwise be contrary to law or regulation.

(2) The commanding officer of the agency, installation or command involved will suspend further dealings with the individual involved in the event there is reasonable ground to believe one of the foregoing circumstances exists, based upon the Notice of Appearance, an independent investigation, or otherwise. An appropriate investigation of the circumstances will thereafter be made, if necessary, pursuant to AR 15-6. A report of investigation and one signed copy of the Notice of Appearance will be forwarded, together with the recommendation of the Head of Procuring Activity or major commander concerned, through appropriate channels to The Judge Advocate General, Attention: JAGL, Department of the Army, Washington, D.C. 20310.

(e) *Determination of action.* Further dealings with representatives will be suspended pending advice of The Judge Advocate General.

[AR 632-35, August 10, 1967] (Sec. 3012, 70 A Stat. 157; 10 U.S.C. 3012)

For the Adjutant General.

DONALD L. GEER,
Colonel, AGC, Executive Officer.

[F.R. Doc. 67-10983; Filed, Sept. 19, 1967;
8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 311—PUBLIC USE OF CERTAIN RESERVOIR AREAS

PART 326—PUBLIC USE OF CERTAIN NAVIGABLE RESERVOIR AREAS

Use of Boats

The Secretary of the Army having determined that the use of certain reservoir areas by the general public for boating, swimming, bathing, fishing, and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoirs for their primary purposes, hereby prescribes rules and regulations for their public

use, pursuant to the provisions of section 4 of the Flood Control Act of 1944, as amended (76 Stat. 1195).

1. Paragraph (b) of § 311.3 is revised to read as follows:

§ 311.3 Boats and other vessels, private.

(b) Except for the reservoirs listed in this paragraph and those reservoirs covered in this part where the boat or other vessel is registered and displays a valid State or U.S. Coast Guard number for the type of vessel in use, a permit shall be obtained from the District Engineer or his authorized representative for placing and operating a vessel on the reservoir for any one period longer than 3 days. No charge will be made for this permit. The permit shall be kept aboard the vessel at all times that the vessel is in operation on the reservoir. The District Engineer in charge of the area or his authorized representative shall have authority to revoke the permit and to require removal of the vessel upon failure of the permittee to comply with the terms and conditions of the permit or with the regulations in this part.

IDAHO

Albeni Falls Reservoir Area, Fend Oreille River.

WASHINGTON

Chief Joseph Reservoir Area, Columbia River.

2. Paragraph (b) of § 326.3 is revised to read as follows:

§ 326.3 Boats, private.

(b) Except for the reservoirs listed in this paragraph and those reservoirs covered in this part where the boat is registered and displays a valid State or U.S. Coast Guard number for the type of boat in use, a permit shall be obtained from the District Engineer or his authorized representative for placing and operating any boat not exceeding 16 feet in length on the reservoirs for any one period longer than 3 days. No charge will be made for this permit. The permit shall be kept aboard the boat at all times that the boat is in operation on the reservoir.

OREGON

John Day Reservoir Area, Columbia River.

McNary Reservoir Area, Columbia River.

The Dalles Reservoir Area, Columbia River.

WASHINGTON

Ice Harbor Reservoir Area, Snake River.

John Day Reservoir Area, Columbia River.

McNary Reservoir Area, Columbia River.

The Dalles Reservoir Area, Columbia River.

[Regs., Aug. 30, 1967, ENGOW-OM] (Sec. 4, 58 Stat. 889, as amended; 16 U.S.C. 460d)

For the Adjutant General.

DONALD L. GEER,
Colonel, AGC, Executive Officer.

[F.R. Doc. 67-10982; Filed, Sept. 19, 1967;
8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 16975; FCC 67-1033]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

License Periods

In the matter of amendment of § 21.32 of the Commission's rules concerning the license periods for stations in the Domestic Public Radio Services (other than Maritime Mobile), Docket No. 16975.

Report and order. 1. On November 9, 1966, the Commission issued a notice of proposed rule making in the above-entitled matter which was duly published in the FEDERAL REGISTER (31 F.R. 14598, Nov. 16, 1966). It was proposed therein to amend § 21.32 of the Commission's rules to provide for 5-year license periods in the Domestic Public Land Mobile and Rural Radio Services in lieu of 3 years and to provide for the accelerated filing of renewal applications in the Domestic Public Radio Services when so ordered by the Commission. Comments were invited regarding these proposals on or before December 30, 1966, and January 20, 1967, was fixed as the date by which reply comments should be submitted. Upon good cause shown by several parties in petitions for extension of time, these filing dates were respectively extended to January 23, 1967, and February 13, 1967, by Commission order issued January 9, 1967, and published in the FEDERAL REGISTER (32 F.R. 464, Jan. 17, 1967). Written comments, which are hereinafter considered, were filed individually by:

American Telephone and Telegraph Co.
Ben Lomand Rural Telephone Cooperative, Inc.
GT&E Service Corp., for and on behalf of the telephone operating companies of the General System (GT&E).
Hancock Rural Telephone Corp.
Keller and Heckman.
Mid-Rivers Telephone Cooperative, Inc.
National Association of Radiotelephone Systems (NARS).
National Telephone Cooperative Association.
Souris River Telephone Mutual Aid Corp.

Also considered are the comments filed jointly (Joint Respondents) by:

Alabama Microwave, Inc.
American Microwave Communications, Inc.
Andrews Tower Rentals, Inc.
Columbia Television Co., Inc.
Dal-Worth Microwave, Inc.
Electronics, Inc.
Great Plains Microwave Co.
Hi-Desert Microwave, Inc.
Iaredo Microwave, Inc.
Minnesota Microwave, Inc.
Pilot Butte Transmission Corp.
Southwest Texas Transmission Co.
Teleplex Microwave Systems, Inc.
TelePrompter Transmission of Kansas, Inc.
TelePrompter Transmission of New Mexico, Inc.
TelePrompter Transmission of Oregon
United Video, Inc.

There were no reply comments filed.

2. The extension of license periods in the Domestic Public Land Mobile Radio and Rural Radio Services from 3 to 5 years should reduce the administrative burden both of the Commission and licensees in these services, without impinging upon the effectiveness of Commission regulation. In particular, the extension of the license period as proposed would to some extent lessen the number of application filings made by licensees in these services and thus reduce the burden and time of the Commission's staff in processing such applications. This time then could be utilized in the more expeditious processing of other applications. The adoption of the 5-year license period would also reduce the overall number of applications the licensee would have to file, and the time and expense in prosecuting such applications. With the exception of the Joint Respondents, who filed no comment thereon, all comments filed were in favor of such proposal. Therefore, it appears that the extension of the license period from 3 to 5 years in the Domestic Public Land Mobile Radio and Rural Radio Service would serve the public interest, convenience, and necessity and the proposal for a 5-year license term is hereby adopted. The recommendation of GT&E, NARS, and Keller and Heckman, that the date of expiration of licenses in the Domestic Public Radio Services be staggered within each service on a geographic basis has been rejected. The Commission is of the opinion that the recommendation is not presently feasible within each service due to the varying and complex relationships of these radio stations over extensive geographic areas and their interlocking frequency assignments. Nevertheless, the Commission is not foreclosing the possibility of staggering the time for renewal of licenses in the future, and will continue to investigate various methods which would lend themselves to such a procedure.

3. Ben Lomand Rural Telephone Cooperative, Inc., National Telephone Cooperative Association, Souris River Telephone Mutual Aid Corp., and Mid-Rivers Telephone Cooperative, Inc. supported the Commission proposal (§ 21.32(b)) to provide for the accelerated filing of license renewal applications in the Domestic Public Radio Services when so ordered by the Commission. Keller and Heckman, GT&E, and the Joint Respondents registered opposition to the proposal. Keller and Heckman contend: That the terms of the acceleration proposal are too ambiguous to tell what type of proceedings the Commission was referring to; that the acceleration of renewals where necessary would place the burden of proof in such proceedings on the licensee rather than on the Commission and might be used to circumvent the procedural protections of section 312 of the Communications Act of 1934, as amended, which relates to revocation proceedings; and that it is not proper to use the acceleration of renewal proceedings to make a licensee who protests the application of another place his own license in jeopardy. GT&E

and the Joint Respondents further contend that common carrier service is distinguishable from the broadcast service because of the nature of the service and the need for continuity of operation, and that therefore acceleration of renewal applications should not be permitted.

4. A review of the Commission's practices and experience in the Domestic Public Land Mobile Radio and Rural Radio Service does not demonstrate the need, at this time, for a procedural device such as accelerated renewals. Therefore, the proposed amendment to § 21.32(b) as to accelerated renewals is deleted. If experience in the future dictates the necessity for such a procedure an appropriate rule making proceeding will be instituted.

5. At the present time, outstanding licenses in the Rural Radio Service expire on November 1, 1968. In the Domestic Public Land Mobile Radio Service, the licenses of telephone companies expire on July 1, 1968, and the licenses of miscellaneous common carriers expire on April 1, 1969. The instant amendment to § 21.32(a), of the Commission's rules extending the license periods from 3 to 5 years shall take effect commencing as follows:

- a. Rural Radio Service—November 1, 1968.
- b. Domestic Public Land Mobile Radio Service:
 - (1) Telephone companies—July 1, 1968.
 - (2) Miscellaneous common carriers—April 1, 1969.

Authorizations for renewal of outstanding licenses expiring on the dates indicated above, will be issued upon application therefor for the period specified in § 21.32(a) of the Commission's rules, as amended. License periods in the Point-to-Point Microwave Radio and Local Television Transmission Services remain unchanged at 5 years.

6. By reason of the foregoing, the Commission finds that the public interest, convenience, and necessity will be served by the amendments ordered herein and pursuant to the authority contained in sections 4(d), 303(r), and 307(d) of the Communications Act of 1934, as amended.

7. *It is ordered*, That, on the effective dates stated in paragraph 5 above, § 21.32 of the Commission's rules is amended as set forth below.

8. *It is further ordered*, That this proceeding is hereby terminated.

(Secs. 4, 303, 307, 43 Stat., as amended, 1063, 1032, 1033; 47 U.S.C. 154, 303, 307)

Adopted: September 13, 1967.

Released: September 15, 1967.

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

Section 21.32 (a) and (b) is amended to read as follows:

¹ Commissioner Bartley absent and Commissioners Cox and Johnson dissenting.

§ 21.32 License period.

(a) Licenses for stations in the Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services will be issued for a period not to exceed 5 years; in the case of common carrier Television STL and Television Pickup stations to which are assigned frequencies allocated to the broadcast services, the authorization to use such frequencies shall, in any event, terminate simultaneously with the expiration of the authorization for the broadcast station to which such service is rendered; except that licenses for developmental stations will be issued for a period not to exceed 1 year. The expiration date of licenses of miscellaneous common carriers in the Domestic Public Land Mobile Radio Service shall be the first day of April in the year of expiration; the expiration date of licenses of telephone company common carriers in the Domestic Public Land Mobile Radio Service shall be the first day of July in the year of expiration; the expiration date of licenses in the Rural Radio Service shall be the first day of November in the year of expiration; the expiration date of licenses in the Point-to-Point Microwave Radio and Local Television Transmission Services shall be the first day of February in the year of expiration; and the expiration date of developmental licenses shall be 1 year from the date of grant thereof. When a license is granted subsequent to the last renewal date of the class of license involved, the license shall be issued only for the unexpired period of the current license term of such class.

(b) The Commission reserves the right to grant or renew station licenses in these services for a shorter period of time than that general prescribed for such stations if, in its judgment, public interest, convenience, or necessity would be served by such action.

[F.R. Doc. 67-11040; Filed, Sept. 19, 1967; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission and Department of Transportation

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

PART 277a—COOPERATIVE AGREEMENTS WITH STATES

At a session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 13th day of September 1967.

It appearing, that pursuant to Public Law 89-170, section 205(f) of the Interstate Commerce Act (49 U.S.C. 305(f)) was amended to authorize the Commission to make cooperative agreements with the various States to enforce the economic and safety laws and regulations of various States and the United States concerning highway transportation;

It further appearing, that pursuant to Public Law 89-670 (Department of Transportation Act, 49 U.S.C. 1651-1659) that the administration of said safety laws and regulations of the United States concerning highway transportation was transferred from the jurisdiction of the Interstate Commerce Commission to the Department of Transportation on April 1, 1967;

It further appearing, that by order of December 14, 1966, the Commission published in Title 49 CFR Part 277a (formerly 117a) the terms which may be incorporated in such cooperative agreements as a general statement of agency policy and procedure;

And it further appearing, that because of the transfer of the Commission's safety functions to the Department of Transportation, it is in the public interest to amend the terms in said 49 CFR Part 277a to delete reference to safety laws and regulations of the United States concerning highway transportation:

It is ordered, That Chapter I of Title 49 of the Code of Federal Regulations, Subchapter B, Part 277a, be amended to read as follows:

Sec.

- 277a.1 Eligibility.
- 277a.2 Extent of acceptance.
- 277a.3 Cancellation.
- 277a.4 Exchange of information.
- 277a.5 Requests for assistance.
- 277a.6 Joint examination, investigation, or inspections.
- 277a.7 Joint administrative activities related to enforcement of economic laws and regulations.
- 277a.8 Supplemental agreements.

AUTHORITY: The provisions of this Part 277a issued under sec. 1, 49 Stat. 546, as amended, 550, as amended; 49 U.S.C. 304, 305.

§ 277a.1 Eligibility.

Any State may agree with the Interstate Commerce Commission to enforce the economic laws and regulations of said State and the United States concerning highway transportation by filing with the Secretary of said Commission at Washington, D.C. 20423, a written acceptance of the terms herein.

§ 277a.2 Extent of acceptance.

The written acceptance may be in letter form, signed by competent authority of said State and the United States concerning highway transportation by filing with the Secretary of said Commission at To the extent that a State agrees to participate in the terms herein, officials of the Interstate Commerce Commission will reciprocate.

§ 277a.3 Cancellation.

Cancellation or withdrawal, in whole or in part, from any agreement made under this chapter may be effected by written notice from either party indicating the effective date of said cancellation or withdrawal.

§ 277a.4 Exchange of information.

(a) *Interstate Commerce Commission furnishing information to State.* Information that comes to the attention of an employee of the Interstate Commerce Commission in the course of his official

duties of examination, inspection, or investigation of the property, equipment, and records of a motor carrier or other, pursuant to section 220(d) of the Interstate Commerce Act, and that is believed to be a violation of any law or regulation of the State pertaining to unauthorized, unsafe, or otherwise illegal motor carrier operations, shall be communicated to the appropriate State authority by an official of the Interstate Commerce Commission.

(b) *State furnishing information to Interstate Commerce Commission.* Information that comes to the attention of a duly authorized agent of the State in the course of his official duties of examination, inspection, or investigation of the property, equipment, and records of a motor carrier or others, and that is believed to be a violation of any provision of the economic laws of the United States concerning highway transportation or the regulations of the Interstate Commerce Commission prescribed thereunder, shall be communicated to the Regional Director or the Associate Regional Director of the Interstate Commerce Commission's Bureau of Operations for that State.

§ 277a.5 Requests for assistance.

(a) *State request for Interstate Commerce Commission assistance.* Upon written request of the appropriate State authority, the Bureau of Operations Regional Director or Associate Regional Director of the Interstate Commerce Commission for that State shall, as time, personnel, and funds permit, obtain evidence for use by said State in the enforcement of its laws and regulations concerning unauthorized or otherwise illegal motor carrier operations. Evidence obtained in this manner shall be transmitted to the appropriate State authority together with the name and address of an agent or employee, if any, having knowledge of the facts, who shall be made available when necessary to testify as a witness in an enforcement proceeding or other action.

(b) *Interstate Commerce Commission request for State assistance.* Upon written request from a Regional Director or Associate Regional Director of the Interstate Commerce Commission's Bureau of Operations, the appropriate State authority shall, as time, personnel, and funds permit, obtain evidence in the State for use by the Interstate Commerce Commission in its enforcement of the economic laws and regulations of the United States concerning highway transportation. Evidence obtained in this manner shall be transmitted to the Regional Director or Associate Regional Director of the Interstate Commerce Commission's Bureau of Operations, together with the name and address of an agent or employee, if any, having knowledge of the facts, who shall be made available when necessary to testify as a witness in an enforcement proceeding or other action.

§ 277a.6 Joint examination, investigation, or inspections.

Upon agreement by the Regional Director or Associate Regional Director

of the Interstate Commerce Commission's Bureau of Operations and the appropriate State authority, there will be conducted a joint examination, inspection, or investigation of the property, equipment, or records of motor carriers or others, for the enforcement of the economic laws and regulations of the United States and the State concerning highway transportation. The said Regional Director or Associate Regional Director of the Interstate Commerce Commission and the appropriate State authority shall decide as to the location and time, the objectives sought, and the identity of the person who will supervise the joint effort and make the necessary decisions. Any agent or employee of either agency who has personal knowledge of pertinent facts shall be made available when necessary to testify as a witness in an enforcement proceeding or other action.

§ 277a.7 Joint administrative activities related to enforcement of economic laws and regulations.

To facilitate the interchange of information and evidence, and the conduct of joint investigation and administrative action, the Regional Director or Associate Regional Director of the Interstate Commerce Commission's Bureau of Operations and the appropriate State authority shall, when warranted, schedule joint conferences of staff members of both agencies. Information shall be exchanged as to the nature and extent of the authority and capabilities of the respective agencies to enforce the economic laws of the State or of the United States concerning highway transportation. The Interstate Commerce Commission and the State (or appropriate State authority) shall use their best efforts to inform each other of changes in their rules and regulations.

§ 277a.8 Supplemental agreements.

The terms hereinabove specified may be supplemented from time to time by specific agreement between the Interstate Commerce Commission and the appropriate State authority in order to further implement the provisions of section 305(f).

It is further ordered, That this amendment shall become effective September 20, 1967.

It is further ordered, That the previously filed written acceptances of the States are considered, without further filing, to be valid and of full force and effect as to economic laws and regulations of the States and the United States concerning highway transportation.

And it is further ordered, A copy of this order shall be mailed to the Chairman of the appropriate State authority and the Governor of each State, and notice of its content shall be given to all other persons by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy

thereof with the Director, Office of the Federal Register, for publication therein.

By the Commission.

[SEAL] H. NEIL GANSOFF,
Secretary.

[F.R. Doc. 67-11102; Filed, Sept. 19, 1967; 8:50 a.m.]

PART 277c—COOPERATIVE AGREEMENTS WITH STATES

It appearing, that pursuant to Public Law 89-170, section 205(f) of the Interstate Commerce Act (49 U.S.C. 305 (f)) was amended to authorize the Administrator to make cooperative agreements with the various States to enforce the safety and hazardous materials laws and regulations of various States and the United States under the Department of Transportation, Interstate Commerce and Explosives and Combustibles Acts, concerning motor carrier transportation;

And it further appearing, that it is in the public interest to implement section 205(f) of the Interstate Commerce Act (49 U.S.C. 305(f), as amended) and to encourage the prompt execution of such cooperative agreements by the publication of the terms which may be incorporated therein;

And it further appearing, that such terms should be included in Title 49 of the Code of Federal Regulations as a general statement of administration policy and procedure:

It is ordered, That Chapter I of Title 49 of the Code of Federal Regulations be amended by adding a new Part 277c to Subchapter B to read as follows:

- Sec. 277c.1 Eligibility.
- 277c.2 Extent of acceptance.
- 277c.3 Cancellation.
- 277c.4 Exchange of information.
- 277c.5 Requests for assistance.
- 277c.6 Joint investigation, inspection, or examination.
- 277c.7 Joint administrative activities related to enforcement of safety and hazardous materials laws and regulations.
- 277c.8 Supplemental agreements.

AUTHORITY: The provisions of this Part 277c issued under sec. 1, 49 Stat. 549, as amended; 49 U.S.C. 304. Interpret or apply sec. 1, 49 Stat. 550, as amended; 49 U.S.C. 305.

§ 277c.1 Eligibility.

Any State may agree with the Federal Highway Administration to enforce the safety laws and regulations of said State and the United States concerning motor carrier transportation by filing with the Administrator at Washington, D.C. 20591, a written acceptance of the terms herein.

§ 277c.2 Extent of acceptance.

The written acceptance may be in letter form, signed by competent authority of said State charged with regulation of motor carrier safety and hazardous materials transportation and shall specify the terms herein pertaining to the obligations of a State in which said

State will participate. To the extent that a State agrees to participate in the terms herein, officials of the Federal Highway Administration will reciprocate.

§ 277c.3 Cancellation.

Cancellation or withdrawal, in whole or in part, from any agreement made under this chapter may be effected by written notice from either party indicating the effective date of said cancellation or withdrawal.

§ 277c.4 Exchange of information.

(a) *Federal Highway Administration furnishing information to State.* Information that comes to the attention of an employee of the Federal Highway Administration in the course of his official duties of investigation, inspection, or examination of the property, equipment, and records of a motor carrier or others, pursuant to section 220(d) of the Interstate Commerce Act, and that is believed to be a violation of any law or regulation of the State pertaining to unsafe motor carrier operations and practices, shall be communicated to the appropriate State authority by an official of the Federal Highway Administration.

(b) *State furnishing information to Federal Highway Administration.* Information that comes to the attention of a duly authorized agent of the State in the course of his official duties of investigation, inspection, or examination of the property, equipment, and records of a motor carrier or others, and that is believed to be a violation of any provision of the safety or hazardous materials laws of the United States concerning highway transportation or the regulations of the Federal Highway Administration prescribed thereunder, shall be communicated to the Regional Federal Highway Administrator of the Federal Highway Administration or his designee for that State.

§ 277c.5 Requests for assistance.

(a) *State request for Federal Highway Administration assistance.* Upon written request of the appropriate State authority, the Bureau of Motor Carrier Safety officials of the Federal Highway Administration for that State shall, as time, personnel, and funds permit, obtain evidence for use by said State in the enforcement of its laws and regulations concerning unsafe motor carrier operations. Evidence obtained in this manner shall be transmitted to the appropriate State authority together with the name and address of an agent or employee, if any, having knowledge of the facts, who shall be made available when necessary to testify as a witness in an enforcement proceeding or other action.

