FEDERAL REGISTER

VOLUME 32 • NUMBER 35

Tuesday, February 21, 1967 • Washington, D.C.

Pages 3081–3126

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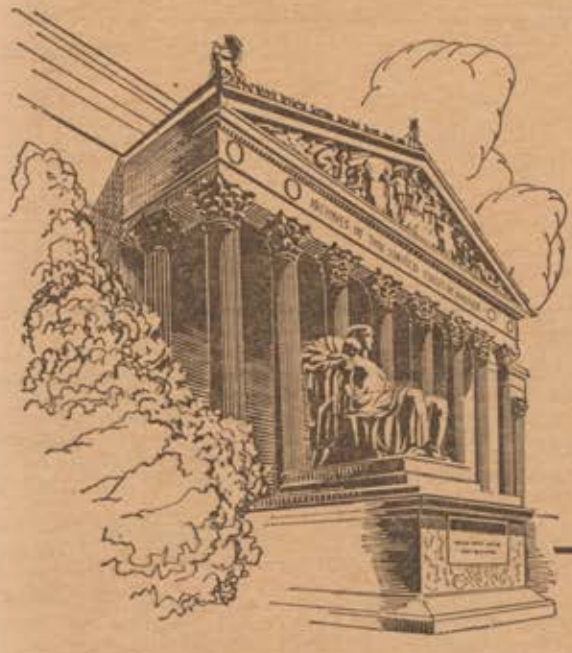

FEDERAL REGISTER

Area Code 202 Phone 963-3261

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

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Entire Executive Civil Service

Section 213.3102 is amended to show that during the summer of 1967 positions at grade GS–2 and below of assistants to professional, scientific, and technical employees are excepted under Schedule A when filled by 1967 finalists in certain national science contests under hiring programs approved by the Civil Service Commission. Effective on publication in the FEDERAL REGISTER, paragraph (y) is added to § 213.3102 as set out below.

§ 213.3102 **Entire Executive Civil Service.**

* * * * *

(y) Position at grade GS–2 and below of assistants to scientific, professional, and technical employees when filled by 1967 finalists in national science contests under hiring programs approved by the Commission. Appointments under this provision may not extend beyond September 30, 1967.

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

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

[F.R. Doc. 67–1970; Filed, Feb. 20, 1967; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that the Schedule C position of Deputy Assistant Secretary for International Activities is moved from the Office of the Assistant Secretary for Health and Scientific Affairs to the Office of the Assistant Secretary for Education. Effective on publication in the FEDERAL REGISTER § 213.3316 is amended by revoking subparagraph (5) of paragraph (h) and adding a new subparagraph (9) to paragraph (j) as set out below.

§ 213.3316 **Department of Health, Education, and Welfare.**

* * * * *

(h) *Office of the Assistant Secretary for Health and Scientific Affairs.* * * *

(5) [Revoked]

* * * * *

(j) *Office of the Assistant Secretary for Education.* * * *

(9) One Deputy Assistant Secretary for International Activities.

* * * * *

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

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

[F.R. Doc. 67–1971; Filed, Feb. 20, 1967; 8:49 a.m.]

PART 410—EMPLOYEE DEVELOPMENT

Prohibition on Payment of Premium Pay

Section 410.602 is amended to add Sunday premium pay to the kinds of premium pay which generally cannot be paid during periods of training. Section 410.602 is amended as set out below.

§ 410.602 **Prohibition on payment of premium pay.**

(a) Except as provided by paragraph (b) of this section, no funds appropriated or otherwise available to a department may be used for the payment of premium pay to an employee engaged in training by, in, or through Government facilities or non-Government facilities.

(b) The following are excepted from the provisions in paragraph (a) of this section prohibiting the payment of premium pay:

(1) An employee given training during a period of duty for which he is already receiving premium pay for overtime, night, holiday, or Sunday work, except that this exception does not apply to an employee assigned to full-time training at institutions of higher learning;

(2) An employee given training at night because situations which he must learn to handle occur only at night;

(3) An employee given training on overtime, on a holiday, or on a Sunday because the costs of the training, premium pay included, are less than the costs of the same training confined to regular work hours; and

(4) An employee given training during periods of temporary assignment covered by § 550.162(c) of this chapter.