(b) *Federal Highway Administration request for State assistance.* Upon written request from a Regional Administrator of the Federal Highway Administration or his designee the appropriate State authority, shall, as time, personnel, and funds permit, obtain evidence in the State for use by the Federal Highway Administration in its enforcement of the safety and hazardous materials laws and

regulations of the United States concerning highway transportation. Evidence obtained in this manner shall be transmitted to the Regional Administrator of the Federal Highway Administration or his designee together with the name and address of an agent or employee, if any, having knowledge of the facts, who shall be made available when necessary to testify as a witness in an enforcement proceeding or other action.

§ 277c.6 Joint investigation, inspection, or examination.

Upon agreement by the Regional Administrator of the Federal Highway Administration or his designee and the appropriate State authority, there will be conducted a joint investigation, inspection, or examination of the property, equipment, or records of motor carriers or others, for the enforcement of the safety and hazardous materials laws and regulations of the United States and the State concerning highway transportation. The said Regional Administrator or his designee of the Federal Highway Administration and the appropriate State authority shall decide as to the location and time, the objectives sought, and the identity of the person who will supervise the joint effort and make the necessary decisions. Any agent or employee of either agency who has personal knowledge of pertinent facts shall be made available when necessary to testify as a witness in an enforcement proceeding or other action.

§ 277c.7 Joint administrative activities related to enforcement of safety and hazardous materials laws and regulations.

To facilitate the interchange of information and evidence, and the conduct of joint investigation and administrative action, the Regional Highway Administrator of the Federal Highway Administration or his designee and the appropriate State authority shall, when warranted, schedule joint conferences of staff members of both agencies. Information shall be exchanged as to the nature and extent of the authority and capabilities of the respective agencies to enforce the safety and hazardous materials laws and regulations of the State or of the United States concerning motor carrier transportation. The Federal Highway Administration and the State (or appropriate State authority) shall use their best efforts to inform each other of changes in their rules and regulations and cooperate with and assist each other in conducting training schools for Federal and State enforcement officials engaged in such duties.

§ 277c.8 Supplemental agreements.

The terms hereinabove specified may be supplemented from time to time by specific agreement between the Federal Highway Administration and the appropriate State authority in order to further implement the provisions of section 305(f).

It is further ordered, That this amendment shall become effective upon its publication in the FEDERAL REGISTER.

And it is further ordered, A copy of this order shall be mailed to the head of State agencies with motor carrier safety responsibility and the Governor of each State, and notice of its content shall be given to all other persons by depositing a copy thereof in the Office of the Administrator, Federal Highway Administration, Washington, D.C. 20591, and by filing a copy thereof with the Director, Office of the Federal Register, for publication therein.

[SEAL] LOWELL K. BRIDWELL,
Federal Highway Administrator.

[F.R. Doc. 67-11103; Filed, Sept. 19, 1967;
8:50 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

National Wildlife Refuges in Illinois and Certain Other States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ILLINOIS

CHAUTAQUA NATIONAL WILDLIFE REFUGE

Public hunting of geese on the Chautauqua National Wildlife Refuge, Ill., is permitted from October 16 through December 6, 1967, and the hunting of ducks and coots is permitted from October 28 through December 6, 1967, but only on the area designated by signs as open to hunting. This open area comprising 745 acres is delineated on a map available at refuge headquarters, Havana, Ill., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Season for hunting geese will be closed when a kill quota of 20,000 Canada geese is reached in the State of Illinois. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Blinds—Temporary blinds of approved material may be constructed. Blinds do not become the property of those constructing them and will be available on a daily basis.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 6, 1967.

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Crab Orchard National Wildlife Refuge, Ill., is permitted from October

28 through December 6, 1967, and the hunting of geese is permitted from November 13 through December 24, 1967, but only on the area designated by signs as open to hunting. This open area comprising 12,380 acres is delineated on a map available at the refuge headquarters, Cartersville, Ill., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Season for hunting geese will be closed when a kill quota of 20,000 Canada geese is reached in the State of Illinois. Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 24, 1967.

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

Public hunting of ducks and coots on the Upper Mississippi River Wildlife and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin is permitted from October 7 through November 15, 1967, in Minnesota and Wisconsin; from October 21 through November 29, 1967, in Iowa; and from October 28 through December 6, 1967, in Illinois. Hunting of geese is permitted from September 30 through December 8, 1967, in Minnesota; from October 7 through December 15, 1967, in Wisconsin; from September 30 through December 8, 1967, in Iowa; and from October 16 through December 6, 1967, in Illinois. Hunting is permitted only on the areas designated by signs as open to hunting. These open areas comprising 153,000 acres are delineated on maps available at the refuge headquarters, Winona, Minn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. In the State of Illinois, the season for hunting geese will be closed when a kill quota of 20,000 Canada geese is reached in that State. Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 15, 1967.

IOWA

MARK TWAIN NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Mark Twain National Wildlife Refuge, Iowa, is permitted from October 21 through November 29, 1967, and hunting of geese is permitted from September 30 through December 8, 1967, but only on the areas known as the Big Timber Unit and that portion of the Louisa Division known as the Turkey Island area designated by signs as open to hunting. These open areas comprising 1,660 acres, are

delineated on a map available at refuge headquarters, Quincy, Ill., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) No permanent structures, excluding wood or brush duck blinds, shall be permitted; no blinds shall be locked or otherwise sealed against public entry.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 8, 1967.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Tamarac National Wildlife Refuge, Minn., is permitted from October 7 through November 15, 1967, and the hunting of geese is permitted from September 30 through December 8, 1967, but only on the area designated by signs as open to hunting. This open area, comprising 9,000 acres, is delineated on a map available at the refuge headquarters, Rochert, Minn., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 8, 1967.

MISSOURI

SWAN LAKE NATIONAL WILDLIFE REFUGE

Public hunting of geese on the Swan Lake National Wildlife Refuge, Mo., is permitted from October 20 through December 28, 1967, but only on the area designated by signs as open to hunting. This open area comprising 2,500 acres is delineated on a map available at refuge headquarters, Sumner, Mo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Season for hunting geese will be closed when a kill quota of 25,000 Canada geese has been reached in the Swan Lake area. Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 28, 1967.

NORTH DAKOTA

LOWER SOURIS NATIONAL WILDLIFE REFUGE

Public hunting of geese on the Lower Souris National Wildlife Refuge, N. Dak., is permitted from September 30 through December 13, 1967, and the hunting of

ducks and coots is permitted from October 7 through November 25, 1967, and the hunting of common snipe (Wilson's) is permitted from September 30 through November 17, 1967, but only on the area designated by signs as open to hunting. This open area comprising 2,850 acres is delineated on a map available at the refuge headquarters, Upham, N. Dak., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Blinds—Temporary blinds of approved material may be constructed.

(2) Retrieving zones—Retrieving zones will be designated by signs. Possession of firearms in retrieving zones is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 13, 1967.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Lacreek National Wildlife Refuge, S. Dak., is permitted from October 7 through December 5, 1967, and the hunting of geese is permitted from September 30 through December 13, 1967, but only on the area designated by signs as open to hunting. This open area comprising 310 acres is delineated on a map available at the refuge headquarters, Martin, S. Dak., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State and Federal regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 13, 1967.

W. P. SCHAEFER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 11, 1967.

[F.R. Doc. 67-10985; Filed, Sept. 19, 1967; 8:45 a.m.]

PART 32—HUNTING

Cold Springs National Wildlife Refuge, Ore.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

OREGON

COLD SPRINGS NATIONAL WILDLIFE REFUGE

The public hunting of ducks, coots, and gallinules on the Cold Springs National Wildlife Refuge, Ore., is permitted from October 10, 1967, through January 17, 1968, inclusive, and the hunting of geese is permitted from October 10, 1967, through January 7, 1968, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 900 acres, is delineated on a map available at the refuge headquarters, McNary National Wildlife Refuge, Burbank, Wash., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Ore. 97208. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special condition:

(1) Hunting will be permitted only on Saturdays, Sundays, and Wednesdays of each week.

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 17, 1968.

CLAY E. CRAWFORD,
Acting Regional Director,
Portland, Ore.

SEPTEMBER 12, 1967.

[F.R. Doc. 67-10987; Filed, Sept. 19, 1967; 8:45 a.m.]

PART 32—HUNTING

McKay Creek National Wildlife Refuge, Ore.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

OREGON

MCKAY CREEK NATIONAL WILDLIFE REFUGE

The public hunting of ducks, coots, and gallinules on the McKay Creek National Wildlife Refuge, Ore., is permitted from October 10, 1967, through January 17, 1968, inclusive, and the hunting of geese is permitted from October 10, 1967, through January 7, 1968, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 660 acres, is delineated on maps available at the refuge headquarters, McNary National Wildlife Refuge, Burbank, Wash., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific

Street, Portland, Oreg. 97208. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special condition:

(1) Hunting will be permitted only on Saturdays, Sundays, and Wednesdays of each week.

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 17, 1968.

CLAY E. CRAWFORD,
Acting Regional Director,
Portland, Oreg.

SEPTEMBER 12, 1967.

[F.R. Doc. 67-10988; Filed, Sept. 19, 1967;
8:45 a.m.]

PART 32—HUNTING

Upper Klamath National Wildlife Refuge, Oreg.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

OREGON

UPPER KLAMATH NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese, coots, and gallinules on the Upper Klamath National Wildlife Refuge, Oreg., is permitted from October 10, 1967 through January 7, 1968, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,364 acres, is delineated on a map available at the refuge headquarters, Tule Lake National Wildlife Refuge, Tulelake, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special condition:

(1) Sculling and airthrust boats are prohibited.

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 7, 1968.

CLAY E. CRAWFORD,
Acting Regional Director,
Portland, Oreg.

SEPTEMBER 12, 1967

[F.R. Doc. 67-10989; Filed, Sept. 19, 1967;
8:45 a.m.]

PART 32—HUNTING

Columbia National Wildlife Refuge, Wash.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

WASHINGTON

COLUMBIA NATIONAL WILDLIFE REFUGE

Public hunting of ducks, coots, and gallinules on the Columbia National Wildlife Refuge, Wash., is permitted from October 14, 1967, through January 21, 1968, inclusive, and the hunting of geese is permitted from October 14, 1967, through January 11, 1968, inclusive but only on the area designated by signs as open to hunting. This open area, comprising 7,554 acres, is delineated on maps available at refuge headquarters, Othello, Wash., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208. 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, Part 32, and are effective through January 21, 1968.

CLAY E. CRAWFORD,
Acting Regional Director,
Portland, Oreg.

SEPTEMBER 11, 1967.

[F.R. Doc. 67-10991; Filed, Sept. 19, 1967;
8:45 a.m.]

PART 32—HUNTING

Tishomingo National Wildlife Refuge, Okla.

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

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Tishomingo National Wildlife Refuge, Okla., is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres, is delineated on maps available at refuge headquarters, Tishomingo, Okla., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Hunting shall be in accordance with all applicable State regulations

covering the hunting of deer subject to the following special conditions:

(1) Not more than 20 archery hunters per day, and not more than 10 gun hunters per day will be admitted to the hunting area.

(2) The archery deer hunting season on the refuge is from October 28 to November 12, 1967, inclusive, and December 2 to December 10, 1967, inclusive, on Tuesdays, Thursdays, Saturdays, and Sundays. The gun deer hunting season on the refuge is from November 18 to November 26, 1967, inclusive, on Tuesdays, Thursdays, Saturdays, and Sundays.

(3) Zone 3 of the area open to hunting is excluded.

(4) A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

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 December 10, 1967.

ERNEST S. JEMISON,
Refuge Manager, Tishomingo
National Wildlife Refuge,
Tishomingo, Okla.

SEPTEMBER 6, 1967.

[F.R. Doc. 67-10986; Filed, Sept. 10, 1967;
8:45 a.m.]

PART 32—HUNTING

Columbia National Wildlife Refuge, Wash.

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

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

WASHINGTON

COLUMBIA NATIONAL WILDLIFE REFUGE

The public hunting of deer on the Columbia National Wildlife Refuge, Wash., is permitted from October 14 through November 12, 1967, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 7,554 acres, is delineated on maps available at refuge headquarters, Othello, Wash., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special condition:

(1) Hunting is permitted only with shotguns firing slugs or buckshot.

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 November 12, 1967.

CLAY E. CRAWFORD,
Acting Regional Director,
Portland, Oreg.

SEPTEMBER 11, 1967.

[F.R. Doc. 67-10990; Filed, Sept. 19, 1967;
8:45 a.m.]

PART 32—HUNTING

**Willapa National Wildlife Refuge,
Wash.**

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

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

WASHINGTON

WILLAPA NATIONAL WILDLIFE REFUGE

The public hunting of deer and bear on the Willapa National Wildlife Refuge, Wash., is permitted from October 14 through November 5, 1967, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,127 acres, is delineated on a map available at refuge headquarters, Ilwaco, Wash., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of

deer and bear subject to the following special conditions:

(1) Hunting is permitted by bow and arrow only.

(2) Hunters will report at such checking stations as may be established upon entering or leaving the area.

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 November 5, 1967.

CLAY E. CRAWFORD,
Acting Regional Director,
Portland, Oreg.

SEPTEMBER 12, 1967.

[F.R. Doc. 67-10332; Filed, Sept. 19, 1967;
8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

1 26 CFR Part 1

INCOME TAX

Investment Companies

Notice is hereby given that the regulations proposed to be prescribed under section 351 of the Internal Revenue Code of 1954 which were published in tentative form with a notice of proposed rule making in the FEDERAL REGISTER for July 14, 1966 (31 F.R. 9549) are withdrawn.

Further, notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 351 of the Internal Revenue Code of 1954 to the provisions of section 203 of the Act of November 13, 1966 (Pub. Law 89-809, 80 Stat. 1539), relating to transfers of property to investment companies controlled by transferors, such regulations are amended as follows:

PARAGRAPH 1. Section 1.351 is amended by revising section 351(a), by redesignating section 351(d) as section 351(e), by adding after section 351(c) a new section 351(d), and by adding a historical note. These amended and added provisions read as follows:

§ 1.351 Statutory provisions; transfer to corporation controlled by transferor.

Sec. 351. *Transfer to corporation controlled by transferor*—(a) *General rule.* No gain or loss shall be recognized if property is transferred to a corporation (including, in the case of transfers made on or before June 30, 1967, an investment company) by one or more persons solely in exchange for stock or securities in such corporation and immediately after the exchange such person or persons are in control (as defined in section 368(c)) of the corporation. For purposes of this section, stock or securities issued for services shall not be considered as issued in return for property.

(d) *Application of June 30, 1967, date.* For purposes of this section, if, in connection with the transaction, a registration statement is required to be filed with the Securities and Exchange Commission, a transfer of property to an investment company shall be treated as made on or before June 30, 1967, only if—

(1) Such transfer is made on or before such date,

(2) The registration statement was filed with the Securities and Exchange Commission before January 1, 1967, and the aggregate issue price of the stock and securities of the investment company which are issued in the transaction does not exceed the aggregate amount therefor specified in the registration statement as of the close of December 31, 1966; and

(3) The transfer of property to the investment company in the transaction includes only property deposited before May 1, 1967.

(e) *Gross references.* * * *

[Sec. 351 as amended by sec. 203, Act of Nov. 13, 1966 (80 Stat. 1539)]

PAR. 2. Section 1.351-1 is amended by adding a new paragraph (c). This added provision reads as follows:

§ 1.351-1 Transfer to corporation controlled by transferor.

(c) (1) The general rule of section 351 does not apply, and consequently gain or loss will be recognized, where property is transferred to an investment company after June 30, 1967. A transfer of property after June 30, 1967, will be considered to be a transfer to an investment company if—

(i) The transfer results, directly or indirectly, in diversification of the transferors' interests, and

(ii) The transferee is (a) a regulated investment company, (b) a real estate investment trust, or (c) a corporation more than 80 percent of the value of whose assets (excluding cash and debt obligations from consideration) are held for investment and are readily marketable stocks or securities, or interests in regulated investment companies or real estate investment trusts.

(2) The determination of whether a corporation is an investment company shall ordinarily be made by reference to the circumstances in existence immedi-

ately after the transfer in question. However, where circumstances change thereafter pursuant to a plan in existence at the time of the transfer, this determination shall be made by reference to the later circumstances.

(3) Stocks and securities will be considered readily marketable if (and only if) they are part of a class of stock or securities which is traded on a securities exchange or traded or quoted regularly in the over-the-counter market. For purposes of subparagraph (1) (ii) (c) of this paragraph, convertible debentures, convertible preferred stock, warrants, and other stock rights will be treated as readily marketable if the stock into which they are convertible is readily marketable. Stocks and securities will be considered to be held for investment unless they are (i) held primarily for sale to customers in the ordinary course of business, or (ii) used in the trade or business of banking, insurance, brokerage, or a similar trade or business.

(4) In making the determination required under subparagraph (1) (ii) (c) of this paragraph, stock and securities in subsidiary corporations shall be disregarded and the parent corporation shall be deemed to own its ratable share of its subsidiaries' assets. A corporation shall be considered a subsidiary if the parent owns 50 percent or more of (i) the combined voting power of all classes of stock entitled to vote, or (ii) the total value of shares of all classes of stock outstanding.

(5) A transfer ordinarily results in the diversification of the transferors' interests if two or more persons transfer nonidentical assets to a corporation in the exchange. For this purpose, if any transaction involves one or more transfers of nonidentical assets which, taken in the aggregate, constitute an insignificant portion of the total value of assets transferred, such transfers shall be disregarded in determining whether diversification has occurred. If there is only one transferor (or two or more transferors of identical assets) to a newly organized corporation, the transfer will generally be treated as not resulting in diversification. If a transfer is part of a plan to achieve diversification without recognition of gain, such as a plan which contemplates a subsequent transfer, however delayed, of the corporate assets (or of the stock or securities received in the earlier exchange) to an investment company in a transaction purporting to qualify for nonrecognition treatment, the original transfer will be treated as resulting in diversification.

(6) The application of subparagraph (5) of this paragraph may be illustrated as follows:

Example (1). Individuals A, B, and C organize a corporation with 101 shares of common stock. A and B each transfers to it

\$10,000 worth of the only class of stock of corporation X, listed on the New York Stock Exchange, in exchange for 50 shares of stock. C transfers \$200 worth of readily marketable securities in corporation Y for one share of stock. In determining whether or not diversification has occurred, C's participation in the transaction will be disregarded. There is, therefore, no diversification, and gain or loss will not be recognized.

Example (2). A, together with 50 other transferors, organizes a corporation with 100 shares of stock. A transfers \$10,000 worth of stock in corporation X, listed on the New York Stock Exchange, in exchange for 50 shares of stock. Each of the other 50 transferors transfers \$200 worth of readily marketable securities in corporations other than X in exchange for one share of stock. In determining whether or not diversification has occurred, all transfers will be taken into account. Therefore, diversification is present, and gain or loss will be recognized.

[F.R. Doc. 67-11039; Filed, Sept. 19, 1967; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

17 CFR Part 52 I

CANNED LEAFY GREENS

Standards for Grades ¹

Notice is hereby given that the U.S. Department of Agriculture is considering the promulgation of U.S. Standards for Grades of Canned Leafy Greens pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202-208, 60 Stat. 1087 as amended; 7 U.S.C. 1621-1627).

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

Statement of consideration leading to the proposed standards. There are no U.S. Standards for Grades specifically applicable to canned leafy greens. Heretofore, these products have been graded and certified on the basis of the U.S. Standards for Grades of Canned Spinach which are now in the process of revision. Because of the wide differences between canned leafy greens and canned spinach, canners in Georgia, Tennessee, Oklahoma, and Arkansas, expressed an urgent need for grade standards to cover certain specific leafy greens included in the proposed standards.

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

To provide for more effective marketing of these products the Department feels it appropriate to have separate grade standards for canned spinach and for canned leafy greens. The proposed standards are directed specifically to the types and styles currently marketed as:

Types (or kinds) of leafy greens.

- (a) Collards.
 - (b) Kale.
 - (c) Mustard.
 - (d) Turnip.
 - (e) Mixed leafy greens of any two of the foregoing kinds.
 - (f) Poke salad.
- #### Styles.
- (a) Whole leaf.
 - (b) Cut or sliced.
 - (c) Chopped.

The proposed standards are as follows:

PRODUCT DESCRIPTION, TYPES, STYLES, GRADES

- Sec.
- 52.6081 Product description.
- 52.6082 Types.
- 52.6083 Styles.
- 52.6084 Grades.

DEFINITIONS OF TERMS AND SYMBOLS

- 52.6085 Definitions of terms and symbols.

FILL OF CONTAINER

- 52.6086 Recommended fill of container.

RECOMMENDED DRAINED WEIGHTS

- 52.6087 Recommended drained weights.

FACTORS OF QUALITY

- 52.6088 Factors of quality.

PRODUCT CHARACTERISTICS

- 52.6089 Classification of defects.
- 52.6090 Tolerances for defects.

LOT ACCEPTANCE

- 52.6091 Lot acceptance for drained weights.
- 52.6092 Lot acceptance for quality.

SAMPLING PLANS

- 52.6093 Single sampling plans and acceptance levels.

SCORE SHEET

- 52.6094 Score sheet for canned leafy greens.

AUTHORITY: The provisions of this subpart issued under sec. 205, 60 Stat. 1090 as amended; 7 U.S.C. 1624.

PRODUCT DESCRIPTION, TYPES, STYLES, AND GRADES

- § 52.6081 Product description.

(a) "Canned leafy greens" (other than spinach), means the product properly prepared from the succulent leaves of any one of the plants listed under § 52.6082 "Types" and is packed with the addition of water in hermetically sealed containers and sufficiently processed by heat to prevent spoilage. The products may be acidified and/or seasoned with one or more of the acidifying or seasoning ingredients and in a quantity permitted under the Federal Food, Drug, and Cosmetic Act.

- § 52.6082 Types.

(a) The following types are defined under the Standards of Identity for Canned Vegetables (21 CFR 51.990) is-

sued pursuant to the Federal Food, Drug, and Cosmetic Act:

- (1) Collards.
- (2) Kale.
- (3) Mustard.
- (4) Turnip.

(b) Other types included in this subpart, but not covered by the Standards of Identity for Canned Vegetables are:

(1) Mixed leafy greens—consists of a substantial mixture of any two of the types listed in paragraph (a) of this section.

(2) Poke salad—consists of leaves and adjoining stem of the pokeberry plant (*Phytolacca Americana*).

- § 52.6083 Styles.

(a) "Whole leaf" consists substantially of the whole leaf and adjoining portion of stem.

(b) "Cut" or "sliced" consists of the leaves and adjoining portion of stem that has been cut predominantly into large pieces approximating $\frac{3}{4}$ inch or more in the longest dimension or cut predominantly into approximate strips.

(c) "Chopped" consists of the leaves and adjoining portions of the stem that have been cut predominantly into small pieces less than approximately $\frac{3}{4}$ inch in the longest dimension.

- § 52.6084 Grades.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of the product that has a good flavor and odor characteristic of the type and has an attractive appearance and eating quality within the limitations as specified herein with respect to: (1) Color; (2) character; (3) damage; and (4) harmless extraneous material.

(b) "U.S. Grade B" (or "U.S. Extra Standard") is the quality of the product that has a good flavor and odor characteristic of the type and has a reasonably attractive appearance and eating quality within the limitations as specified herein with respect to: (1) Color; (2) character; (3) damage; and (4) harmless extraneous material.

(c) "Substandard" is the quality of the product that fails to meet the requirements for "U.S. Grade B".

DEFINITIONS OF TERMS AND SYMBOLS

- § 52.6085 Definitions of terms and symbols.

(a) Terms.

- Defect ----- Any specifically defined variation from a particular requirement.
- Deviant ----- A sample unit that exceeds an upper limit (such as for various defect classifications) or falls to meet a lower limit (such as drained weights).
- Sample ----- Any number of sample units to be used for inspection of a lot.
- Sample Unit ---- The entire content of a container, a portion of the contents of a container, or a combination of the contents of two or more containers as specified to be used for inspection.

PROPOSED RULE MAKING

TABLE I—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED LEAFY GREENS

- (b) Symbols.
- \bar{X}_d ----- Minimum sample average drained weight.
 - LL----- Lower limit for individual drained weights.
 - UL----- Upper limit is the value which represents the maximum number of defects a sample unit may have for a grade classification.

| Container designation (metal, unless otherwise stated) | Container size overall dimensions | | Container capacity weight of H ₂ O at 68° F.—(avoirdupois ounces) | Minimum drained weight—(avoirdupois ounces) | |
|--|-----------------------------------|-------------------|--|---|-------------|
| | Diameter (inches) | Height (inches) | | LL | \bar{X}_d |
| 8Z tall..... | 2 $\frac{1}{4}$ " | 3 $\frac{4}{8}$ " | 8.65 | 4.8 | 6.2 |
| No. 1 picnic..... | 2 $\frac{1}{4}$ " | 4 | 10.00 | 6.3 | 6.8 |
| No. 300..... | 3 | 4 $\frac{3}{4}$ " | 15.20 | 8.6 | 9.1 |
| No. 1 tall..... | 3 $\frac{1}{4}$ " | 4 $\frac{1}{2}$ " | 16.60 | 9.4 | 10.0 |
| No. 303..... | 3 $\frac{3}{4}$ " | 4 $\frac{3}{4}$ " | 16.85 | 9.6 | 10.2 |
| No. 303 glass..... | | | 17.70 | 9.4 | 10.0 |
| No. 2..... | 3 $\frac{3}{4}$ " | 4 $\frac{3}{4}$ " | 20.50 | 11.9 | 12.6 |
| No. 2 $\frac{1}{2}$ | 4 $\frac{1}{4}$ " | 4 $\frac{1}{2}$ " | 20.75 | 17.0 | 18.6 |
| No. 2 $\frac{1}{2}$ glass..... | | | 29.60 | 15.8 | 16.0 |
| No. 10..... | 6 $\frac{3}{4}$ " | 7 | 109.45 | 55.2 | 59.4 |

FILL OF CONTAINER

§ 52.6086 Recommended fill of container.

The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. The recommended fill of container for canned leafy greens is the maximum amount of product that can be sealed in a container and processed by heat to a point of proper sterilization without impairment of quality. It is recommended that the product and packing medium occupy not less than 90 percent of the water capacity of the container.

RECOMMENDED DRAINED WEIGHTS

§ 52.6087 Recommended drained weights.

(a) General. The recommended drained weight values in Table I of this subpart are not incorporated in the grades of the finished product, since drained weight, as such, is not a factor of quality for the purpose of these grades.

(b) Method for ascertaining drained weight. (1) The drained weight of canned leafy greens is determined when the product is at approximately room temperature (68° F.). The contents of the containers are emptied upon a U.S. Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937, ±3 percent, square openings). With the sieve flat on the tray, the container of product is placed open end down in the sieve in an upright position. The container is lifted off the product without spreading the product out on the sieve. The product is allowed to drain for exactly 2 minutes. The weight of the product and sieve minus the weight of the dry sieve is the drained weight of the product.

(2) A sieve 8 inches in diameter is used for the equivalent of a No. 3 size can (404 x 700) and smaller and a sieve 12 inches in diameter is used for containers larger than the equivalent of a No. 3 size can.

FACTORS OF QUALITY

§ 52.6088 Factors of quality.

(a) General. The grade of a lot of canned leafy greens is based on requirements for product characteristics with respect to the following quality factors:

- (1) Flavor and odor.
- (2) Color.
- (3) Character.
- (4) Damage.
- (5) Harmless extraneous material.

(b) Sample unit size. Compliance with requirements for factors of quality is based on the following sample unit sizes:

| Style | Quality factors | Size of sample unit |
|---------------------------|---|-------------------------------|
| Whole leaf; and cut leaf. | For all factors quality. Flavor and odor; color; seed heads; character. Damage; harmless extraneous material. | 10 ounces of drained product. |
| Chopped..... | | 10 ounces of drained product. |
| | | 2 ounces of drained product. |

PRODUCT CHARACTERISTICS

§ 52.6089 Classification of defects.

TABLE II—CLASSIFICATION OF DEFECTS

| Quality factor | Defect | Classification | | |
|-------------------------------|--|----------------|-------|--------|
| | | Minor | Major | Severe |
| Color..... | Variable, slightly dull, or otherwise adversely affected to a degree that is noticeable. | | X | |
| Character..... | Adversely affected to a degree that is objectionable. | | | X |
| | Appearance, or eating quality is adversely, but not seriously, affected by tough leaves, fibrous stems, a mushy texture, disintegration, ragged cutting, or shredded leaves and stems or portions, thereof, as applicable for the style. | | X | |
| Damage..... | Appearance or eating quality is seriously affected. | | | X |
| | WHOLE LEAF | | | |
| | Discoloration $\frac{3}{4}$ square inch but less than 1 square inch on a leaf or stem or portion thereof; or other injury less than $\frac{3}{4}$ square inch that materially affects the appearance or eating quality of the product. | X | | |
| | Discoloration 1 square inch or more but less than 4 square inches on a leaf or stem or portion thereof; or other injury less than 1 square inch that seriously affects the appearance or eating quality of the product. | | X | |
| Harmless extraneous material. | CUT LEAF | | | |
| | Discoloration $\frac{3}{4}$ square inch or more on a portion of leaf or stem; or other injury or discoloration less than $\frac{3}{4}$ square inch that materially affects the appearance or eating quality of product. | X | | |
| | CHOPPED | | | |
| | Discoloration or other injury that materially affects the appearance or eating quality of the portions of leaves and stems. | X | | |
| | GRASS AND WEEDS | | | |
| | Green, fine, tender, string-like blades and stems of grass and weeds (aggregate measurement). | | | |
| | Whole leaf; cut leaf: | | | |
| | 3 inches or less..... | X | | |
| | More than 3 inches but not more than 8 inches..... | | X | |
| More than 8 inches..... | | | X | |
| Chopped: | $\frac{1}{2}$ inch or less..... | X | | |
| | More than $\frac{1}{2}$ inch but not more than $1\frac{1}{4}$ inches..... | | X | |
| | More than $1\frac{1}{4}$ inches..... | | | X |

TABLE II—CLASSIFICATION OF DEFECTS

| Quality factor | Defect | Classification | | |
|--|---|----------------|-------|--------|
| | | Minor | Major | Severe |
| | Green, coarse grass and weeds (aggregate measurement). | | | |
| | Whole leaf, cut leaf: | | | |
| | ½ inch or less..... | X | | |
| | More than ½ inch but not more than 2 inches..... | | X | |
| | More than 2 inches..... | | | X |
| | Chopped: | | | |
| | ½ inch or less..... | | X | |
| | More than ½ inch..... | | | X |
| | Grass and weeds other than green (aggregate measurement). | | | |
| | Whole leaf, cut leaf: | | | |
| | ½ inch or less..... | | X | |
| | More than ½ inch..... | | | X |
| Chopped: | | | | |
| Any amount..... | | | X | |
| Seed head, all styles: | | | | |
| The seed-bearing portion of the plant. | | | | |
| Longer than 1 inch or is objectionable or pieces that materially affect the appearance or eating quality of the product. | | X | | |
| Root crown: | | | | |
| Pieces or the entire portion of the solid area of the plant between the root and attached leaves. | | X | | |
| Root stub: | | | | |
| Any portion of the root whether or not leaves are attached. | | | X | |
| Grit, sand, silt, or other earthy material. | | | | |
| Presence affects appearance or eating quality..... | | | X | |

§ 52.6090 Tolerances for defects.

TABLE III—WHOLE LEAF TOLERANCES FOR DEFECTS

| Grade classification | Defect classification | Number of defects | | |
|----------------------|--------------------------|-------------------|----------------|----------------------|
| | | Sample average | Sample unit UL | Maximum for deviants |
| Grade A..... | Severe..... | 0.25 | 1 | 2 |
| | Major..... | 1.75 | 4 | 6 |
| | Total ¹ | 4.00 | 8 | 11 |
| Grade B..... | Severe..... | 0.75 | 2 | 3 |
| | Major..... | 4.00 | 8 | 11 |
| | Total ¹ | 12.00 | 18 | 23 |

¹ Total—The sum of severe, major, and minor.

TABLE IV—CHOPPED TOLERANCES FOR DEFECTS

| Grade classification | Defect classification | Number of defects | | |
|----------------------|------------------------------|-------------------|----------------|----------------------|
| | | Sample average | Sample unit UL | Maximum for deviants |
| U.S. Grade A..... | Severe..... | 0.25 | 1 | 2 |
| | Major..... | 1.75 | 4 | 6 |
| | Minor (grass and weeds)..... | 2.00 | 4 | 7 |
| | Total ² | 15.00 | 22 | 27 |
| U.S. Grade B..... | Severe..... | 0.75 | 2 | 3 |
| | Major..... | 4.00 | 8 | 11 |
| | Minor (grass and weeds)..... | 0.60 | 10 | 14 |
| | Total ² | 40.60 | 61 | 73 |

² Total—The sum of severe, major, minor (grass and weeds) and other minor.

TABLE V—SINGLE SAMPLING PLANS AND ACCEPTANCE LEVELS

| Container size or designation | Lot size (number of containers) | | | | | | | | | |
|---------------------------------|---------------------------------|--------------|---------------|---------------|----------------|-----------------|-----------------|-----------------|--------------|--------------|
| | 4,600 or less | 4,601-22,000 | 22,001-43,200 | 43,201-91,700 | 91,701-137,200 | 137,201-215,800 | 215,801-329,600 | 329,601-470,000 | Over 470,000 | Over 830,000 |
| 8Z tall (211 x 304) or smaller. | 4,600 or less | 4,601-22,000 | 22,001-43,200 | 43,201-91,700 | 91,701-137,200 | 137,201-215,800 | 215,801-329,600 | 329,601-470,000 | Over 470,000 | Over 830,000 |
| No. 1 picnic (211 x 400) | 3,500 or less | 3,501-17,300 | 17,301-34,600 | 34,601-69,300 | 69,301-103,900 | 103,901-155,800 | 155,801-242,400 | 242,401-363,600 | Over 363,600 | Over 636,600 |
| No. 300 (300 x 407) | | | | | | | | | | |
| No. 1 tall (301 x 411) | | | | | | | | | | |
| No. 303 (303 x 406) | 2,400 or less | 2,401-12,000 | 12,001-24,000 | 24,001-48,000 | 48,001-72,000 | 72,001-108,000 | 108,001-162,000 | 162,001-243,000 | Over 243,000 | Over 486,000 |
| No. 303 glass (303 x 411) | | | | | | | | | | |
| No. 2 (307 x 409) | | | | | | | | | | |
| No. 2½ (401 x 411) | | | | | | | | | | |
| No. 2½ glass (401 x 414) | 1,300 or less | 1,301-6,500 | 6,501-13,000 | 13,001-26,000 | 26,001-39,000 | 39,001-57,500 | 57,501-86,250 | 86,251-129,000 | Over 129,000 | Over 258,000 |
| No. 10 (603 x 700) | 400 or less | 401-2,000 | 2,001-3,000 | 3,001-7,500 | 7,501-11,800 | 11,801-17,700 | 17,701-27,500 | 27,501-41,250 | Over 41,250 | Over 82,500 |

SINGLE SAMPLING PLAN FOR QUALITY AND DRAINED WEIGHT COMPLIANCE

| Sample size for quality compliance (number of sample units) ² and for drained compliance (number of containers). ³ | 3 | 6 | 13 | 21 | 29 | 33 | 43 | 60 | 72 |
|--|---|---|----|----|----|----|----|----|----|
| Acceptance number..... | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |

² The sample size for quality compliance is expressed in terms of number of sample units—(see § 52.6083).

³ The sample size for drained weight compliance is expressed in terms of number of individual containers.

LOT ACCEPTANCE

§ 52.6091 Lot acceptance for drained weights.

A lot of canned leafy greens is considered as meeting the minimum drained weights if the following criteria are met:

(a) The average of the drained weights from all the containers in the sample meets the average drained weight in Table I of this subpart (designated as \bar{X}_j); and

(b) The number of deviants for drained weight do not exceed the applicable acceptance number specified in the single sampling plan contained in Table V of this subpart.

§ 52.6092 Lot acceptance for quality.

A lot of canned leafy greens shall be considered as meeting the quality requirements for the applicable grade as specified in this subpart provided that:

(a) The sample average values for the various defect classifications specified in Table III or Table IV as applicable for the style of this subpart are not exceeded;

(b) The number of deviants from the requirements for defects specified in Table III or Table IV for the applicable grade and style does not exceed the applicable acceptance number specified in the Single Sampling Plan (Table V) of this subpart;

(c) When the order of production is known, no three deviants out of five successive sample units occur; and

(d) The product meets the requirements for flavor and odor.

SAMPLING PLANS

§ 52.6093 Single sampling plans and acceptance levels.

The minimum sample size for canned leafy greens shall be the exact number of sample units prescribed in Table V of this subpart.

SCORE SHEET

§ 52.6094 Score sheet for canned leafy greens.

| | | | | | | | | |
|---|-------|-------|--------|-------|-------|--------|-------|---------|
| No., size and kind of container..... | | | | | | | | |
| Label..... | | | | | | | | |
| Container mark or identification (cans/glass..... cases.....) | | | | | | | | |
| Net weight (ounces)..... | | | | | | | | |
| Vacuum (inches)..... | | | | | | | | |
| Drained weight (ounces)..... | | | | | | | | |
| Type..... | | | | | | | | |
| Style..... | | | | | | | | |
| Quality factors | Minor | Major | Severe | Minor | Major | Severe | Minor | Average |
| Color..... | | | | | | | | |
| Character..... | | | | | | | | |
| Damage..... | | | | | | | | |
| Harmless extraneous material..... | | | | | | | | |
| Total (each class)..... | | | | | | | | |
| Total (minor major severe)..... | | | | | | | | |
| Flavor and odor (Good..... Objectionable.....) | | | | | | | | |

Dated: September 13, 1967.

G. R. GRANGE,
Deputy Administrator, Marketing Services.
[F.R. Doc. 67-10953; Filed, Sept. 19, 1967; 8:45 a.m.]

[7 CFR Part 925]

FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREG.

Approval of Expenses and Fixing of Rate of Assessment for 1967-68 Fiscal Period

Consideration is being given to the following proposals submitted by the Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee, established under the marketing agreement and Order No. 925 (7 CFR Part 925), regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oreg., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(1) Expenses that are reasonable and likely to be incurred by the Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee, during the period July 1, 1967, through June 30, 1968; will amount to \$6,545.

(2) That there be fixed, at \$0.005 per one-half bushel or equivalent quantity of fresh prunes, the rate of assessment payable by each handler in accordance with § 925.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th 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 regular business hours (7 CFR 1.27(b)).

Dated: September 15, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.
[F.R. Doc. 67-11049; Filed, Sept. 19, 1967; 8:50 a.m.]

[7 CFR Part 932]

OLIVES GROWN IN CALIFORNIA

Expenses and Rate of Assessment

Consideration is being given to the following proposals submitted by the Olive Administrative Committee, established under the marketing agreement and Order No. 932 (7 CFR Part 932) regulating the handling of olives grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(1) That the Secretary of Agriculture find that the expenses that are reasonable and likely to be incurred by said committee, in accordance with this part, during the period beginning September 1, 1967, and ending August 31, 1968, will amount to \$55,000; and

(2) That the Secretary of Agriculture fix the rate of assessment for said period, payable by each first handler in accordance with § 932.39, at \$2.50 per ton, or equivalent quantity, of olives; and

(3) That unexpended assessment funds in excess of expenses incurred during the fiscal period ended August 31, 1967, be carried over as a reserve in accordance with § 932.40 of the said marketing agreement and order.

Terms used in the marketing agreement and order, shall, when used herein,

have the same meaning as is given to the respective term in said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th 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 regular business hours (7 CFR 1.27(b)).

Dated: September 15, 1967.

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

[F.R. Doc. 67-11048; Filed, Sept. 19, 1967; 8:50 a.m.]

[7 CFR Part 989]

NATURAL THOMPSON SEEDLESS RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Changing Desirable Free Tonnage and Designating Preliminary Free Tonnage Percentage

Notice is hereby given of a proposal to: (1) Change the desirable free tonnage for natural (sun-dried) Thompson Seedless raisins from 140,000 to 142,500 tons; and (2) designate for the 1967-68 crop year such preliminary free tonnage percentage for natural Thompson Seedless raisins as will release 65 percent of such desirable free tonnage as may be established for such raisins. These actions would be in accordance with §§ 989.54 and 989.55 of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989; 32 F.R. 12157, 12555, 12710), regulating the handling of raisins produced from grapes grown in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was recommended by the Raisin Administrative Committee.

The tonnage of raisins of any varietal type which can be sold as free tonnage during a crop year is designated in § 989.54(a) as "desirable free tonnage" and, until changed, such tonnage for natural Thompson Seedless raisins is fixed at 140,000 tons. The committee has reviewed, as provided in § 989.54(a), shipment data and other matters relating to the desirable free tonnage for 1967-68.

Shipments of free tonnage natural Thompson Seedless raisins in 1966-67 were approximately 139,800 tons, and the average for the preceding 3 years was 143,800 tons. In view of a firm demand for raisins in early 1967-68, and to permit the industry to increase sales over those of 1966-67, the proposal is to change the desirable free tonnage for natural Thompson Seedless raisins from 140,000 tons to 142,500 tons.

The desirable free tonnage will be considered together with the estimate of raisin production, expected to be available early in October, in the designation of preliminary free and reserve percentages. Release of 65 percent of the desirable free tonnage, as proposed, by designation of the preliminary free tonnage percentage, would make 92,625 tons of the natural Thompson Seedless raisins available for shipment during the September-February period. This is about 14,700 tons more than actual shipments during such period in 1966-67. In February 1968, the final free tonnage percentage would be established and all of the free tonnage released.

No volume regulation in 1967-68 is contemplated for varieties other than natural Thompson Seedless.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 6, 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)).

Dated: September 15, 1967.

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

[F.R. Doc. 67-11047; Filed, Sept. 19, 1967;
8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67-CE-102]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and the transition area at Quincy, Ill.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrange-

ments for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new VOR/DME public instrument approach procedure has been developed for Runway 21 at the Quincy, Ill., Municipal Airport. In addition, the ILS approach procedure for Runway 3 has been altered to provide DME transition arcs to the ILS localizer southwest course. Therefore, it is necessary to alter the Quincy control zone and 1,200-foot floor transition area to provide protection for aircraft executing the new and altered approach procedures at this airport. There will be no change in the present 700-foot floor transition area at Quincy as a result of these proposals.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (32 F.R. 2071), the following control zone is amended to read:

QUINCY, ILL.

That airspace within a 5-mile radius of Quincy Municipal Airport (latitude 39°56'35" N., longitude 91°11'40" W.), within 2 miles each side of the Quincy VORTAC 034° radial, extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the Quincy VORTAC 035° radial extending from the 5-mile radius zone to 12 miles northeast of the airport.

(2) In § 71.181 (32 F.R. 2148), the following transition area is amended to read:

QUINCY, ILL.

That airspace extending upward from 700 feet above the surface within 5 miles northwest and 8 miles southeast of the Quincy ILS localizer southwest course extending from 4 miles northeast to 12 miles southwest of the OM; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the intersection of a line 5 miles west of and parallel to the Quincy VORTAC 017° radial and the arc of a 25-mile radius circle centered on the Quincy VORTAC, thence clockwise along the arc of a 25-mile radius circle centered on the Quincy VORTAC, to and west along a line 5 miles south of and parallel to the Quincy VORTAC 037° radial, to and clockwise along the arc of a 13-mile radius circle centered on the Quincy VORTAC, to and east along a line 5 miles north of and parallel to the Quincy VORTAC 286° radial, to and clockwise along the arc of a 12-mile radius circle centered on Quincy Municipal Airport (latitude 39°56'35" N., longitude 91°11'40" W.), to and north along a line 5 miles west of and parallel to the Quincy VORTAC 017° radial to the point of beginning.