(c) An employee who is excepted under paragraph (b) of this section is eligible to receive premium pay in accordance with the pay authorities applicable to him.

(5 U.S.C. 4118; E.O. 10800, 24 F.R. 447, 3 CFR, 1959 Supp.)

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

[F.R. Doc. 67–1972; Filed, Feb. 20, 1967; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 2]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements and Quotas for 1967

Basis and purpose and statement of bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act". The purpose of this amendment is to permit the importation of an additional 100,000 short tons, raw value, of raw sugar from foreign countries during the second quarter of this year.

Sugar is being produced in Puerto Rico at a rate slightly below that of a year ago. This reduces somewhat the quantity of domestic raw sugar available to refiners. In addition, Mexican raw sugar and some of that from Central America is being shipped to the Gulf. This amendment, by increasing total imports, will make more sugar available to North of Hatteras ports.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended as follows:

Paragraph (d) of § 811.53 is amended by amending subparagraph (1), subdivision (ii) of subparagraph (2), and subdivisions (i) and (iii) of subparagraph (4) and by adding a new subdivision (v) to subparagraph (4) to read as follows:

§ 811.53 **Quotas for foreign countries.**

* * * * *

(d) (1) Of the total quotas and prorations for foreign countries established in paragraphs (b) and (c) of this section, only 2 million short tons, raw value, of raw sugar may be authorized for importation from all such foreign countries in accordance with Part 817 of this chapter during the first 6 months of 1967, and of such 2 million short tons, raw value, 900,000 short tons, raw value, may be authorized for importation during the first quarter of the year.

(2) * * *

(ii) Applications for the importation of sugar during the first quarter received on or before December 19, 1966, will be considered as having been received at the same time. Applications for the importation of sugar during the second quarter received on or before January 13, 1967, will be considered as having been received at the same time. Applications for

the importation during the second quarter of 100,000 short tons, raw value, of sugar representing an addition to the initial limitation of 1 million short tons, raw value, received on or before February 27, 1967 will be considered as having been received at the same time.

* * * * *

(4) (i) Allocations of second quarter importations among countries will be made in the following manner within the limits of applications received. Allocation among countries of the initial limitation of 1 million short tons, raw value, shall be made as provided in subdivisions (ii), (iii), and (iv) of this subparagraph. Allocation among countries of 100,000 short tons, raw value, representing an addition to the initial limitation of 1 million short tons, raw value, shall be made as provided in subdivision (v) of this subparagraph.

* * * * *

(iii) Second priority shall be given to countries by making an initial allocation under this priority to countries in order of size of quota, smallest first, limiting such initial allocation to any country to the smaller of 10,000 short tons, raw value, or the quantity which would permit the country to import in total during the first half up to 50 percent of the country's annual quota. Additional allocations under this priority shall be made to those countries receiving an initial allocation under this priority of 10,000 short tons, raw value, which additional allocation to any such country shall be so limited that the total allocation under subparagraph (3) of this paragraph, subdivision (ii) of this subparagraph and this subdivision (iii) during the first half for such country as a percentage of its annual quota will not exceed the percentage similiarly calculated for any other such country; and shall be further limited so that the total quantity which such country may import during the first half under subparagraph (3) of this paragraph, subdivision (ii) of this subparagraph and this subdivision (iii) shall not exceed 50 percent of the country's annual quota.

* * * * *

(v) The 100,000 short tons, raw value, shall be prorated among countries that supply the sugar for which applications for importation have been made, on the basis of first half importations from such countries as set forth in subparagraph (5) of this paragraph.

* * * * *

(Secs. 202 and 403; 61 Stat. 924 as amended, 932 as amended; 7 U.S.C. 1112 and 1153)

Effective date. In order to promote orderly marketing, it is essential that all persons selling and purchasing sugar from foreign countries be able as soon as possible to make plans based on these changes in marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when published in the FEDERAL REGISTER.