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

Issued at Kansas City, Mo., on September 5, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-11003; Filed, Sept. 19, 1967;
8:26 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SO-83]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Cedartown, Ga., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The Cedartown transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Polk County Airport.

The proposed transition area is required for the protection of IFR operations at the Polk County Airport. A prescribed instrument approach procedure to this airport utilizing the Rome, Ga., VOR is proposed in conjunction with the designation of this transition area.

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

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

Issued in East Point, Ga., on September 8, 1967.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[F.R. Doc. 67-11004; Filed, Sept. 19, 1967;
8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-WE-47]

FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the floors of the VOR Federal airways Nos. 4, 187, and 235. Victor Federal airway 4 is presently designated in part from Malad City, Idaho, 40 miles, 12 AGL, 33 miles, 135 MSL, 12 AGL Rock Springs, Wyo.; Victor Federal airway 187 is presently designated in part from Grand Junction, Colo., 87 miles, 12 AGL, 34 miles, 125 MSL, 12 AGL Rock Springs; Victor Federal airway 235 is presently designated in part from Rock Springs, 24 miles, 12 AGL, 72 miles, 107 MSL, 12 AGL Casper, Wyo.

The MSL floors of the above airways are designated in relation to the minimum en route altitudes. A review of air traffic control procedures has determined that by employing radar, air traffic service could be afforded along these airways at the minimum obstruction clearance altitudes and thus afford additional altitudes for IFR operations. Accordingly, it is proposed to redesignate the floors of the main segments of V-4, V-187, and V-235 as follows. (The floors of the alternate airway segments would remain unchanged.):

V-4 From Malad City, Idaho, 35 miles, 1,200 feet AGL, 58 miles, 11,500 feet MSL, 1,200 feet AGL Rock Springs, Wyo.;

V-187 From Grand Junction, Colo., 75 miles, 1,200 feet AGL, 50 miles, 11,200 feet MSL, 1,200 feet AGL Rock Springs, Wyo.;

V-235 From Rock Springs, Wyo., 20 miles, 1,200 feet AGL, 41 miles, 9,500 feet MSL, 37 miles, 10,700 feet MSL, 1,200 feet AGL Casper, Wyo.

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, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Los Angeles, Calif. 90009. 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 amendments. The proposals contained in this notice may be changed in the light of comments received.

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

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

Issued in Washington, D.C., on September 14, 1967.

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

[F.R. Doc. 67-11018; Filed, Sept. 19, 1967; 8:47 a.m.]

**FEDERAL COMMUNICATIONS
COMMISSION**

[47 CFR Part 73]

[Docket No. 17723; FCC 67-1040]

TELEVISION BROADCAST STATIONS

Table of Assignments; Winona, Minn.

In the matter of amendment of the Table of Assignments in § 73.606(b) of the Commission's rules to assign Channel 44 to Winona, Minn.; Docket No. 17723, RM-1184.

1. Notice is hereby given of proposed rule making in the above captioned matter.

2. On May 29, 1967, Big Chief Television Co. filed a petition requesting that Channel 44 be assigned to Winona, Minn. No oppositions to the petition have been filed.

3. Petitioner is of the view that Winona, Minn., with its population of 24,895, as the largest city in and the county seat of Winona County (population 40,937), requires a first local commercial television service. No commercial channels are assigned to the community. Educational Channel *35 is assigned to Winona but has not been activated.

4. Big Chief Television Co. states that its studies indicate a vigorous demand for local television service and that a UHF operation in Winona would have ample advertising revenue. An examination of the area's demography presents the city as a natural hub for cultural, civic, and commercial activity, a hub which is significant to its region because of the region's isolation from large urban concentrations. Petitioner has demonstrated (by the filing of a premature application for a television station in Winona) its serious intention to apply for the use of Channel 44 if it is allocated to Winona. Channel 44 appears to be the most efficient assignment.

5. In view of the above and the fact that the allocation can be accomplished without making any other changes in the Table of Assignments or seriously affecting the availability of channels in this general area to meet other future needs, we are instituting this rule making proceeding to consider amending § 73.606(b) of the Commission's rules in respect to Winona as listed below:

| City | Channel | |
|-------------------|---------|----------|
| | Present | Proposed |
| Winona, Minn..... | *35 | *35 44 |

6. Pursuant to applicable procedures set out in § 1.415 in the Commission's rules, interested parties may file comments on or before October 23, 1967, and reply comments on or before November 3, 1967. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

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

8. Authority for the adoption of the amendment proposed herein is contained in section 4 (i) and (j), 303 and 307(b) of the Communications Act of 1934, as amended.

Adopted: September 13, 1967.

Released: September 15, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-11041; Filed, Sept. 19, 1967; 8:49 a.m.]

[47 CFR Parts 81, 83, 85]

[Docket No. 17720; FCC 67-1032]

RADIO TRANSMITTERS

Measurement of Output Power

In the matter of amendment of Parts 81, 83, and 85 to provide for output power with respect to certain transmitters; Docket No. 17720, RM-1088.

1. On January 9, 1967, the Commission received a petition for amendment of Parts 81, 83, and 85 from Collins Radio Co., Dallas, Tex. 75207. Petitioner requests that the Commission's rules be amended to delete the requirement of instruments to measure transmitter power if the transmitter maintains the authorized power level by means of automatic control. Collins further requests that where the fitting of instruments to determine power is required by the Commission's rules, measurement of either output power or plate input power should be deemed an acceptable means of metering, and that transmitter power be specified in the Commission's rules in terms of output power.

2. The Commission's rules are expressed in peak envelope power (output) for single and independent sideband emissions and plate input power for all other classes of emission. In addition, transmitters rated as capable of certain power levels must be fitted with instruments to measure the actual plate power to the transmitter whenever it is in use.

3. In support of its petition, Collins states that it has modern transmitters in production and under development that make use of linear power amplifiers to provide multipurpose operation with various classes of emission, including

¹ Commissioner Bartley absent.

single sideband. Such transmitters operate at several power levels. Collins believes that its transmitters can improve maritime operations which use radiotelegraph, radioteletypewriter, facsimile, data, and multiplex. Collins alleges that existing techniques make it practicable to specify and measure transmitter power output directly in watts or kilowatts; further, these transmitters can be equipped with instrumentation to measure the power output whenever they are in operation. It is Collins' position that specifying and measuring output power is preferable to specifying and measuring input power, regardless of the class of emission or the type of final amplifier employed. However, Collins recognizes that there may be circumstances where it is desirable to specify and measure input power. Hence, Collins asks that the Commission's rules be amended to permit the option of measuring transmitter power by either input or output power.

4. The Commission agrees that specifying and measuring output power is preferable in many instances to specifying and measuring input power; however, it is necessary to make a correlation between the input power presently specified in the rules and the allowable output power. In order to allow for this correlation, a final amplifier efficiency of 60 percent is considered representative of the transmitters presently in use, i.e. carrier or output power is considered to be 60 percent of the transmitter input power. This 60 percent efficiency is reflected in the proposed rule amendments below. Under the proposed rules, a transmitter would be acceptable for licensing and would be in compliance with the rules or terms of a license if either the carrier (output) power multiplied by 1.67 or the plate input power were shown to be within the limit specified in the rules or license. Since transmitters now authorized were accepted on the basis of rated input power, the specification of appropriate output powers in the rules and applying those values to the existing transmitters would not be feasible.

5. With regard to the required power measuring instruments, the provisions of §§ 81.110(b) and 83.110(b) were included in the rules in order to provide a means of determining that the transmitter is operating as authorized, especially when a change in power may be required in accordance with the rules. Deletion of the requirement altogether is not being proposed in this rule making, although output power may now be measured at the licensee's option. In view of the foregoing, the Collins petition for rule making is granted to the extent that the proposed amendments are consistent with its request and denied in all other respects.

6. The proposed amendments to the rules are issued pursuant to the authority contained in sections 4(i) and 303 (e) and (r) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file com-

ments on or before October 23, 1967, and reply comments on or before November 3, 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.

8. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments, filed shall be furnished the Commission.

Adopted: September 13, 1967.

Released: September 15, 1967.

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

A. Part 81 is amended as follows:

1. Section 81.110(b) is amended to read:

§ 81.110 Maintenance of transmitter power.

(b) Each radio transmitter (other than those using single sideband and independent sideband emissions) rated by the manufacturer as being capable of a plate input power in excess of 200 watts or carrier power in excess of 120 watts shall be fitted with the instruments necessary to determine the transmitter power during its operation.

2. Section 81.134(a) and that portion of paragraph (c) preceding subparagraph (1) thereof are amended to read as follows:

§ 81.134 Transmitter power.

(a) Unless specified otherwise, the transmitter power is peak envelope power for A3A, A3B, A3H, and A3J emissions. The transmitter power for other emissions is total plate input power to the final radio stage (without modulation present in the case of A3 emission) or the carrier power multiplied by 1.67.

(c) The transmitter power for coast stations using telephony below 27.5 Mc/s shall not exceed the values set forth in this paragraph.

B. Part 83 is amended as follows:

1. Section 83.110(b) is amended to read as follows:

§ 83.110 Maintenance of transmitter power.

(b) Except for transmitters using single sideband and independent sideband emissions, each radio transmitter rated by the manufacturer as being capable of a plate input power in excess of 200 watts or carrier power in excess of 120 watts shall be fitted with the in-

¹ Commissioner Bartley absent.

struments necessary to determine the transmitter power during its operation.

2. Paragraphs (a) and (c) of § 83.134 are amended to read as follows:

§ 83.134 Transmitter power.

(a) Unless specified otherwise, the transmitter power is peak envelope power for A3A, A3B, A3H, and A3J emissions. The transmitter power for other emissions is total plate input power to the final radio stage (without modulation present in the case of A3 emission) or the carrier power multiplied by 1.67.

(c) Transmitter power for telephony below 27.5 Mc/s shall not be less than 15 watts.

C. Part 85 is amended as follows:
Section 85.153(a) is amended to read:

§ 85.153 Transmitter power.

(a) Unless specified otherwise, the transmitter power is peak envelope power for A3A, A3H, and A3J emissions. The transmitter power for other emissions is the total plate input power to the final radio stage (without modulation present in the case of A3 emission) or the carrier power multiplied by 1.67.

[F.R. Doc. 67-11042; Filed, Sept. 19, 1967; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Rev. 7]

SMALL BUSINESS SIZE STANDARDS

Notice of Hearing on Definition of Small Business Manufacturer of Refined Petroleum Products

Notice is hereby given that the Small Business Administration (SBA) proposes to hold a hearing on the definition of a small manufacturer of refined petroleum products for the purpose of receiving financial assistance and bidding on Government procurements for refined petroleum products.

Section 3 of the Small Business Act (15 U.S.C. 632; 72 Stat. 384) defines a small business concern for the purpose of that Act as one which is independently owned and operated and is not dominant in its field of operation. It also authorizes the Administrator of SBA to use additional criteria in making a detailed definition of small business.

The present definition of a small business manufacturer for the purpose of bidding on Government procurements of refined petroleum products is set forth in § 121.3-3(g) of the Small Business Size Standards Regulation, Revision 7, as amended, as follows:

(g) *Refined petroleum products.* Any concern bidding on a contract for a refined petroleum product other than a product classified in Standard Industrial Classification

Industries No. 2951, Paving Mixture and Blocks; No. 2952, Asphalt Felts and Coatings; No. 2992, Lubricating Oils and Greases; or No. 2999, Products of Petroleum and Coal, not elsewhere classified; is classified as small if (1) (i) its number of employees does not exceed 1,000 persons; (ii) it does not have more than 30,000 barrels-per-day crude oil or bona fide feed stock capacity from owned or leased facilities; and (iii) the product to be delivered in the performance of the contract will contain at least 90 percent components refined by the bidder from either crude oil or bona fide feed stocks: *Provided, however*, That a petroleum refining concern which meets the requirements in subdivisions (i) and (ii) of this subparagraph may furnish the product of a refinery not qualified as small business if such product is obtained pursuant to a bona fide exchange agreement, in effect on the date of the bid or offer, between the bidder or offeror and the refiner of the product to be delivered to the Government which requires exchanges in a stated ratio on a refined petroleum product for a refined petroleum product basis, and precludes a monetary settlement, and that the products exchanged for the products offered and to be delivered to the Government meet the requirement in subdivision (iii) of this subparagraph: *And Provided further*, That the exchange of products for products to be delivered to the Government will be completed within 90 days after expiration of the delivery period under the Government contract; or (2) its number of employees does not exceed 500 persons and the product to be delivered to the Government has been refined by a concern which qualifies under subparagraph (1) of this paragraph.

Pursuant to Schedule A of the Size Standards Regulation a manufacturer of refined petroleum products is small business for the purpose of receiving financial assistance if its number of employees does not exceed 1,000 persons and it does not have more than 30,000 barrels-per-day crude oil capacity.

On July 7, 1967, a Notice of Proposal was published in the FEDERAL REGISTER (32 F.R. 9980) which proposed to amend the definition of small business for the

purpose of bidding on Government procurements for refined petroleum products by increasing the present size criteria of 1,000 employees or less and 30,000 barrels-per-day crude oil or bona fide feed stock capacity from owned or leased facilities to 2,500 employees and 50,000 barrels-per-day capacity and requested public comment thereon. On the same day a notice also was published which proposed to amend the definition of a small manufacturer of refined petroleum products for the purpose of receiving financial assistance by increasing the present criteria of 1,000 employees and 30,000 barrels-per-day capacity to 1,000 employees and 50,000 barrels-per-day capacity.

Opinions within the industry in response to the proposals differed widely as to the effect on competition which would result from an increase in the size standards. Therefore, SBA has decided that it would be in the public interest to hold an industry-wide hearing to allow interested parties an opportunity to state their positions, furnish information in support of their positions, and make comments in rebuttal or in support of the positions taken by others.

The Small Business Act provides that the Government should aid, insofar as is possible, the interests of small business concerns in order to preserve free competitive enterprise, to insure that a fair proportion of the total purchases and contracts or subcontracts for property or services for the Government be placed with small business enterprises, and to maintain and strengthen the over-all economy of the Nation. Therefore, SBA is interested in receiving information as to the following:

1. What would be the effect on competition within the industry of increasing the size standard as set forth in the Notice of Proposal referred to above?

2. What are the economies of scale (1) of exploration; (2) pipeline opera-

tions; (3) geographic diversification; (4) automation; (5) cost characteristics; (6) adaptations to risk; (7) vertical integration, etc., and the competitive advantages of concerns of a certain size as compared with concerns of a smaller size in the petroleum industry?

3. What is the outlook for the petroleum refining industry?

4. What have been the growth patterns of concerns having 1,000 employees or less and 30,000 barrels-per-day crude oil capacity or less, as compared with (a) concerns having 1,000 employees or less and 50,000 barrels-per-day crude oil capacity, (b) concerns having 2,500 employees or less and 50,000 barrels-per-day crude oil capacity and (c) firms having more than 2,500 employees and 50,000 barrels or more per day crude oil capacity?

The Hearing will be held on October 9, 1967, at 9 a.m., e.d.s.t., in Room 214-216, 1441 L Street NW., Washington, D.C. Persons intending to testify at the Hearing are requested to notify the Associate Administrator for Procurement and Management Assistance on or before September 30, 1967. Parties who wish to submit written comments in lieu of testifying or in addition to their oral testimony shall file such statements with the Associate Administrator for Procurement and Management Assistance not later than fifteen (15) days after adjournment of the Hearing.

All correspondence shall be addressed to:

Associate Administrator for Procurement and Management Assistance, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, Attention: Size Standards Staff.

Dated: September 13, 1967.

ROBERT C. MOOR,
Administrator.

[F.R. Doc. 67-10999; Filed, Sept. 19, 1967; 8:46 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[C-2287]

COLORADO

Notice of Classification of Public Lands for Multiple-Use Management

SEPTEMBER 13, 1967.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, the public lands within the areas described below, together with any lands therein that may become public lands in the future are hereby classified for multiple-use management. Publication of this notice segregates all the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9, 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). The described lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. No protests or objections were received following publication of a notice of proposed classification (32 F.R. 9997 and 9998), or at the public hearing at Montrose, Colo., which was held on August 11, 1967. Therefore, no changes have been made in the list of lands included in the classification. The record showing the comments received and other information is on file and can be examined in the Montrose District Office, Montrose, Colo. The public lands affected by this classification are located within the following described area and are shown on a map designated by Serial No. C-2287 in the Montrose District Office, BLM, Highway 550 South, Montrose, Colo. 81401, and at the Land Office of the Bureau of Land Management, Room 15019, Federal Building, 1961 Stout Street, Denver, Colo. 80202.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO
MONTROSE COUNTY

- T. 47 N., R. 7 W.,
Sec. 6.
T. 47 N., R. 8 W.,
Secs. 1 to 6, inclusive;
Secs. 10, 11, and 12.
T. 48 N., R. 8 W.,
Secs. 2 to 11, inclusive;
Secs. 15 to 23, inclusive;
Secs. 26 to 36, inclusive.
T. 48 N., R. 9 W.,
Secs. 1, 11, 12, 13, and 14;
Secs. 24 and 25.

- T. 49 N., R. 8 W.,
Secs. 4 to 8, inclusive;
Secs. 15 to 22, inclusive;
Sec. 27;
Secs. 33 to 36, inclusive.
T. 49 N., R. 9 W.,
Secs. 1, 2, and 3;
Secs. 10 to 15, inclusive.
T. 50 N., R. 8 W.,
Sec. 7, south of Gunnison River;
Secs. 18 and 19;
Secs. 29 to 33, inclusive.
T. 50 N., R. 9 W.,
Secs. 1 and 2, Southwest of Gunnison River;
Secs. 3 to 11, inclusive;
Sec. 12, south of Gunnison River;
Secs. 13 to 17, inclusive;
Secs. 21 to 28, inclusive;
Secs. 34, 35, and 36.

The public lands described aggregate approximately 44,458 acres.

4. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, interested parties may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.1-2(d)).

GEORGE H. WOODHALL,
Acting State Director.

[F.R. Doc. 67-11012; Filed, Sept. 19, 1967;
8:47 a.m.]

[Serial No. Colo. 0127417]

COLORADO

Notice of Classification; Correction

SEPTEMBER 12, 1967.

In F.R. Doc. 67-10119 appearing at pages 12492-93 of the issue for Tuesday, August 29, 1967, the following lands are added to the legal description:

6TH PRINCIPAL MERIDIAN, COLORADO

- T. 11 N., R. 95 W.,
Sec. 31, lots 5 to 29, inclusive.

E. I. ROWLAND,
State Director.

[F.R. Doc. 67-11011; Filed, Sept. 19, 1967;
8:47 a.m.]

NEW MEXICO

Order Opening Lands to Mineral Location, Entry and Patenting

SEPTEMBER 12, 1967.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269) as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

GROUP I

- T. 31 N., R. 6 W.,
Sec. 32.
T. 7 N., R. 10 W.,
Sec. 16, S $\frac{1}{2}$.
T. 22 S., R. 20 E.,
Sec. 12, SW $\frac{1}{4}$ NE $\frac{1}{4}$.

- T. 9 S., R. 24 E.,
Sec. 15, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 22, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 35, SW $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 21 S., R. 26 E.,
Sec. 21, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 28, W $\frac{1}{2}$ NE $\frac{1}{4}$.
T. 24 S., R. 29 E.,
Sec. 15, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 22, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 12 S., R. 30 E.,
Sec. 8.
T. 26 S., R. 34 E.,
Sec. 16, S $\frac{1}{2}$.

GROUP II

- T. 2 N., R. 1 W.,
Sec. 2, lots 1, 2, 3, 4, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ S $\frac{1}{2}$.
T. 3 N., R. 1 W.,
Sec. 32, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and SE $\frac{1}{4}$.
T. 2 N., R. 6 W.,
Sec. 2, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, and S $\frac{1}{2}$ S $\frac{1}{2}$.
T. 3 N., R. 7 W.,
Sec. 36, NE $\frac{1}{4}$ and S $\frac{1}{2}$.
T. 5 N., R. 10 W.,
Sec. 2, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, and SE $\frac{1}{4}$;
Sec. 16;
Sec. 26, E $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 6 N., R. 10 W.,
Secs. 16 and 32.
T. 7 N., R. 10 W.,
Sec. 16, N $\frac{1}{2}$;
Sec. 32, E $\frac{1}{2}$ and E $\frac{1}{2}$ W $\frac{1}{2}$.
T. 4 N., R. 11 W.,
Sec. 2, lots 1 to 11, inclusive, SW $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$.
T. 5 N., R. 11 W.,
Secs. 2 and 36.
T. 6 N., R. 11 W.,
Secs. 2, 16, and 36.
T. 1 N., R. 19 W.,
Sec. 15, SW $\frac{1}{4}$;
Sec. 16, S $\frac{1}{2}$ S $\frac{1}{2}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 22, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 23, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 24, NW $\frac{1}{4}$;
Secs. 25 and 26.

The areas described aggregate 13,697.92 acres in Chaves, Eddy, Otero, Lea, Catron, Socorro, Rio Arriba, and Valencia Counties, N. Mex.

2. The topography of the lands described above varies from rough, broken, hill land to gently sloping mesa top and rough mountainous terrain with deep, eroded canyons to undulating sand dunes. Vegetation consists of desert shrub type to native grasses, sagebrush, salt cedar, shiner oak, and pinon-juniper. Soils range from sand and gravel in the arroyo bottoms to shallow and rocky in mountainous areas and deep sandy loams, clay loams, raw lava flow, and red clay.

3. Subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law, the lands are hereby opened to application, petition, location, and selection. All valid applications received at or prior to 10 a.m. on October 17, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be

considered in the order of filing. The lands in Group II shall also be opened to applications and offers under the mineral leasing laws and to location under the U.S. mining laws. All valid applications received at or prior to 10 a.m., October 17, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

All of the lands with the exception of Tps. 2 and 3 N., R. 1 W.; T. 2 N., R. 6 W.; T. 3 N., R. 7 W.; T. 9 S., R. 24 E.; and T. 21 S., R. 26 E., have been classified for multiple-use management and are therefore not subject to petition applications for agricultural entries or public sales.

Inquiries concerning the lands should be addressed to the Chief, Division of Lands and Minerals, Program Management and Land Office, Bureau of Land Management, Post Office Box 1449, Santa Fe, N. Mex.

MICHAEL T. SOLAN,
Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 67-10993; Filed, Sept. 19, 1967; 8:45 a.m.]

National Park Service

FORT SUMTER NATIONAL MONUMENT, S.C.

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, Public Law 89-249, public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Fort Sumter Tours, Inc., authorizing it to provide boat transportation facilities and services for the public at Fort Sumter National Monument, S.C., for a period of 1 year from January 1, 1968, through December 31, 1968.

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

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

Dated: September 13, 1967.

LESLIE P. ARNBERGER,
Acting Assistant Director,
National Park Service.

[F.R. Doc. 67-10994; Filed, Sept. 19, 1967; 8:45 a.m.]

Office of the Secretary CENTRAL AND FIELD ORGANIZATION

Regional Coordinators—Program Support Staff

SEPTEMBER 13, 1967.

The statement of the organization of the Department of the Interior published on July 20, 1967 at 32 F.R. 10674 is amended by the following change of address for the Regional Coordinator—Program Support Staff as appears in section 2.23 of the statement:

REGIONAL COORDINATORS—PROGRAM SUPPORT STAFF

| Region | Headquarters |
|---|--|
| North Central: | 6201 Congdon Boulevard, Duluth, Minn. 55804. |
| Upper Mississippi—Western Great Lakes Sub-Area. | |

ROBERT C. MCCONNELL,
Assistant Secretary for Administration.

[F.R. Doc. 67-10995; Filed, Sept. 19, 1967; 8:46 a.m.]

PATRICK N. GRIFFIN

Report of Appointment and Statement of Financial Interests

JULY 14, 1967.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Patrick N. Griffin.
Name of employing agency: Office of Oil and Gas—Emergency Petroleum and Gas Administration.

The title of the appointee's position: Deputy Regional Administrator, Region 6.

The name of the appointee's private employer or employers: Pat Griffin Co. (self-employed).

The statement of "financial interests" for the above appointee is set forth below.

STEWART L. UDALL,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on September 1, 1967, as Deputy Regional Administrator, Emergency Petroleum and Gas Administration, an officer or director:

Pat Griffin Co., President; Poudre Valley National Bank, chairman of board; both located in Fort Collins, Colo.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Pat Griffin Co., Fort Collins, Colo.
Poudre Valley National Bank, Fort Collins, Colo.

University National Bank, Fort Collins, Colo.
Phillips Petroleum Co., Bartlesville, Okla.
(sold this stock July 25, 1967).

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

PATRICK N. GRIFFIN.

SEPTEMBER 1, 1967.

[F.R. Doc. 67-10996; Filed, Sept. 19, 1967; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

AMERICAN EXPORT ISBRANDTSEN LINES, INC.

Notice of Application

Notice is hereby given that by application dated August 2, 1967, as supplemented September 7, 1967, American Export Isbrandtsen Lines, Inc., seeks rescission of the provisions of its Operating-Differential Subsidy Agreement, Contract No. FMB-87, requiring it to provide service on Line G (Great Lakes/Western Europe—Trade Route 32), Line H (U.S. North Atlantic/United Kingdom and Continent—Trade Route 5-7-8-9), and Line F (Eastbound Round-the-World Service), on the basis of the inability of said company to maintain and operate its vessels on the referred-to lines with a reasonable profit on its investment.

Any person, firm, or corporation having an interest in this application, who desires to offer views and comments thereon for consideration by the Maritime Subsidy Board, should submit same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C., by close of business on October 4, 1967. The Maritime Subsidy Board will consider these views and comments and take such action with respect thereto as may be deemed appropriate.

Dated: September 18, 1967.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 67-11107; Filed, Sept. 19, 1967; 8:50 a.m.]

[Docket No. S-207]

GRACE LINE, INC.

Notice of Application

Notice is hereby given of the application dated September 18, 1967, of Grace Line, Inc., for written permission under section 805(a) of the Merchant Marine

Act, 1936, as amended, to time charter its owned vessel the "SS Santa Christina" for one voyage, commencing about September 23, 1967, to Motor Ships of Puerto Rico, Inc., to carry a cargo of unboxed automobiles from New York, N.Y. to San Juan, or Ponce, P.R., with return voyage to be in ballast. The "SS Santa Christina" is to be permanently withdrawn from subsidized operations on completion of its current subsidized voyage about September 22, 1967.

Interested parties may inspect this application in the Office of Government Aid, Maritime Administration, Room 4077, GAO Building, 441 G Street NW., Washington, D.C.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on September 27, 1967, file same with the Secretary, Maritime Subsidy Board/Maritime Administration, in writing, in triplicate, together with the petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in § 201.78 of the rules of practice and procedure Maritime Subsidy Board/Maritime Administration (46 CFR 201.78), petitions for leave to intervene received after the close of business on September 27, 1967, will not be granted in this proceeding.

If no petitions for leave to intervene are received within the specified time, or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board/Maritime Administration will take such action as may be deemed appropriate.

In the event petitions are received from parties with standing to be heard on the application, a hearing will be held September 29, 1967, at 10 a.m., in Room 4519, General Accounting Office Building, 441 G Street NW., Washington, D.C. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service or (b) would be prejudicial to the objects and policy of the 1936 Act.

Dated: September 19, 1967.

By order of the Maritime Subsidy Board/Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 67-11131; Filed, Sept. 19, 1967; 10:53 a.m.]

¹In view of the schedule of dates contemplated by this notice the charter will not commence unless and until favorable decision is reached by the Maritime Subsidy Board/Maritime Administration with respect to this application.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration
UNION CARBIDE CORP.

Notice of Filing of Petition
Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 8F0637) has been filed by Union Carbide Corp., Post Office Box 8361, South Charleston, W. Va. 25303, proposing the establishment of a tolerance of 0.15 part per million for residues of the insecticide 2-methyl-2-(methylthio)propionaldehyde O-(methylcarbamoyl) oxime in or on the raw agricultural commodity cottonseed.

The analytical method proposed for the determination of residues of the insecticide is a colorimetric procedure in which the residue is first separated by extraction and chromatographic tech-

niques and then measured as the sulf-oxide by determining the amount of absorbance at 530 millimicrons on a spectrophotometer.

Dated: September 13, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-11021; Filed, Sept. 19, 1967; 8:47 a.m.]

CIVIL SERVICE COMMISSION

NURSES, SEATTLE AND BREMERTON,
WASH.

Notice of Adjustment of Minimum
Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 the Civil Service Commission has increased the minimum rates and rate ranges for positions of Nurse, GS-610-5 through 9, and Public Health Nurse, GS-615-5 through 9. The revised rate ranges, including GS-4 rates previously established are:

PER ANNUM RATES

| Grade | 1 ¹ | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|-------|----------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| GS-4 | \$5,725 | \$5,825 | \$5,925 | \$6,216 | \$6,370 | \$6,523 | \$6,677 | \$6,830 | \$7,019 | \$7,175 |
| GS-5 | 6,211 | 6,337 | 6,463 | 6,753 | 6,916 | 7,079 | 7,242 | 7,405 | 7,619 | 7,775 |
| GS-6 | 6,629 | 6,837 | 7,045 | 7,253 | 7,471 | 7,689 | 7,907 | 8,125 | 8,243 | 8,441 |
| GS-7 | 7,023 | 7,233 | 7,443 | 7,653 | 7,872 | 8,091 | 8,310 | 8,529 | 8,724 | 8,907 |
| GS-8 | 7,523 | 7,773 | 8,023 | 8,243 | 8,475 | 8,713 | 8,945 | 9,153 | 9,415 | 9,633 |
| GS-9 | 7,927 | 8,215 | 8,479 | 8,749 | 9,021 | 9,292 | 9,563 | 9,794 | 10,045 | 10,255 |

¹ Corresponding statutory rates: GS-4- Seventh; GS-5-Sixth; GS-6-Fifth; GS-7-Fourth; GS-8-Third; GS-9-Second.

The revised rate ranges for positions of Nurse, PFS-610-5 and 6 are:

PER ANNUM RATES

| Level | 1 ¹ | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|-------|----------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| PFS-5 | \$6,632 | \$6,643 | \$7,024 | \$7,225 | \$7,416 | \$7,607 | \$7,793 | \$7,979 | \$8,153 | \$8,371 | \$8,522 | \$8,723 |
| PFS-6 | 6,925 | 7,123 | 7,331 | 7,534 | 7,737 | 7,949 | 8,143 | 8,349 | 8,549 | 8,752 | 8,935 | 9,153 |

¹ Corresponding statutory rates: PFS-5-Sixth; PFS-6-Fifth.

Geographic coverage is Seattle, Wash., and U.S. Navy Hospital, Bremerton, Wash.

The effective date will be the first day of the first pay period beginning on or after September 9, 1967.

All new employees in the specified occupational levels will be hired at the new minimum rate.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at a rate of the statutory or prior special rate range shall receive basic compensation at the corresponding numbered rate authorized by this notice on and after such date. The pay adjustment will not be considered an equivalent increase

within the meaning of 5 U.S.C. 5335 or 39 U.S.C. 3552.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[F.R. Doc. 67-11036; Filed, Sept. 19, 1967; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Doctet No. 18336]

BONANZA AIR LINES, INC., ET AL

Notice of Prehearing Conference

Bonanza Air Lines, Inc., Pacific Air Lines, Inc., West Coast Airlines, Inc., Merger Agreement.

Notice is hereby given that a prehearing conference in the above-entitled

matter is assigned to be held on October 10, 1967, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Ralph L. Wiser.

In order to facilitate the conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before October 3, 1967, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., September 15, 1967.

[SEAL] THOMAS L. WRENN,
Associate Chief Examiner.

[F.R. Doc. 67-11034; Filed, Sept. 19, 1967; 8:48 a.m.]

[Docket No. 18940]

LING-TEMCO-VOUGHT, INC.

Notice of Hearing

Notice is hereby given, pursuant to provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on October 9, 1967, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., September 15, 1967.

[SEAL] THOMAS L. WRENN,
Associate Chief Examiner.

[F.R. Doc. 67-11035; Filed, Sept. 19, 1967; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17210 etc.; FCC 67M-1528]

GREAT RIVER BROADCASTING, INC., ET AL.

Order Continuing Hearing

In re applications of Great River Broadcasting, Inc., St. Louis, Mo., Docket No. 17210, File No. BP-16749; Prudential Broadcasting Co., St. Louis, Mo., Docket No. 17211, File No. BP-16752; Six-Eighty-Eight Broadcasting Co., St. Louis, Mo., Docket No. 17212, File No. BP-16753; St. Louis Broadcasting Co., St. Louis, Mo., Docket No. 17213, File No. BP-16755; Victory Broadcasting Co., Inc., St. Louis, Mo., Docket No. 17214, File No. BP-16758; Home State Broadcasting Corp., St. Louis, Mo., Docket No. 17215, File No. BP-16759; Archway Broadcasting Corp., St. Louis, Mo., Docket No. 17217, File No. BP-16761; Missouri Broadcasting, Inc., St. Louis, Mo., Docket No. 17219, File No. BP-16763; for construction permits.

On the Hearing Examiner's own motion and because of the press of non-hearing duties: *It is ordered*, That the hearing in the above matter now scheduled for September 18, 1967, is hereby

rescheduled to commence at 10 a.m., September 25, 1967, in the Commission's offices in Washington, D.C.

Issued: September 13, 1967.

Released: September 15, 1967.

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

[F.R. Doc. 67-11043; Filed, Sept. 19, 1967; 8:49 a.m.]

[Docket Nos. 17706, 17707; FCC 67-1028]

MALRITE, INC., AND PHILIP Y. HAHN, JR.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Malrite, Inc., Rochester, N.Y. Docket No. 17706, File No. BPCT-3873; Philip Y. Hahn, Jr., Rochester, N.Y., Docket No. 17707, File No. BPCT-3937; for construction permit for new television broadcast station.

1. The Commission has before it for consideration the above-captioned applications each requesting a construction permit for a new television broadcast station to operate on Channel 31, Rochester, N.Y.

2. With respect to the issues set forth below the following considerations are pertinent:

Based on the information contained in the application of Malrite, Inc., cash in the amount of \$288,500 will be needed for the construction and first-year operation of the proposed station, consisting of down payment on equipment—\$51,072; first-year payments on equipment including interest—\$39,134; building—\$11,000; other items—\$7,500; first-year cost of operation—\$179,794. To meet the cash requirements, the applicant relies upon the availability of existing capital of \$163,500 and profits from the operation of Standard Radio Broadcast Station WBRB and Station WBRB-FM, Mount Clemens, Mich., and Standard Radio Broadcast Station WNYR and Station WNYR-FM, Rochester, N.Y. The applicant has demonstrated the availability of \$115,197 in liquid and current assets (as defined in section III, par. 4(d), FCC Form 301), in excess of current liabilities. However, while the applicant states that profits of \$221,500 will be utilized from the operation of the stations indicated above, the applicant has failed to satisfactorily demonstrate that these funds will be available to finance the construction and first-year operation of the proposed station. Moreover, the applicant has made no showing as to the validity of its \$400,000 revenue estimate for the first-year of operation. Accordingly, financial issues have been specified.

3. Malrite, Inc., proposes to mount its antenna on the existing antenna structure of Standard Radio Broadcast Station WNYR, Rochester, N.Y. Therefore, in the event of a grant of the application of Malrite, Inc., such grant shall be made subject to the condition that construction

shall not commence until an appropriate application to make the proposed changes in the antenna system of Station WNYR has been filed and granted by the Commission.

4. There appears to be a significant disparity in the proposed Grade B contours of the applications. In accordance with the Commission's policy, evidence with respect to which of the proposals would represent a more efficient use of the frequency may be adduced under the comparative issue.¹

5. Philip Y. Hahn, Jr., is qualified to construct, own and operate the proposed new television broadcast station and except as indicated by the issues set forth below, Malrite, Inc., is qualified to construct, own and operate the proposed new television broadcast station. The applications are, however, mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. The Commission is, therefore, unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Malrite, Inc., and Philip Y. Hahn, Jr. are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine with respect to the application of Malrite, Inc.:

(a) Whether, in addition to the \$115,197 already shown to be available, the applicant will have available an additional \$48,303 in liquid and current assets (as defined in section III, par. 4(d), FCC Form 301) in excess of current liabilities to finance the construction and first-year operation of the station.

(b) Whether the applicant will have available sufficient profits from the operation of Standard Radio Broadcast Station WBRB and Station WBRB-FM, Mount Clemens, Mich., and Standard Radio Broadcast Station WNYR and Station WNYR-FM, Rochester, N.Y., to supplement available funds for use in the construction and first-year operation of the proposed station.

(c) Whether, in the light of the evidence adduced pursuant to the foregoing, Malrite, Inc., is financially qualified.

2. To determine which of the proposals would better serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That in the event of a grant of the application of Malrite, Inc., such grant shall be made subject to the following condition: Construction shall not commence until an appropriate application to make the proposed changes in the antenna system of Station

¹ *Harriscopes, Inc.*, FCC 65-1165, 2 FCC 2d 223.

WNYR has been filed and granted by the Commission.

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

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

Adopted: September 6, 1967.

Released: September 15, 1967.

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

[F.R. Doc. 67-11044; Filed, Sept. 19, 1967;
8:49 a.m.]

[Docket No. 17587; FCC 67M-1518]

E. O. SMITH (KRDS)

Order Regarding Procedural Dates

In re application of E. O. Smith (KRDS), Tolleson, Ariz., Docket No. 17587, File No. BP-17053; for construction permit.

Prehearing conferences having been held on September 1 and 11, 1967:

It is ordered, That:

(1) The applicant's direct affirmative case shall be presented primarily in the form of sworn, written exhibits, but may be supplemented by oral testimony;

(2) There shall be informal and formal exchanges of exhibits on or before November 27 and December 11, 1967, respectively;

(3) On or before December 11, 1967, the applicant shall identify any witness to be presented orally and state briefly the scope of his testimony;

(4) Any party wishing to call for cross-examination the sponsor of any exhibit shall give notification thereof on or before December 27, 1967; and

(5) Hearing shall commence on January 3, 1968, at 10 a.m. in the offices of the Commission at Washington, D.C.

Issued: September 11, 1967.

Released: September 14, 1967.

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

[F.R. Doc. 67-11045; Filed, Sept. 19, 1967;
8:49 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN ENSIGN VAN SERVICE,
INC., ET AL.

Notice of Agreement Filed for Approval

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

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

Household Goods Forwarders Association of America, Inc.; United States-Alaska/Hawaii/Guam/Puerto Rico rate agreement:

Notice of agreement filed for approval by:

Alan F. Wohlstetter, Denning & Wohlstetter,
1 Farragut Square South, Washington, D.C.
20006.

Agreement No. DC-28, between American Ensign Van Service, Inc., Asiatic Forwarders, Inc., Astron Forwarding Co., Bekins Wide World Van Service, Inc., et al., proposes to establish and maintain agreed rates, charges, and practices in connection with the transportation of household goods between ports of the United States, on the one hand, and ports in Alaska, Hawaii, Guam, and Puerto Rico, on the other hand. The Household Goods Forwarders Association of America, is designated tariff publishing agent for the parties.

The parties, which operate as freight forwarders of household goods under exemption provisos of the Interstate Commerce Act and as common carriers by water subject to the Shipping Act, 1916, propose to file tariffs with the Federal Maritime Commission between the ports covered by the agreement.

The purpose of the proposed agreement is to assist in promoting efficient transportation of used household goods between the areas covered in the agreement.

Dated: September 15, 1967.

By order of the Federal Maritime
Commission.

THOMAS LIST,
Secretary.

[F.R. Doc. 67-11023; Filed, Sept. 19, 1967;
8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CS67-94]

ELLIOTT PRODUCTION CO.

Order Amending Order

SEPTEMBER 13, 1967.

Order amending order issuing small producer certificate of public convenience and necessity, redesignating FPC gas rate schedule, substituting respondent in rate proceeding, and terminating small producer certificate.

On July 19, 1967, Elliott Production Co. (Applicant) filed in Docket No. G-3693 an application to succeed to the interests of Elliott Oil, Inc. By the order issued July 28, 1967, small producer certificates of public convenience were issued to Elliott Oil, Inc., and Applicant in Docket Nos. CS67-92 and CS67-94, respectively. The order in Docket No. CS67-92 issued to Elliott Oil, Inc., terminated Docket No. G-3693. The order also cancelled all of Elliott Oil, Inc., rate schedules except its FPC Gas Rate Schedule No. 2 which is involved in suspension proceedings in Docket Nos. RI60-228 and RI64-332.

By general conveyance dated May 1, 1967, Elliott Oil, Inc., was merged into Applicant. Since Elliott Oil, Inc., is no longer in business, the authorization heretofore granted in Docket No. CS67-92 is no longer required and will be terminated.

Since Applicant has been issued a small producer certificate, the application to amend the certificate in Docket No. G-3693 is no longer required and will be dismissed.

Elliott Oil, Inc., FPC Gas Rate Schedule No. 2 will be redesignated as Elliott Production Co. FPC Gas Rate Schedule No. 5, and Elliott Production Co. will be substituted as respondent in the suspension proceedings in Docket Nos. RI60-228 and RI64-332.

The Commission staff has reviewed the application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the application to amend the certificate in Docket No. G-3693 filed July 19, 1967, be dismissed.

(2) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket No. CS67-92 be terminated.

(3) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Elliott Oil, Inc., FPC Gas Rate Schedule No. 2 be redesignated Elliott Production Co. FPC Gas Rate Schedule No. 5 and that Elliott Production Co. be substituted as respondent in Docket Nos. RI60-228 and RI64-332.

The Commission orders:

(A) Docket No. CS67-92 is terminated and the sales previously authorized thereunder are deemed to be authorized under the small producer certificate issued to Applicant in Docket No. CS67-94.

(B) Elliott Oil, Inc., FPC Gas Rate Schedule No. 2, as supplemented is redesignated Elliott Production Co. FPC Gas Rate Schedule No. 5, and the notice of succession and general conveyance filed by Applicant are accepted for filing effective as of May 1, 1967. The general conveyance of May 1, 1967, is designated as Supplement No. 7 to Elliott Production Co. FPC Gas Rate Schedule No. 5.

(C) Elliott Production Co. is substituted as respondent in Docket Nos. RI60-228 and RI64-332.

(D) The application to amend the certificate filed July 19, 1967, in Docket No. G-3693 is dismissed.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-11005; Filed, Sept. 19, 1967;
8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-903]

GREATER WASHINGTON INDUSTRIAL INVESTMENTS, INC.

Certificate

SEPTEMBER 13, 1967.

Greater Washington Industrial Investments, Inc. ("Greater Washington"),

1725 K Street NW., Washington, D.C. 20006, a closed-end nondiversified management investment company registered under the Investment Company Act of 1940 ("Act") and a licensee under the Small Business Investment Act of 1958, has filed an application for an order of the Commission certifying to the Secretary of the Treasury, pursuant to section 851(e) of the Internal Revenue Code of 1954 ("Code"), that, for the 9 months ended December 31, 1966, Greater Washington was principally engaged in the furnishing of capital to other corporations which are principally engaged in the development or exploitation of inventions, technological improvements, new processes, or products not previously generally available. Applicant states that in 1966 the Internal Revenue Service allowed Greater Washington to change its tax year from March 31 to December 31 to avoid difficulties in advising its shareholders of the tax status of its dividends promptly in January of each year. The certification requested is a prerequisite to qualification by Greater Washington as a "regulated investment company" under section 851(a) of the Code, pursuant to the provisions of section 851(e) thereof, for its tax year ending December 31, 1966.