Signed at Washington, D.C., this 16th day of February 1967.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 67-2015; Filed, Feb. 20, 1967; 8:51 a.m.]

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 877.19]

PART 877—SUGARCANE; PUERTO RICO

Fair and Reasonable Prices for 1966–67 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and due consideration of evidence presented at the public hearing held in San Juan, P.R., on November 16, 1966, the following determination is hereby issued:

§ 877.19 Fair and reasonable prices for the 1966–67 crop of Puerto Rican sugarcane.

A producer of sugarcane in Puerto Rico who is also a processor of sugarcane (herein referred to as "processor"), shall have paid, or contracted to pay, for sugarcane of the 1966–67 crop grown by other producers and processed by him, in accordance with the following requirements:

(a) *Definitions.* For the purpose of this section, the term:

(1) "Raw sugar" means raw sugar as made converted to 96° basis.

(2) "Sugar yield period" means any period not exceeding one calendar month as may be elected by the processor to determine the yield of raw sugar. The period adopted by the processor shall be used uniformly throughout the grinding season. In instances where odd days occur because a processor begins or ends grinding on a day which does not correspond with the beginning or ending of the sugar yield period, or grinding is interrupted because of holidays or for other reasons, such odd days shall be included either in the prior or subsequent sugar yield period, or treated as a separate sugar yield period.

(3) "Price of raw sugar" means the simple average of the daily spot price quotations for sugar deliverable under the New York Coffee and Sugar Exchange No. 10 domestic contract (bulk sugar) for the period January 1, 1967, through December 31, 1967, except that if the Director of the Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, determines that any such price quotation does not reflect the true market value of raw sugar because of inadequate volume or other factors, he may designate the price to be effective under this determination which he determines will reflect the true market value of raw sugar.

(4) "Inferior varieties of sugarcane" means sugarcane of the Saccharum Spontaneum or Saccharum Sinense variety (including sugarcane of the Japanese, Uba, Kavangerie, Zuinga, Caledonia, Coimbatore 213, and Coimbatore 281 varieties).

(5) "Yield of raw sugar" means the yield of raw sugar per 100 pounds of net sugarcane determined for the sugar yield period in accordance with the formulae set forth in Schedule A set forth below.

(6) "Net sugarcane" means (i) the gross weight of the sugarcane delivered to the mill determined to contain a quantity of trash not in excess of 5 percent of the gross weight, or (ii) the gross weight of the sugarcane delivered to the mill less the quantity of trash determined to be in excess of 5 percent of such gross weight.

(7) "Trash" means green or dried leaves, sugarcane tops, soil, stones, and all other extraneous material.

(8) "Area office" means Caribbean Area Agricultural Stabilization and Conservation Service Office, Post Office Box 8037, Fernandez Juncos Station, San Juan, P.R. 00910.

(b) *Payment for sugarcane.* (1) The payment for net sugarcane delivered by the producer to the processor shall be made either by the delivery to the producer of his share of raw sugar or by the payment to the producer of the money value of his share of raw sugar, whichever method is agreed upon by the producer and the processor.

(2) For each 100 pounds of net sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar of 9 pounds or more, the producer's share of raw sugar shall be not less than the quantity of raw sugar determined by applying the following applicable percentage to the yield of raw sugar of the producer's net sugarcane:

Pounds of raw sugar per 100 pounds of net sugarcane:	*Percentage*
9.0	63.0
9.5	63.5
10.0	64.0
10.5	64.5
11.0	65.0
11.5	65.5
12.0	66.0
12.5	66.5
13.0	67.0
13.5 and over	67.5

Intermediate points within the above scale are to be interpolated to the nearest one-tenth point.

(3) For each 100 pounds of net sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar of less than 9 pounds, the producer's share of raw sugar shall be not less than the quantity determined by subtracting 3⅓ pounds of raw sugar from the yield of raw sugar of the producer's net sugar cane.