The following table shows the composition of the total assets of Greater Washington as of the end of each quarter in the 9 months ended December 31, 1966:

| Assets | June 30, 1966 | Sept. 30, 1966 | Dec. 31, 1966 |
|--|--------------------------|--------------------------|--------------------------|
| Investments (at market value) representing capital furnished: To corporations believed to be principally engaged in the development or exploitation of inventions, technological improvements, new processes, or products not previously generally available..... | \$4,535,621 1,062,096 | \$4,336,635 1,067,387 | \$4,311,215 1,027,321 |
| To other corporations believed not so engaged..... | | | |
| Total Investments..... | 5,597,717 | 5,404,022 | 5,338,636 |
| Cash awaiting permanent investment or temporarily invested: Cash, Government securities (at cost) and accrued income..... | 343,550 11,751 | 621,670 11,542 | 1,235,676 10,837 |
| Other assets (at cost)..... | | | |
| Total Assets Before Reserves..... | 5,952,918 | 6,037,234 | 6,585,049 |
| Reserve For Possible Losses..... | 481,647 | 478,867 | 478,867 |
| Total assets..... | 5,471,271 | 5,558,367 | 6,106,182 |

Greater Washington has submitted in support of its application, which incorporates by reference similar applications made by Greater Washington in 1961 and subsequent years, a detailed description of each of the companies whose securities are held in its portfolio and which it alleges to be of the type contemplated by section 851(e) of the Code.

On the basis of an examination of the reports and information filed by Greater Washington with the Commission pursuant to the provisions of the Act and the rules and regulations promulgated thereunder, including the data and information contained in Greater Washington's applications for certificates pursuant to section 851(e) of the Code filed in previous years and in the instant application, it appears to the Commission that, during the 9 months ended December 31, 1966, Greater Washington was principally engaged in the furnishing

of capital to other corporations which are principally engaged in the development or exploitation of inventions, technological improvements, new processes, or products not previously generally available within the intent of section 851(e) of the Code.

It is therefore certified to the Secretary of the Treasury, or his delegate, pursuant to section 851(e) of the Internal Revenue Code of 1954, that Greater Washington Industrial Investments, Inc., a closed-end nondiversified management investment company registered under the Investment Company Act of 1940, and a licensee under the Small Business Investment Act of 1958, was, for the 9 months ended December 31, 1966, principally engaged in the furnishing of capital to other corporations which are principally engaged in the development or exploitation of inventions, technological improvements, new proc-

esses, or products not previously generally available.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F.R. Doc. 67-10997; Filed, Sept. 19, 1967;
8:46 a.m.]

[File No. 1-4078]

TEL-A-SIGN, INC.

Order Suspending Trading

SEPTEMBER 13, 1967.

The common stock of Tel-A-Sign, Inc., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934, and 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 security on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 14, 1967, through September 23, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F.R. Doc. 67-10998; Filed, Sept. 19, 1967;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 15, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41128—*Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 602), for interested rail carriers. Rates on terpene polychlorinates, also compressed helium gas, in tank carloads; and magnesium metal or magnesium metal alloys, in carloads, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same competition.

Tariff—Supplement 68 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

AGGREGATE-OF-INTERMEDIATES

FSA No. 41129—*Commodities between points in Texas*. Filed by Texas-Louisiana Freight Bureau, agent (No. 603), for interested rail carriers. Rates on sulphuric acid, and other commodities named in the application, in carloads, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 68 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-11025; Filed, Sept. 19, 1967;
8:47 a.m.]

[Notice 464]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 15, 1967.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 10928 (Deviation No. 12), SOUTHERN-PLAZA EXPRESS, INC. (Consolidated Freightways Corp. of Delaware, Operator), 2001 Irving Boulevard, Post Office Box 10572, Dallas, Tex. 75207. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Waco, Tex., over Texas Highway 6 to junction Texas Highway 340, thence over Texas Highway 340 to junction Texas Farm to Market Road 2491, thence over Texas Farm to Market Road 2491 to the north gate of the Texas Power & Light Trading-house Creek plantsite, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a

pertinent service route as follows: From Waco, Tex., over Texas Highway 6 via Harrison and Hearne, Tex., to Hempstead, Tex., and return over the same route.

No. MC 38551 (Deviation No. 1), RAMUS TRUCKING LINE, INC., 3832 Ridge Road, Cleveland, Ohio 44144, filed September 8, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Cleveland, Ohio, and Boston, Mass., over Interstate Highway 90, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Cleveland, Ohio, over U.S. Highway 20 to Auburn, N.Y., thence over New York Highway 5 to Albany, N.Y., thence over U.S. Highway 20 to Boston, Mass., and return over the same route.

No. MC 38551 (Deviation No. 2), RAMUS TRUCKING LINE, INC., 3832 Ridge Road, Cleveland, Ohio 44144, filed September 8, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cleveland, Ohio, over Interstate Highway 80 to junction Interstate Highway 94, thence over Interstate Highway 94 to Chicago, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Cleveland, Ohio, over Ohio Highway 254 to junction Ohio Highway 57, thence over Ohio Highway 57 to Lorain, Ohio, thence over Ohio Highway 2 via Sandusky, Ohio, to Toledo, Ohio, thence over U.S. Highway Business Route 20 to junction U.S. Highway 20, thence over U.S. Highway 20 to Chicago, Ill., and return over the same routes.

No. MC 38551 (Deviation No. 3), RAMUS TRUCKING LINE, INC., 3832 Ridge Road, Cleveland, Ohio 44144, filed September 8, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Huron, Ohio, over U.S. Highway 6 to junction Interstate Highway 94, thence over Interstate Highway 94 to Chicago, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Cleveland, Ohio, over Ohio Highway 254 to junction Ohio Highway 57, thence over Ohio Highway 57 to Lorain, Ohio, thence over Ohio Highway 2 via Sandusky, Ohio, to Toledo, Ohio, thence over U.S. Highway Business Route 20 to junction U.S. Highway 20, thence over U.S. Highway 20 to Chicago, Ill., and return over the same route.

No. MC 106943 (Deviation No. 9), EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. 47808, filed September 5, 1967. Carrier's representative: Peter M. Witham, same

address as above. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Akron, Ohio, over Interstate Highway 80S to junction Interstate Highway 80 west of Youngstown, Ohio, thence over Interstate Highway 80 to New York, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Akron, Ohio, over Ohio Highway 8 to Canton, Ohio, thence over U.S. Highway 30 to Pittsburgh, Pa., thence over U.S. Highway 22 to Newark, N.J., thence over U.S. Highway 1 to New York, N.Y., and return over the same route.

No. MC 103859 (Deviation No. 4), CLAIRMONT TRANSFER CO., 1303 Seventh Avenue North, Escanaba, Mich. 49829, filed September 5, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) Over connecting streets and highways in the Indianapolis, Ind., commercial zone, from carrier's route over Indiana Highway 37 to Interstate Highway 74 at Indianapolis, Ind., thence over Interstate Highway 74 to junction Indiana Highway 32 near Crawfordsville, Ind., thence over Indiana Highway 32 to Crawfordsville, Ind., (2) over connecting streets and highways in the Indianapolis, Ind., commercial zone, from carrier's route over Indiana Highway 37 to junction Interstate Highway 65, thence over Interstate Highway 65 to Lafayette, Ind., (3) over connecting streets and highways in the Indianapolis, Ind., commercial zone, from carrier's route over Indiana Highway 37 to junction Interstate Highway 65, thence over Interstate Highway 65 to Louisville, Ky., (4) from junction Interstate Highways 465 and 65 south of Indianapolis, Ind., over Interstate Highway 465 to junction Interstate Highway 65 north of Indianapolis, Ind., (5) from Milwaukee, Wis., over U.S. Highway 41 to Green Bay, Wis., (6) from Chicago, Ill., over Interstate Highway 94 to Milwaukee, Wis., and (7) from junction Interstate Highway 294 and U.S. Highway 41 and Interstate Highway 94 north of Chicago, Ill., over Interstate Highway 294 to junction U.S. Highway 41 at or near Hammond, Ind., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Indianapolis, Ind., over Indiana Highway 37 to Bloomington, Ind., thence over Indiana Highway 46 to Spencer, Ind., thence over Indiana Highway 43 to Crawfordsville, Ind., (2) from Indianapolis, Ind., over the route described in No. 1 to Spencer, Ind., thence over Indiana Highway 43 to Lafayette, Ind., (3) from Indianapolis, Ind., over Indiana Highway 37 to junction U.S. Highway 150, at Paoli, Ind., thence over U.S. Highway 150 to Louisville, Ky., (4) from Milwaukee, Wis., over Wisconsin

Highway 57 to junction Wisconsin Highway 23, thence over Wisconsin Highway 23 to Plymouth, Wis., thence over Wisconsin Highway 67 to Kiel, Wis., thence over Wisconsin Highway 57 via Chilton, Wis., to Green Bay, Wis., (5) from Chicago, Ill., over U.S. Highway 41 to Milwaukee, Wis., and (6) from junction U.S. Highway 41 and Interstate Highway 294 at or near Hammond, Ind., over U.S. Highway 41 to junction Interstate Highway 294 north of Chicago, Ill., and return over the same routes.

No. MC 108473 (Deviation No. 13), ST. JOHNSBURY TRUCKING COMPANY, INC., 38 Main Street, St. Johnsbury, Vt. 05819, filed September 7, 1967. Carrier's representative: Francis E. Barrett, Professional Building, 25 Bryant Avenue, East Milton (Boston) Mass. 02186. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Camden, N.J., over U.S. Highway 130 to junction Interstate Highway 295, thence over Interstate Highway 295 to junction Interstate Highway 95, near Wilmington, Del., thence over Interstate Highway 95 to Wilmington, Del., and (2) from Philadelphia, Pa., over U.S. Highway 13 to junction Interstate Highway 95, thence over Interstate Highway 95 to Wilmington, Del., and also to enter, leave, and reenter the aforementioned expressways at all entrances and exits, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From New York, N.Y., over U.S. Highway 1 to Philadelphia, Pa. (also over U.S. Highway 1 to junction U.S. Highway 130, thence over U.S. Highway 130 to Camden, N.J., thence across the Delaware River to Philadelphia), thence over U.S. Highway 13 to Wilmington, Del., and return over the same routes.

No. MC 108473 (Deviation No. 14), ST. JOHNSBURY TRUCKING COMPANY, INC., 38 Main Street, St. Johnsbury, Vt. 05819, filed September 7, 1967. Carrier's representative: Francis E. Barrett, Professional Building, 25 Bryant Avenue, East Milton (Boston), Mass. 02186. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Albany, N.Y., and Glens Falls, N.Y., over Interstate Highway 87, also to enter, leave, and reenter the aforementioned expressway at all exit and entrances, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Albany, N.Y., and Glens Falls, N.Y., over U.S. Highway 9.

MOTOR CARRIERS OF PASSENGERS

No. MC 50026 (Deviation No. 10), ARKANSAS MOTOR COACHES LIMITED, INC., 100 East Markham, Little Rock, Ark. 72201, filed September 8, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers*

and their baggage, and express and newspapers in the same vehicle with passengers, over deviation routes as follows: (1) From junction Arkansas Highway 26 and U.S. Highway 67 over Arkansas Highway 26, an access road, to junction Interstate Highway 30, thence over Interstate Highway 30 to junction Arkansas Highway 53, thence over Arkansas Highway 53, an access road, to Gurdon, Ark., and (2) from Gurdon, Ark., over Arkansas Highway 53, an access road, to junction Interstate Highway 30, thence over Interstate Highway 30 to junction Arkansas Highway 51, thence over Arkansas Highway 51, an access road, to junction U.S. Highway 67, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Memphis, Tenn., over U.S. Highway 70 to Hot Springs National Park, Ark., thence over Arkansas Highway 7 to Arkadelphia, Ark., thence over U.S. Highway 67 to Texarkana, Tex., and return over the same route.

No. MC 61616 (Deviation No. 23), MIDWEST BUSLINES, INC., 433 West Washington Avenue, North Little Rock, Ark. 72114, filed September 8, 1967. Carrier's representative: Nathaniel Davis, Post Office Box 1188, Little Rock, Ark. 72203. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction Arkansas Highway 26 and U.S. Highway 67 over Arkansas Highway 26, as access road, to junction Interstate Highway 30, thence over Interstate Highway 30 to junction Arkansas Highway 53, thence over Arkansas Highway 53, an access road, to Gurdon, Ark., and (2) from Gurdon, Ark., over Arkansas Highway 53, an access road, to junction Interstate Highway 30, thence over Interstate Highway 30, to junction Arkansas Highway 51, thence over Arkansas Highway 51, an access road, to junction U.S. Highway 67, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 67 to Judsonia, Ark., thence over U.S. Highway 67 to junction U.S. Highway 67C, thence over U.S. Highway 67C to junction U.S. Highway 67, thence over U.S. Highway 67 to Maud, Tex., and return over the same route.

No. MC 61616 (Deviation No. 24), MIDWEST BUSLINES, INC., 433 West Washington Avenue, North Little Rock, Ark. 72114, filed September 8, 1967. Carrier's representative: Nathaniel Davis, Post Office Box 1188, Little Rock, Ark. 72203. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Missouri High-

way 141 and U.S. Highway 67, over Missouri Highway 141 to junction Interstate Highway 55, thence over Interstate Highway 55 to junction Jefferson County Route M, thence over Jefferson County Route M to junction U.S. Highway 67, for a distance of 6.5 miles, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: Between St. Louis, Mo., and Judsonia, Ark., over U.S. Highway 67.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-11026; Filed, Sept. 10, 1967;
8:46 a.m.]

[Notice 1106]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 15, 1967.

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

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

APPLICATIONS ASSIGNED FOR ORAL HEARING MOTOR CARRIERS OF PROPERTY

No. MC 113855 (Sub-No. 166) (Republication), filed August 3, 1967, published in the FEDERAL REGISTER issue of August 25, 1967, and republished this issue. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55902. Applicant's representative: Franklin J. Van Osdel, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Street sweepers and parts*, from points in Los Angeles County, Calif., to points in the United States (except Hawaii). Note: The purpose of this republication is to reflect the hearing information.

HEARING: September 29, 1967, before Examiner Jair S. Kaplan, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 115311 (Sub-No. 64) (Republication), filed November 3, 1966, published FEDERAL REGISTER issue of November 24, 1966, and republished this issue. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. In the

above-entitled proceeding, the examiner recommended the granting to applicant a certificate of public convenience and necessity authorizing operation as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of general commodities, except (a) naval stores, in bulk, in tank vehicles, and (b) cement, dangerous explosives, commodities of unusual value, household goods as defined by the Commission, commodities requiring the use of refrigeration, and such commodities as require the use of special equipment by reason of size or weight, between Kingsland and Seals, Ga., on the one hand, and, on the other, the plantsite of Thiokol Chemical Corp., located approximately 12 miles east of Woodbine, Ga., restricted to the transportation of shipments which have, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by railroad.

A Decision and Order of the Commission, Review Board Number 1, dated August 31, 1967, and served September 7, 1967, as modified, finds operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of, *general commodities* (except dangerous explosives, commodities of unusual value, household goods as defined by the Commission, and commodities the transportation of which, because of their size or weight, requires the use of special equipment), between Kingsland and Seals, Ga., on the one hand, and, on the other, the plantsite of Thiokol Chemical Corp., located approximately 12 miles east of Woodbine, Ga., restricted to the transportation of shipments having an immediately prior or immediately subsequent movement by railroad, and restricted against the transportation of naval stores, in bulk, in tank vehicles, and cement; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128954 (Republication), filed March 20, 1967, published FEDERAL REGISTER issue of April 13, 1967, and republished this issue. Applicant: EZRA MELVIN HOSTETTER AND NELSON M. HOSTETTER, a partnership, doing business as HOSTETTER'S HAULING, 1530 Manheim Pike, Lancaster, Pa. 17600. Applicant's representative: John W. Frame, Box 626, Camp Hill, Pa. 17011.

By application filed March 20, 1967, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of show cattle and sale livestock (excluding race horses, show horses, and polo ponies), which are used for show purposes, and sale cattle going for breeding purposes, personal effects of their attendants, and supplies and equipment used in the care and/or exhibition of such animals, between points in Pennsylvania, Maryland, New York, Virginia, West Virginia, Ohio, New Jersey, Delaware, Connecticut, Massachusetts, Rhode Island, Maine, New Hampshire, Vermont, and the District of Columbia, on the one hand, and, on the other, points in the United States (including Alaska, but excluding Hawaii), restricted against the movement of horses, other than ordinary, originating in or destined to points in Canada.

An order of the Commission, Operating Rights Board, dated July 31, 1967, and served August 8, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) *live-stock*, other than ordinary (except horses), and (2) *personal effects* of their attendants, and *supplies and equipment* used in the care and exhibition of such animals, between points in Pennsylvania, Maryland, New York, Virginia, West Virginia, Ohio, New Jersey, Delaware, Connecticut, Massachusetts, Rhode Island, Maine, New Hampshire, Vermont, and the District of Columbia, on the one hand, and, on the other, points in the United States (including Alaska, but excluding Hawaii); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act, and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

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

MOTOR CARRIERS OF PROPERTY

No. MC-F-9479 (Republication) (MATLACK, INC.—Control—AL ZEFFIRO TRANSFER & STORAGE, INC.), published in the July 27, 1966, issue of the FEDERAL REGISTER, on page 10166. By decision and order of September 1, 1967, the report and recommended order of the hearing examiner, served April 24, 1967, was adopted as the order of the Commission, Division 3, effective 35 days from date of this republication. This order approved the application for control subject to a condition, *inter alia*, that a portion of the operating rights of AL ZEFFIRO TRANSFER AND STORAGE, INC., be transferred to MATLACK, INC., coincidentally with consummation. Authority to be transferred is as follows: (Appendix A to the examiner's report and recommended order.) "Bulk commodities between those points in Pennsylvania, Ohio, Maryland, and West Virginia which are within 150 miles of Monongahela, Pa., over irregular routes, subject to the restriction that no service may be performed in the transportation of (1) coal tar and creosote oil, in bulk, in tank vehicles, between Cleveland, Ohio, on the one hand, and, on the other, East Liverpool and Wellsville, Ohio, (2) heavy residual fuel oil, in bulk, in tank vehicles, from Wellsville, Ohio, to Youngstown and Lorain, Ohio, and (3) heavy residual fuel oil and coal tar pitch, in bulk, in tank vehicles, (a) from East Liverpool, Ohio, to Youngstown and McDonald, Ohio, and (b) from McDonald, Ohio, to Youngstown, Ohio". This authority will be unified with rights otherwise conferred in MATLACK, INC., and to be embraced in a certificate to be issued in its name.

No. MC-F-9808 (Amendment) (ENCINAL TERMINALS—Control—NEEDHAM'S MOTOR SERVICE, INC.), published in the July 19, 1967, issue of the FEDERAL REGISTER, on page 10625. Amendment filed August 31, 1967, ENCINAL TERMINALS exercising the option, seeks to *purchase the stock* of NEEDHAM'S MOTOR SERVICE, INC., under the terms and conditions set forth in the agreement. As originally filed, the former sought authority to control the latter through management.

No. MC-F-9880. Authority sought for purchase by GREGORY HEAVY HAULERS, INC., 51 Oldham Street, Nashville, Tenn. 37213, of a portion of the operating rights of PASCHALL TRUCK LINES, INC., R.F.D. No. 4, Murray, Ky., and for acquisition by E. T. GREGORY, also of Nashville, Tenn., of control of such rights through the purchase. Applicants' attorney: Wilmer B. Hill, 529 Transportation Building, Washington, D.C. 20006. Operating rights sought to be transferred: *Heavy machinery and contractors' equipment, and parts, materials, and supplies thereof, and structural iron or steel and products thereof*, all of which because of their size or weight, require special equipment or special handling, as a *common carrier*, over irregular routes, between points in that part of Kentucky west of the Tennessee River, on the one hand, and, on the other, points

in Indiana, Illinois, Missouri, Arkansas, and Tennessee; and such self-propelled articles, each weighing 15,000 pounds or more, which may be included in heavy machinery and contractors' equipment, and related machinery, tools, parts, and supplies moving in connection therewith; restricted to commodities which are transported on trailers, between points in that part of Kentucky west of the Tennessee River, on the one hand, and, on the other, points in Indiana, Illinois, Missouri, Arkansas, and Tennessee. Vendee is authorized to operate a common carrier in Illinois, Virginia, Tennessee, Kentucky, North Carolina, Wisconsin, Michigan, Iowa, Minnesota, Indiana, West Virginia, Kansas, Missouri, Nebraska, and Oklahoma. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9881. Authority sought for purchase by FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, N.Y. 12828, of the operating rights and certain property of ASSOCIATED TANK LINES CO., INC., Post Office Box 97, Hillsdale, N.Y., and for acquisition by ALBERT R. HILLMAN, 24 Fort Amherst Road, Glens Falls, N.Y., FRANK H. HILLMAN, Upper Broadway, Fort Edward, N.Y., NILES R. HILLMAN, 40 Stewart Avenue South, Glens Falls, N.Y., and PAUL F. HILLMAN, Star Route, Glens Falls, N.Y., of control of such rights and property through the purchase. Applicants' attorney: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005. Operating rights sought to be transferred: Gasoline and oil, as a common carrier, over irregular routes, between Rensselaer, N.Y., and Pittsfield, Mass., between Rensselaer, N.Y., and Catskill, N.Y., and petroleum products, in bulk, in tank vehicles, from Hudson, N.Y., to Great Barrington, Mass., and points in Connecticut and Massachusetts within 15 miles of Great Barrington, from Catskill, N.Y., to Great Barrington, Mass., and points within 15 miles thereof; with restriction. Vendee is authorized to operate as a common carrier in New York, New Jersey, Vermont, Maine, Maryland, Massachusetts, Pennsylvania, Ohio, Connecticut, New Hampshire, and Rhode Island. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9882. Authority sought for control by A-P-A TRANSPORT CORP., 2110 85th Street, North Bergen, N.J. 07047, of HENRY JENKINS TRANSPORTATION CO., INCORPORATED, Braintree Industrial Plaza, Braintree, Mass., and for acquisition by A-P-A TRUCK LEASING CORP., also of North Bergen, N.J., of control of HENRY JENKINS TRANSPORTATION CO., INCORPORATED, through the acquisition by A-P-A TRANSPORT CORP. Applicants' attorneys: Herbert Burstein, 160 Broadway, New York, N.Y. 10038 and Francis E. Barrett, Sr., 27 Bryant Avenue, East Milford, Mass. 02186. Operating rights sought to be controlled: General commodities, with certain specified exceptions, and numerous other specified commodities, as a common carrier, over

regular and irregular routes, from, to, and between specified points in the States of Connecticut, Massachusetts, Rhode Island, New Hampshire, New York, New Jersey, and Vermont, with certain restrictions, serving various intermediate and off-route points, as more specifically described in Docket No. MC-36151 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. A-P-A TRANSPORT CORP. is authorized to operate as a common carrier in New Jersey, New York, Connecticut, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9883. Authority sought for purchase by GLOSSON MOTOR LINES, INC., Route 9, Box 11-A, Hargrave Road, Lexington, N.C., of the operating rights of H & B FREIGHTWAYS, INC. (JOHN H. KRICK, trustee), 900 Chapel Street, New Haven, Conn. 06510, and for acquisition by PEDLER AND ASSOCIATES, INC., 306 Oakwood Drive, Lexington, N.C., of control of such rights through the purchase. Applicants' attorney and representative: James E. Wilson, 1735 K Street NW., Washington, D.C., and Gerald W. Brownstein, Post Office Box 1406, New Haven, Conn. Operating rights sought to be transferred: General commodities, excepting, among others, household goods and commodities in bulk, as a common carrier, over regular routes, between New York, N.Y., and Pawcatuck, Conn., serving certain intermediate and off-route points, those in the New York, N.Y., commercial zone, as defined by the Commission, and those in New Jersey within 15 miles of Jersey City, N.J., between Saybrook, Conn., and Norwichtown, Conn., serving all intermediate points, and the off-route points of Montville and Greenville, Conn., between Norwich, Conn., and Pawcatuck, Conn., serving all intermediate points, and the off-route point of Greenville, Conn., between Westbrook, Conn., and Deep River, Conn., serving all intermediate points, and the off-route points of Essex and Ivoryton, Conn., between New Haven, Conn., and Hartford, Conn., serving all intermediate and certain off-route points, between New Haven, Conn., and Cheshire, Conn., serving all intermediate points, and the off-route points of West Haven and Fair Haven, Conn., between Bridgeport, Conn., and Plainville, Conn., serving all intermediate points, and the off-route point of New Britain, Conn., between New Haven, Conn., and Seymour, Conn., serving the intermediate points of Derby and Ansonia, Conn.; groceries and packinghouse products, from New York, N.Y., to Hartford, Conn., serving the intermediate points of New Haven, Conn., and those between New York and New Haven; and certain off-route points for northbound shipments; general commodities, with exceptions as specified above, over irregular routes, between New Haven, Conn., on the one

hand, and, on the other, certain specified points in Connecticut; and scrap metals, between points in Connecticut, on the one hand, and, on the other, New York, N.Y., and points in New Jersey within 15 miles of Jersey City, N.J. Vendee is authorized to operate as a common carrier in Virginia, North Carolina, New York, Maryland, Pennsylvania, New Jersey, Delaware, West Virginia, Georgia, South Carolina, Florida, Kentucky, Tennessee, Alabama, Ohio, Massachusetts, Rhode Island, Connecticut, Maine, New Hampshire, Vermont, Arkansas, Louisiana, Mississippi, Texas, Oklahoma, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9884. Authority sought for purchase by GLOSSON MOTOR LINES, INC., Route 9, Box 11-A, Hargrave Road, Lexington, N.C., of the operating rights of FOBER FREIGHT LINES, INC. (EUGENE B. BERMAN, assignee for benefit of creditors), 31 Elm Street, Springfield, Mass., and for acquisition by PEDLER AND ASSOCIATES, INC., 306 Oakwood Drive, Lexington, N.C., of control of such rights through the purchase. Applicants' attorneys: James E. Wilson, 1735 K Street NW., Washington, D.C., and Reubin Kaminsky, 410 Asylum Street, Hartford, Conn. Operating rights sought to be transferred: General commodities, excepting, among others, household goods and commodities in bulk, as a common carrier, over regular routes, between Dover, N.H., and Hartford, Conn., and Haverhill, Mass., between points in Massachusetts, between Seabrook, N.H., and Providence, R.I., between Taunton, Mass., and Providence, R.I., serving all intermediate points; baker's ovens, knocked down, over irregular routes, between Newburyport, Mass., on the one hand, and, on the other, points in New Hampshire, Rhode Island, Connecticut, and New York; clothing and athletic goods, between Lawrence, Mass., on the one hand, and, on the other, points in New Hampshire, Rhode Island, Connecticut, and New York; and textile mills supplies, between certain specified points in Massachusetts; on the one hand, and, on the other, Franklin, N.H., Peacedale, R.I., and Rockville, Conn. Vendee is authorized to operate as a common carrier in Virginia, North Carolina, New York, Maryland, Pennsylvania, New Jersey, Delaware, West Virginia, Georgia, South Carolina, Florida, Kentucky, Tennessee, Alabama, Ohio, Massachusetts, Rhode Island, Connecticut, Maine, New Hampshire, Vermont, Arkansas, Louisiana, Mississippi, Texas, Oklahoma, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9885. Authority sought for purchase by ROBBINS MOTOR TRANSPORTATION, INC., Industrial Highway and Saville Avenue, Eddystone, Pa. 19029, of the operating rights of H & S EXPRESS TRANSPORT, INC., doing business as H & S EXPRESS, Post Office Box 693, Route 15, Baltimore, Md., and for acquisition by MAURICE ROBBINS, 300 Dogwood Lane, Wallingford, Pa., of

control of such rights through the purchase. Applicants' attorney: Paul F. Sullivan, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Operating rights sought to be transferred: *Plumbing equipment and accessories, paper napkins and cups, vending machines, pipe fittings, ice cream machinery, and gas ranges*, as a *common carrier*, over regular routes, between Baltimore, Md., and Rosslyn, Va., serving the intermediate points of Washington, D.C., and those in Maryland and Virginia within 5 miles of Washington; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between points within 10 miles of Baltimore, Md., including Baltimore; and *monumental stone*, from Baltimore, Md., to Baltimore and points in Maryland within 30 miles of Baltimore, Washington, D.C., and points in Maryland and Virginia within 30 miles of Washington. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, New York, Delaware, Connecticut, Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Tennessee, Kentucky, Ohio, Indiana, Illinois, Michigan, Wisconsin, Iowa, Missouri, Arkansas, Oklahoma, Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). Note: If a hearing is deemed necessary, Applicants' request it be held in Washington, D.C., or Philadelphia, Pa.

No. MC-F-9886. Authority sought for purchase by MURAL TRANSPORT, INC., 2900 Review Avenue, Long Island City, N.Y. 11101, of a portion of the operating rights of NORTH CENTRAL TRUCK LINES, INC., Woodbury Building, Marshalltown, Iowa 50158, and for acquisition by ALEXANDER SHAPIRO, also of Long Island City, N.Y., of control of such rights through the purchase. Applicants' attorney: S. S. Eisen, 140 Cedar Street, New York, N.Y. 10006. Operating rights sought to be transferred: *New and used store fixtures*, as a *common carrier*, over irregular routes, between points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin. Vendee is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R., Doc. 67-11027; Filed, Sept. 19, 1967;
8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

SEPTEMBER 15, 1967.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits

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

State Docket No. 4470 Sub-No. 5, filed August 15, 1967. Applicant: POTTER FREIGHT LINES, INC., Post Office Box 428, Sparta, Tennessee. Applicant's representative: James Clarence Evans, Third National Bank Building, Nashville, Tenn. 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except used household goods and commodities in bulk between McMinnville and Morrison, Tenn., via Tennessee Highway 55, with service at all intermediate points, and serving also the plants of Carrier Air Conditioning Corp., division of Carrier Corp., with this authority to be used in conjunction with all of applicant's other authority, both existing and all authority applied for if and when issued. Both interstate and intrastate authority sought.

HEARING: Friday, October 13, 1967, at the Commission's Court Room, C-1, Cordell Hull Building, Nashville, Tenn., at 9:30 a.m. Request for procedural information, including the time for filing protests, concerning this application, should be addressed to Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. MC 4496 (Sub-No. 4), filed August 23, 1967. Applicant: MID SOUTH TRANSPORTS, INC., 1046 Arkansas, Memphis, Tenn. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities* (except commodities in bulk, household goods and those commodities requiring special equipment) from Memphis, Tenn., over Interstate Highway No. I-40 to its intersection with Tennessee Highway 22, thence over Tennessee Highway 22 to its intersection with U.S. Highway 79, thence over U.S. Highway 79 to Paris, Tenn., and return over the same route serving no intermediate points. Both intrastate and interstate authority sought.

HEARING: Commission's Court Room, C-1 Cordell Hull Building, Nashville, Tenn., Monday, November 20, 1967, 9:30 a.m. Request for procedural information, including the time for filing protests concerning the application should be addressed to the Tennessee Public Service

Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. MC 4978, filed August 10, 1967. Applicant: S & W FREIGHT LINES, INC., 106 McGee Street, McMinnville, Tenn. Applicant's representative: Val Sanford, 17th Floor Life & Casualty Tower, Nashville, Tenn. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except those of unusual value, class A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Nashville, Tenn., and Murfreesboro, Tenn., over U.S. Highway 41, serving all intermediate points. Both intrastate and interstate authority sought.

HEARING: Wednesday, October 4, 1967 at the Commission's Court Room C-1-110, Cordell Hull Building, Nashville, Tenn., at 9:30 a.m. Request for procedural information, including the time for filing protests, concerning this application, should be addressed to Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. 49640, filed August 25, 1967. Applicant: AUTO PURCHASING AGENCY, INC., 2634 East 26th Street, Los Angeles, Calif. 90058. Applicant's representative: Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *Automotive parts and accessories, automotive materials, supplies, and tools, automotive gas, and diesel engines and parts, and agricultural implements and parts*, (1) (a) between all points and places in the Los Angeles Basin Territory, as described in Item No. 270 of P.U.C. Minimum Rate Tariff No. 2, (b) points and places in the Los Angeles Basin Territory, and (i) Wasco, serving all intermediate points Gorman and north, with operations between the Los Angeles Basin Territory and Wasco over and along U.S. Highway 99 to Lerado Highway, Lerado Highway to Shafter, unnamed highway paralleling right-of-way of Santa Fe Railway Co. to Pond Avenue, and Pond Avenue to Wasco, (ii) Santa Barbara, serving Oxnard, Carpinteria, and Ventura as intermediate points with operations between the Los Angeles Basin Territory and Santa Barbara via U.S. 101-A and 101, (iii) San Diego, serving Oceanside as an intermediate point and La Mesa via State Highway No. 10 and U.S. Highway Nos. 101 bypass, 101 and 80, (c) Bakersfield on the one hand and Taft on the other hand, (d) San Diego on the one hand and National City, El Cajon and the Los Angeles Basin Territory on the other hand. (2) Operations to be conducted, pursuant to the grant of authority sought over and along the following routes, (a) State Highway No. 166, between the intersection of U.S. Highway No. 99 with State Highway No. 166, and Maricopa, (b) U.S. Highway No.

399, between Maricopa and the intersection of U.S. Highway No. 399 with U.S. Highway No. 99 at or near Greenfield, (c) an unnumbered highway, between Shafter and the intersection of an unnumbered highway with U.S. Highway No. 399 at a point approximately 15 miles west of Greenfield; (d) U.S. Highway No. 101, between San Diego and National City, and (e) U.S. Highway No. 80, between La Mesa and El Cajon. Both intrastate and interstate authority sought.

HEARING: No date has been assigned. Requests for procedural information, including the time for filing protests concerning this application should be addressed to the California Public Utilities Commission, California State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-11028; Filed, Sept. 19, 1967;
8:48 a.m.]

[Notice 452]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 13, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 59640 (Sub-No. 7 TA), filed September 8, 1967. Applicant: PAULS TRUCKING CORPORATION, 833 Flora Street, Elizabeth, N.J. 07201. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bags, in shipper-furnished trailers, for the account of Czarnikow-Rionda Sugars Co., Inc., from Newark, N.J., to points in Albany, Saratoga, and Rensselaer Counties,

N.Y., Hartford County, Conn., Providence and Kent Counties, R.I., and Suffolk, Hampden, and Worcester Counties, Mass., and *empty shipper-furnished trailers* on return, for 180 days. Supporting shipper: Czarnikow-Rionda Sugars Co., Inc., 120 Wall Street, New York, N.Y. 10005. Send protests to: District Supervisor, Walter J. Grossman, Interstate Commerce Commission, Bureau of Operations, 1060 Broad Street, Room 363, Newark, N.J. 07102.

No. MC 78040 (Sub-No. 3 TA), filed September 8, 1967. Applicant: BOYD TRANSFER COMPANY, a corporation, 4800 Boston Street, Baltimore, Md. 21224. Applicant's representative: W. T. Croft, Federal Bar Building, 1815 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* (except new upholstered furniture), from Baltimore, Md., to Atlantic City, Trenton, Beverly, Vineland, Haddonfield and Woodbury, N.J., to Montgomery, Paoli, Philadelphia, West Chester, and Willow Grove, Pa., for 150 days. Supporting shipper: Baumritter Corp., 205 Lexington Avenue, New York, N.Y. 10016. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 1125 Federal Building, Baltimore, Md. 21201.

No. MC 119777 (Sub-No. 82 TA), filed September 8, 1967. Applicant: LIGON SPECIALIZED HAULER, INC., Box L, Madisonville, Ky. 42431. Applicant's representative: Fred F. Bradley, Suite 202-204, Court Square Office Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fiberboard, wood fiberboard faced or finished with decorative or protective materials, and accessories and supplies* used in the installation of such wood fiberboard when moving with shipments thereof, from the plantsite of Prestile Manufacturing Co. at Chicago, Ill., to Americus, Ga., for 180 days. Supporting shipper: Walter Sawicki, Traffic Manager, Prestile Manufacturing Co., 5850 West Ogden, Chicago, Ill. 60650. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 119777 (Sub-No. 83 TA), filed September 8, 1967. Applicant: LIGON SPECIALIZED HAULER, INC., Box 1, Madisonville, Ky. 42431. 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: *Clay products and jointing compounds*, from Cannelton, Ind., and Owensboro, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, and Wisconsin, and *rejected and damaged shipments* on return, for 180 days. Supporting shipper: Arthur J. Clemens, Vice

President, Can-Tex Industries, Post Office Box 158, Cannelton, Ind. 47520. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 124679 (Sub-No. 10 TA), filed September 8, 1967. Applicant: C. R. ENGLAND & SONS, INC., 228 West Fifth South Street, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Yeast and allied bakery products*, from Oakland, Calif., to points in Oregon, Washington, Montana, Idaho, Nevada, and Utah, (2) *food and salad dressing*, from Oakland, Calif., to points in Oregon, Washington, Idaho, and Utah, and (3) *bakery products*, from San Leandro, Calif., to Seattle and Spokane, Wash., for 180 days. Supporting shippers: Universal Foods Corp., 433 East Michigan Street, Milwaukee, Wis. 53210; Tip Top Foods, Inc., 475 Lesser Street, Oakland, Calif. 94601; and George's Delicious Foods, Inc., Post Office Box 2076, San Leandro, Calif. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 129076 (Sub-No. 2 TA), filed September 8, 1967. Applicant: SPECIALIZED CARRIERS, INC., 928 South Pennsylvania Street, Indianapolis, Ind. 46204. Applicant's representative: Walter Jones, 1019 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum bridge railing and guard components*, consisting of posts, rails, anchor systems, and other related miscellaneous parts, from the plantsites of Howe Engineering Co., Inc., Indianapolis, Ind., to points in Ohio, West Virginia, Michigan, Maryland, New York, Pennsylvania, North Carolina, Virginia, Wisconsin, Oklahoma, Texas, Vermont, Delaware, New Jersey, and Minnesota, for 180 days. Supporting shipper: Howe Engineering Co., Inc., 5800 Massachusetts Avenue, Indianapolis, Ind. 46218. Send protests to: District Supervisor, R. M. Hagarty, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

MOTOR CARRIER OF PASSENGERS

No. MC 129375 (Sub-No. 1 TA), filed September 7, 1967. Applicant: METROPOLITAN TRANSIT CORPORATION, 1820 Ninth Avenue, Seattle, Wash. 98101. Applicant's representative: Gregory M. Rebman, Suite 1230, Boatmen's Bank Building, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle over regular routes, transporting: *Passengers, baggage, express, and newspapers* when carried in the same vehicles with passengers, (1) between Seattle and Auburn, Wash.: From Seattle over U.S. Highway 99 to junction Washington Highway 147, thence over Washington Highway 147 to Auburn, and return over the same route, serving all

intermediate points; (2) between Seattle and Everett, Wash., (a) over U.S. Highway 99, serving all intermediate points and (b) from Seattle over Washington Highway 522 to junction Washington Highway 527, thence over Washington Highway 527 to Everett and return over the same routes, serving all intermediate points; (3) between Seattle and Tacoma, Wash.; over U.S. Highway 99, serving all intermediate points; (4) between Seattle and Redmond, Wash.; from Seattle over U.S. Highway 10 to junction Washington Highway 901, thence over Washington Highway 901 via Bellevue and Kirkland to Redmond, and return over the same route, serving all intermediate points; (5) between Seattle, Richmond Beach, and Edmonds, Wash.; from Seattle over U.S. Highway 99 as described in (2) above to junction unnumbered highway, thence west over unnumbered highway to Richmond Beach, and return to junction U.S. Highway 99, thence continue over U.S. Highway 99 to junction Washington Highway 104, thence over Washington Highway 104 to Edmonds, and return over the same routes, serving all intermediate points; (6) between Seattle and Des Moines, Wash., over Washington Highway 509, serving all intermediate points; (7) between Seattle and North Bend, Wash., over U.S. Highway 10, serving all intermediate points; and (8) between Seattle and Renton, Wash., over Washington Highway 167, serving all intermediate points, for 180 days. Supporting shippers: Bellevue, Wash., Chamber of Commerce (H. C. Maynard, Manager) 550 106th Avenue NE., Bellevue, Wash., 98004; Renton Chamber of Commerce (K. F. Johnson, Manager) 300 Rainier Avenue North, Renton, Wash. 98055; Bremerton-Tacoma Stages, Inc., 1936 Westlake Avenue, Seattle, Wash. 98101; Northern Pacific Transport Co., 2250 Occidental Avenue, Seattle, Wash. 98134. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-11029; Filed, Sept. 19, 1967;
8:48 a.m.]

[Notice 453]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 14, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on

the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 21230 (Sub-No. 4 TA) (Correction), filed August 25, 1967, published in FEDERAL REGISTER issue of September 2, 1967, and republished as corrected, this issue. Applicant: ANTHONY CHARLES MORIELLO, doing business as MIDDLEHOPE COLD STORAGE, Post Office Box 503, Newburgh, N.Y. 12550. Applicant's representative: Charles H. Trayford, 137 East 36th Street, New York, N.Y. 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit concentrates, fruit juice concentrates, fruit essence, and commodities otherwise exempt from economic regulation when moving with the above commodities*, between Marlboro, N.Y., and Middle Hope, N.Y., on the one hand, and, on the other, Kearny, N.J., for 180 days. Note: The purpose of this republication is to include "fruit essence" in the commodity description, which was inadvertently omitted from the previous publication. Supporting shipper: H. Kohnstamm & Co., Inc., 161 Avenue of the Americas, New York, N.Y. 10013. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215-217 Post Office Building, Binghamton, N.Y. 13902.

No. MC 111434 (Sub-No. 69 TA), filed September 11, 1967. Applicant: DON WARD, INC., 241 West 56th Avenue, Office: Post Office Box 1488, Durango, Colo. 81301, Denver, Colo. 80216. Applicant's representative: Peter J. Crouse, 1700 Western Federal Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Laramie, Wyo., to points in Powder River County, Mont., for 150 days. Supporting shipper: Monolith Portland Midwest Co., 410 American National Bank Building, 818 17th Street, Denver, Colo. 80202. Send protests to: Charles W. Buckner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2023 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 113024 (Sub-No. 64 TA), filed September 11, 1967. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, South Du Pont Highway, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sodium formate*, in

bags, for the account of Hercules, Inc., from Louisiana, Mo., to Burlington and Camden, N.J., for 150 days. Supporting shipper: Hercules, Inc., Wilmington, Del. 19899; D. B. Moore, Manager, Truck Division, Traffic Department. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 206 Old Post Office Building, Salisbury, Md. 21801.

No. MC 117303 (Sub-No. 6 TA), filed September 11, 1967. Applicant: HUDSON VALLEY CEMENT LINES, INC., Post Office Box 23, Claverrack, N.Y. 12513. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from town of Greenport, Columbia County, N.Y., to Plainville, Conn., for 120 days. Supporting shipper: Universal Atlas Cement Division, United States Steel Corp., Greenport, N.Y., and Pittsburgh, Pa. Send protests to: Jack G. Takakjian, District Supervisor, Interstate Commerce Commission, 518 Federal Building, Albany, N.Y. 12207.

No. MC 118535 (Sub-No. 33 TA), filed September 7, 1967. Applicant: JIM TIONA, JR., 803 West Ohio Street, Post Office Box 127, Butler, Mo. 64730. Applicant's representative: Carl V. Kretzinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bags and in bulk, and *liquid fertilizer solutions*, from ports of entry on the international boundary line between the Province of Manitoba, Canada, and the United States, located in North Dakota and Minnesota, to points in North Dakota, South Dakota, Minnesota, and Iowa, for 150 days. Supporting shipper: Simplot Chemical Co., Ltd., Post Office Box 940, Brandon, Manitoba, Canada. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 123890 (Sub-No. 1 TA), filed September 11, 1967. Applicant: BEKINS VAN & STORAGE CO., INC., 5301 Menaul Boulevard NE., Post Office Box 3248, Albuquerque, N. Mex. 87110. Applicant's representative: Jackson W. Kendall, Bekins Van & Storage Co., 1335 South Figueroa Street, Los Angeles, Calif. 90015. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission in Ex Parte MC-19 (17 M.C.C. 467) as amended, between points in New Mexico, restricted to shipments having a prior or subsequent out-of-state movement, for 180 days. Supporting shippers: Bekins Household Shipping Co., 820 East D Street, Wilmington, Calif.; Richardson Transfer & Storage Co., 1140 South Santa Fe Avenue, Compton, Calif.; Bekins Van Lines Co. (International) 220 East D Street, Wilmington, Calif.; Bekins Van Lines Co., 1335 South Figueroa Street, Los Angeles, Calif. 90015.

Send protests to: District Supervisor, Jerry R. Murphy, Interstate Commerce Commission, Bureau of Operations, 109 Federal Building, 421 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 124983 (Sub-No. 9 TA), filed September 11, 1967. Applicant: CLARENCE NEWLUN, doing business as NEWLUN TRANSPORT SERVICE, 119 Lincoln Street, North Pekin, Ill. 61554. Applicant's representative: Donald S. Manion, 53 West Jackson Boulevard, Chicago, Ill. 60604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, other than those in bulk, from Pekin, Ill., to points in Missouri, for 150 days. Supporting shipper: The Borden Co., 231 Elizabeth Street, Pekin, Ill. 61555. Send protests to: District Supervisor, Raymond E. Mauk, Room 1086, U.S. Courthouse and Federal Office Building, Interstate Commerce Commission, Bureau of Operations, Chicago, Ill. 60604.

No. MC 126822 (Sub-No. 18 TA), filed September 7, 1967. Applicant: PASSAIC GRAIN AND WHOLESALE COMPANY, INC., Post Office Box 23, Passaic, Mo. 64777. Applicant's representative: Carl V. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal hides and pelts*, from Birmingham, Ala.; Atlanta, Augusta, Macon, and Waycross, Ga.; Chicago, Hampshire, and Springfield, Ill.; Evansville, Frankfort, Fort Wayne, and Indianapolis, Ind.; Cedar Rapids, Iowa; Louisville, Ky.; Cumberland, Md.; Grand Rapids and Plainwell, Mich.; New Brighton, Minn.; Paris and St. Louis, Mo.; Goldsboro, N.C.; Cincinnati, Columbus, Sharonville, and Wapakonetta, Ohio; Columbia and Marion, S.C.; Knoxville, Memphis, and Nashville, Tenn.; Bristol, Roanoke, and Stuarts Draft, Va.; Princeton and Sistersville, W. Va.; and Green Bay, Wis.; to Woburn and Peabody, Mass., for 150 days. Supporting shipper: Braude Brothers Tanning Corp., 226 Salem Street, Woburn, Mass. 01801. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 128016 (Sub-No. 3 TA), filed September 8, 1967. Applicant: BRUCE G. BESH, doing business as BRUCE G. BESH TRUCKING, Rural Route No. 3, Cedar Falls, Iowa. 50613. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used auto parts*, in same condition as when removed from old or wrecked automobiles, from Waterloo, Iowa, to Jasper and Terre Haute, Ind., Chicago, Ill., and Kansas City and St. Louis, Mo., for 180 days. Supporting shipper: Empire Engines, Inc., 600 Transit Street, Waterloo, Iowa 50701. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332

Federal Building, 131 East Fourth, Davenport, Iowa 52801.

No. MC 129380 TA, filed September 7, 1967. Applicant: KINSEY MOVING AND STORAGE CO., INC., 681 Whitehall Street SW., Atlanta, Ga. 30310. 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 Fulton County, Ga., and points in De Kalb, Gwinnett, Barrow, Forsyth, Cherokee, Dawson, Pickens, Bartow, Paulding, Cobb, Polk, Carroll, Heard, Coweta, Fayette, Henry, Meriwether, in De Kalb, Gwinnett, Barrow, Forsyth, Troup, Pike, Upson, Lamar, Monroe, Jackson, Jasper, Newton, Rockdale, Morgan, Walton, Putnam, Greene, Oconee, Gilmer, Lumpkin, Hall, Gordon, Haralson, Floyd, Whitfield, and Clarke Counties, Ga., (1) restricted to shipments having a prior or subsequent movement in containers beyond said counties, and (2) to pickup and delivery service incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments, for 180 days. Supporting shippers: DeWitt Freight Forwarding, 6060 North Figueroa Street, Los Angeles, Calif. 90042, Mollerup Freight Forwarding Co., 2900 South Main Street, Salt Lake City, Utah, Martin Van Lines, 17720 15th NE., Seattle, Wash. 98155, Trans Ocean Van Service, Post Office Box 7331, Long Beach, Calif. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-11030; Filed, Sept. 19, 1967;
8:48 a.m.]

[Notice 454]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 15, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 52579 (Sub-No. 84 TA), filed September 11, 1967. Applicant: GILBERT CARRIER CORP., 1 Gilbert Drive, Secaucus, N.J. 07094. Applicant's representative: Aaron Hoffman (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, loose on hangers, from Troy, N.Y., to Secaucus, N.J., with authority to tack at Secaucus, N.J., to points authorized in MC-52579 (Sub-49), for 150 days. Supporting shipper: Tiny-Town Togs, Inc., 2 River Street, Troy, N.Y. Send protests to: District Supervisor, Walter J. Grossmann, Interstate Commerce Commission, 1060 Broad Street, Room 363, Newark, N.J. 07102.

No. MC 80428 (Sub-No. 64 TA), filed September 12, 1967. Applicant: McBRIDE TRANSPORTATION, INC., Main and Nelson Streets, Goshen, N.Y. 10924. Applicant's representative: Robert V. Gianniny, 900 Midtown Tower, Rochester, N.Y. 14604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bulk, from Chatham, N.Y., to the following points in Massachusetts: Westfield, Greenfield, Deerfield, Amherst, Northampton, Southampton, Easthampton, Hadley, Great Barrington, Adams, Lanesboro, Cheshire, Egremont, and Sheffield. From Chatham, N.Y., to the following points in Connecticut: Sallsbury, Sharon, Canaan, North Canaan, East Windsor, South Windsor, East Hartford, Glastonbury, Litchfield, Morris, Torrington, Watertown, Goshen, New Milford, and Kent. From Chatham, N.Y., to Bennington, Vt., for 150 days. Supporting shipper: H. K. Webster Stores of New York, Inc., Chatham, N.Y. 12037. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215-217 Post Office Building, Binghamton, N.Y. 13902.

No. MC 109689 (Sub-No. 183 TA), filed September 11, 1967. Applicant: W. S. HATCH CO., 643 South 800 West Street, Wood Cross, Utah 84087, Post Office Box 1825, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gilsabind products*, in bulk, from Gilsonite (Fruita), Colo., to points in Washington and Oregon, for 180 days. Supporting shipper: Gilsabind Corp., The 12631 East Imperial Highway, Santa Fe Springs, Calif. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 119774 (Sub-No. 9 TA), filed September 12, 1967. Applicant: MARY ELLEN STIDHAM, N. M. STIDHAM,

A. E. MANKINS (INEZ MANKINS, Executrix), AND JAMES E. MANKINS SR., doing business as EAGLE TRUCKING COMPANY, Post Office Box 471, Kilgore, Tex. 75662. Applicant's representative: James E. Mankins (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper mill rolls*, from Ruston, La., to points in Arkansas, Texas, Mississippi, Alabama, and Oklahoma. Note: Rolls weigh from 15,000 to 65,000 lbs. each, for 180 days. Applicant does not intend to tack with existing authority. Supporting shipper: Stowe-Woodward Co., Division of SW Industries, Inc., Ruston, La. 71270. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce Commission, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 119880 (Sub-No. 22 TA), filed September 12, 1967. Applicant: DRUM TRANSPORT, INC., Box 2056. Office: 616 Chicago Street, East Peoria, Ill. 61611. Applicant's representative: B. N. Drum (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from ports of entry on the boundary line between the United States-Canada at or near Detroit and Port Huron, Mich., to San Francisco, Calif., for 180 days. Supporting shipper: Hiram Walker & Sons, Inc., Peoria, Ill. 61601. Send protests to: District Supervisor, Raymond E. Mauk, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse and Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 126650 (Sub-No. 3 TA), filed September 11, 1967. Applicant: JOHN E. DITTMAN, doing business as DITTMAN VAN & STORAGE CO., 1132 Broadway, Vallejo, Calif. 94590. Applicant's representative: Marvin Handler, 405 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission in 17 M.C.C. 467, between points in Santa Clara and San Joaquin Counties, Calif., and between points in said counties on the one hand, and, on the other hand, points in Colusa, Marin, Mendocino, Alameda, San Francisco, Solano, Napa, Sacramento, Placer, Yolo, Yuba, Sutter, Nevada, Butte, Lake, So-

нома, and Contra Costa Counties, Calif., for 180 days. Supporting shippers: Richardson Transfer & Storage Co., Inc., 246 North Fifth Street, Salina, Kans. 67401, Trans Ocean Van Service, 3625 Industry Avenue, Lakewood, Calif. Send protests to: District Supervisor, William E. Murphy, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 128473 (Sub-No. 6 TA), filed September 12, 1967. Applicant: MONTANA EXPRESS, INC., 207 Behner Building, 2822 Third Avenue North, Billings, Mont. 59101. Applicant's representative: Joseph F. Meglen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *meat and packinghouse products*, from Williston, N. Dak., to points in California, Oregon, Washington, Wisconsin, and Illinois, for 180 days. Supporting shipper: Paul R. Held, President, Williston Packing Co., Williston, N. Dak. 58801. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 129381 (Sub-No. 1 TA), filed September 11, 1967. Applicant: GASOLINE TANK SERVICE CO., INC., 1430 130th NE., Bellevue, Wash. 98004, Post Office Box 96. Applicant's representative: Jack R. Davis, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk liquid petroleum products and bulk liquid commodities* (except milk and cream and those requiring temperature control) and local cartage, between Seattle, Tacoma, Spokane, Aberdeen, Bellingham, Bremerton, Everett, Hoquiam, Longview, Olympia, Port Angeles, Puyallup, Renton, Vancouver, Walla Walla, Wenatchee, Yakima, Pasco, Kennewick, and Pullman, Wash., for 150 days. Supporting shipper: Union Oil Co. of California, 2901 Western Avenue, Seattle, Wash. 98111. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

MOTOR CARRIER OF PASSENGERS

No. MC 128794 (Sub-No. 2 TA) (Amendment), filed July 24, 1967, published FEDERAL REGISTER, issue of August 4, 1967, and republished as amended this issue. Applicant: SOUTH BASIN LINES,

INC., 1315 Columbia Avenue, Moses Lake, Wash. 98837. Applicant's representative: George Karglans, 609-11 Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express freight, U.S. mail, and newspapers*, (1) between Soap Lake and Pasco, Wash.: From Soap Lake over Washington Highway 28 to Ephrata, Wash., thence over Washington Highway 282 to junction Washington Highway 17, thence over Washington Highway 17 to junction U.S. Highway 395, thence over U.S. Highway 395 to Pasco, and return over the same route, serving all intermediate points; (2) between junction Washington Highway 17 and junction unnumbered highway, over unnumbered highway to Warden, Wash., and return over the same route, serving all intermediate points; (3) between junction Washington Highway 17 and junction Washington Highway 260, over Washington Highway 260 to Connell, Wash., and return over the same route, serving all intermediate points; (4) between junction Washington Highway 17 and Washington Highway 26 (at or near Othello, Wash.) and Vantage, Wash., over Washington Highway 26 and return over the same route, serving all intermediate points and (5) between Vantage, Wash., and Priest Rapids Dam Site, Wash., over Washington Highway 243, and return over the same route serving all intermediate points, for 150 days. Note: Applicant states that it intends to interline with the Greyhound Lines, Inc., at Pasco, Ephrata, and Moses Lake, Wash. Supporting shippers: There are 14 supporting statements attached to application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or at the field office named below. Send protests to: L. C. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 401 U.S. Post Office, Spokane, Wash. 99201. Note: The purpose of this republication is to show that applicant intends to serve all intermediate points on all routes.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[P.R. Dec. 67-11031; Filed, Sept. 19, 1967; 8:48 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—SEPTEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during September.

| | | | | | |
|---|---|-----------------|--|-------------------------|---|
| 3 CFR | Page | 8 CFR | Page | 15 CFR—Continued | Page |
| PROCLAMATION: | | PROPOSED RULES: | | PROPOSED RULES: | |
| 3803 | 12663 | 252 | 12920 | 70 | 13077 |
| EXECUTIVE ORDERS: | | 9 CFR | | 16 CFR | |
| July 2, 1910 (revoked in part by PLO 4267) | 13072 | 78 | 13050 | 0 | 13272 |
| Sept. 14, 1910 (revoked in part by PLO 4267) | 13072 | 201 | 12667, 13254 | 13 | 12713, 12844, 13124 |
| Sept. 21, 1916 (revoked in part by PLO 4267) | 13072 | 301-329 | 13115 | 15 | 12750, 12941 |
| 8652 (revoked in part by PLO 4266) | 12950 | 340 | 13115 | 38 | 12909 |
| 11370 | 12665 | 355 | 13115 | PROPOSED RULES: | |
| 11371 | 12903 | 380 | 13115 | 153 | 12750 |
| 11372 | 13251 | 381 | 13115 | 415 | 12064 |
| 5 CFR | | PROPOSED RULES: | | 18 CFR | |
| 213 | 12831, 12937, 13045 | 316 | 12953 | PROPOSED RULES: | |
| 630 | 12937 | 317 | 12953 | 154 | 13077 |
| 733 | 12937 | 328 | 12953 | 19 CFR | |
| 870 | 12937 | 12 CFR | | 1 | 12999 |
| PROPOSED RULES: | | 1 | 12850, 12938 | 4 | 12750, 13186 |
| 890 | 12725 | 545 | 12913 | 16 | 13276 |
| 891 | 12727 | 604 | 12710 | PROPOSED RULES: | |
| 7 CFR | | 605 | 13051 | 13 | 12690 |
| 27 | 12831 | PROPOSED RULES: | | 21 CFR | |
| 201 | 12778 | 215 | 12758 | 1 | 13276 |
| 220 | 13215 | 563 | 12922 | 2 | 12714, 13186 |
| 319 | 12832, 13215 | 13 CFR | | 3 | 12714 |
| 401 | 12989 | 107 | 12842 | 8 | 12715, 12943 |
| 411 | 12989, 13215 | 119 | 12788 | 20 | 12750 |
| 724 | 12905 | PROPOSED RULES: | | 120 | 12715, 12716, 12751, 12913, 12943, 12999, 13124, 13278. |
| 725 | 13113 | 121 | 13295 | 121 | 12716, 12751, 12913, 12943, 12999, 13124, 13278. |
| 729 | 12990, 13215 | 14 CFR | | 141a | 12717 |
| 755 | 12938 | 21 | 13255 | 141c | 12717 |
| 833 | 13216 | 25 | 13255 | 146b | 13125 |
| 900 | 12992 | 37 | 13255 | 146c | 12717 |
| 905 | 12907, 13179 | 39 | 12668, | 148j | 12717 |
| 906 | 12992, 12993, 13113 | | 12711, 12746, 12788, 12909-12911, 13115, 13182, 13183, 13268, 13269 | 148n | 13270 |
| 908 | 12709, 12908, 12909, 13179 | 71 | 12668, | 148o | 12717 |
| 910 | 12709, 12743, 12909, 12938, 13180, 13217 | | 12712, 12789, 12790, 12833, 12912, 12913, 12995-13997, 13116-13119, 13218-13220, 13269, 13270, 13272 | 148r | 12717 |
| 915 | 12832, 13180, 13181 | 73 | 12712, 12833, 13119 | 148x | 12717 |
| 921 | 13181 | 75 | 12913 | PROPOSED RULES: | |
| 926 | 12709, 13045 | 77 | 12997 | 3 | 12756, 13008 |
| 927 | 12743, 13181 | 93 | 12747 | 19 | 12723 |
| 929 | 13253 | 95 | 12747 | 51 | 12723 |
| 944 | 12938, 12993 | 97 | 12669, 12834, 13120 | 22 CFR | |
| 948 | 12939 | 121 | 13255 | 601 | 12944 |
| 958 | 12743 | 202 | 13183 | 23 CFR | |
| 967 | 13253 | 203 | 13184 | 209 | 13000 |
| 981 | 12787, 13114 | 370 | 13052 | 24 CFR | |
| 987 | 12832 | 385 | 13272 | 207 | 12718 |
| 989 | 12710 | 400 | 12839 | 221 | 12718 |
| 1004 | 12787 | 1221 | 12997 | 25 CFR | |
| 1008 | 12994 | PROPOSED RULES: | | 41 | 12700 |
| 1050 | 12940 | 39 | 12920, 12921 | 26 CFR | |
| 1099 | 12744 | 71 | 12690, 12724, 12922, 13006-13008, 13079, 13140, 13141, 13197, 13293, 13294 | 1 | 13221 |
| 1133 | 12940 | 91 | 12724 | 601 | 13058 |
| 1421 | 12744, 12745, 13046 | 121 | 12922 | PROPOSED RULES: | |
| PROPOSED RULES: | | 223 | 13141 | 1 | 13288 |
| 26 | 12755 | 378 | 13009 | 28 CFR | |
| 51 | 12799, 12953, 13077, 13196 | 15 CFR | | 45 | 13217 |
| 52 | 13289 | 230 | 13057, 13058 | | |
| 53 | 13230 | 373 | 12941 | | |
| 906 | 12802 | 903 | 13184 | | |
| 925 | 13292 | | | | |
| 932 | 12854, 13292 | | | | |
| 989 | 13292 | | | | |

| 29 CFR | Page |
|-----------------|---------------------------|
| 526----- | 12675 |
| 30 CFR | |
| 229----- | 12941 |
| 31 CFR | |
| 317----- | 12914 |
| 321----- | 12914 |
| 32 CFR | |
| 82----- | 12845 |
| 168----- | 12718 |
| 169a----- | 12675 |
| 583----- | 13279 |
| 710----- | 12790 |
| 806----- | 13000 |
| 872----- | 13000 |
| 882----- | 13125 |
| 888----- | 13125 |
| 888b----- | 13065 |
| 920----- | 13000 |
| 1450----- | 13187 |
| 1711----- | 12845 |
| 33 CFR | |
| 19----- | 12791 |
| 117----- | 12791, 12915, 13126-13128 |
| 203----- | 12791 |
| 36 CFR | |
| 7----- | 13071, 13129 |
| 30----- | 13189 |
| 251----- | 12945, 12946, 13190 |
| 261----- | 12946 |
| 311----- | 13280 |
| 326----- | 13280 |
| 502----- | 13222 |
| PROPOSED RULES: | |
| 7----- | 12723 |
| 38 CFR | |
| 3----- | 13223 |
| 39 CFR | |
| 135----- | 12794 |
| 201----- | 12947 |

| 39 CFR—Continued | Page |
|---------------------|--------------|
| 747----- | 12947 |
| 821----- | 13129 |
| 822----- | 13129 |
| 41 CFR | |
| 5B-2----- | 12720 |
| 5B-16----- | 12720 |
| 8-6----- | 12792 |
| 9-4----- | 13131 |
| 9-16----- | 13131 |
| 11-1----- | 13133, 13135 |
| 11-2----- | 13135 |
| 11-3----- | 13135 |
| 11-4----- | 13133, 13135 |
| 11-7----- | 13135 |
| 11-10----- | 13135 |
| 11-12----- | 13135 |
| 11-16----- | 13135 |
| 11-50----- | 13136 |
| 11-75----- | 13136 |
| 101-26----- | 12850 |
| 101-27----- | 12721 |
| 43 CFR | |
| PUBLIC LAND ORDERS: | |
| 4265----- | 12752 |
| 4266----- | 12950 |
| 4267----- | 13072 |
| 4268----- | 13072 |
| 4269----- | 13072 |
| 4270----- | 13192 |
| PROPOSED RULES: | |
| 1820----- | 13196 |
| 3120----- | 13196 |
| 45 CFR | |
| 85----- | 12851 |
| 801----- | 13193 |
| 46 CFR | |
| 154----- | 12793 |
| 206----- | 12951 |
| 380----- | 12845 |
| 531----- | 12753 |
| PROPOSED RULES: | |
| 401----- | 12756, 13079 |

| 47 CFR | Page |
|-----------------|------------------------------------|
| 0----- | 12795, 13125 |
| 2----- | 12795, 12915 |
| 21----- | 13281 |
| 73----- | 12795, 12797 |
| 89----- | 12915 |
| 91----- | 12915 |
| 97----- | 12682 |
| PROPOSED RULES: | |
| 2----- | 13143 |
| 73----- | 12954, 13232, 13294 |
| 74----- | 13010 |
| 81----- | 13294 |
| 83----- | 13294 |
| 85----- | 13294 |
| 89----- | 13143, 13145 |
| 91----- | 13143 |
| 93----- | 13143 |
| 49 CFR | |
| 1----- | 12919 |
| 101----- | 12752 |
| 110----- | 13136 |
| 180----- | 12851 |
| 277a----- | 13232 |
| 277c----- | 13233 |
| 600----- | 12689 |
| PROPOSED RULES: | |
| Ch. I----- | 12853 |
| 274----- | 12853 |
| 276----- | 12854, 13197 |
| 505----- | 12853 |
| 540----- | 13233 |
| 50 CFR | |
| 10----- | 12685, 12798, 13072, 13227 |
| 32----- | 12689, |
| | 12721, 12722, 12754, 12851, 12852, |
| | 12919, 12951, 12952, 13002, 13004, |
| | 13005, 13073-13076, 13193-13195, |
| | 13227, 13228, 13284-13287. |
| 33----- | 12919, 13229 |
| PROPOSED RULES: | |
| 32----- | 12953 |
| 33----- | 12953 |