(4) If settlement with the producer is made in sugar delivery shall be made, loaded in the producer's vehicle, at the mill where the sugar is produced, unless the producer and processor agree in writing to delivery at another mill:

Provided, That the processor shall bear any increase in marketing costs resulting from such agreement.

(5) If settlement with the producer is made in cash, the processor shall pay to the producer the money value of his share of raw sugar determined on the basis of the price of raw sugar converted to an f.o.b. mill price by subtracting therefrom the admissible deductions for selling and delivery expenses on raw sugar in accordance with Schedule B set forth below.

(c) *Molasses payment.* For each ton of net sugarcane delivered the processor shall either deliver to the producer 66 percent of the average production of blackstrap molasses per ton of net sugarcane of the 1966–67 crop processed at each mill or shall pay to the producer the money value of such quantity of molasses, whichever method is agreed upon between the producer and the processor. If settlement with the producer is made in cash such settlement shall be based upon the average gross sales price of molasses less the admissible deductions for selling and delivery expenses in accordance with Schedule C set forth below. A processor operating more than one mill shall compute the average gross proceeds per gallon from the sales of molasses produced at all mills operated by such processor and shall compute the net proceeds per gallon separately for each mill operated by such processor. If a processor has not sold 1966–67 crop molasses by the time he is required to submit to the Area office a statement as required by paragraph (g)(2) of this section, he shall make a provisional molasses payment to producers of not less than 85 percent of the average of the net proceeds per gallon realized by all other processors in Puerto Rico who made cash settlements for 1966–67 crop molasses, as determined by the Director of the Area office. Final settlement with producers shall be made promptly after the 1966–67 crop molasses has been sold, based upon the average gross proceeds therefrom and the processor shall promptly submit to the Area office a statement as required by paragraph (g)(2) of this section.

(d) *Determination of net sugarcane.* (1) The net sugarcane of each producer (including the processor) which is delivered to the mill each day shall be determined as follows: The processor jointly with a representative designated by the producers or the producer organization in any mill area, shall examine the sugarcane deliveries and estimate whether the deliveries contain a quantity of trash (i) not in excess of 5 percent of the gross weight, or (ii) in excess of 5 percent of the gross weight. In the absence of a producer representative the processor shall have full responsibility for examining such sugarcane deliveries and for making such estimates. As to the deliveries of sugarcane of any producer which are estimated to contain trash not in excess of 5 percent, the gross weight of the sugarcane delivered shall also be the net weight. As to the deliveries of sugarcane of any producer estimated by both the processor and the representative of producers or by either of such parties to contain trash in excess of 5 percent, the net weight shall be determined by taking a representative sample of not less than 100 pounds of sugarcane from one or more of the deliveries deemed to be representative and separate therefrom all trash. The weight of trash which is removed from the sample of sugarcane shall be expressed as a percentage of the gross weight of the sample. The net weight of the sugarcane delivery from which the sample was taken shall be determined by deducting from the gross weight of such sugarcane, a percentage thereof which represents the excess, if any, of the trash over 5 percent, and the same adjustment as determined above shall be applied to the gross weight of all other deliveries delivered by that producer during the same day which are estimated to contain trash content reasonably similar to the delivery from which the sample was taken.

(2) With respect to the sample taken as provided in subparagraph (1) of this paragraph, the processor may make a separate determination of the weight of soil and stones contained in such sample and may charge the producer 5 cents per ton of net sugarcane delivered during the day which is represented by the sample for each 1 percent, fractions in proportion, by which the weight of soil and stones is in excess of 1 percent of the gross weight of the sample.

(e) *Sampling charges.* The processor may charge the producer 66 percent of the actual cost, but not to exceed $2.64, for each sample taken to cover the cost of sampling and measuring the actual quantity of trash. If a separate determination is made of the weight of soil and stones, the cost thereof shall be borne by the processor.

(f) *Services and allowances to producers.* (1) When payment is made to the producer by the delivery of raw sugar, the processor shall store and insure all such sugar through December 31, 1967, and shall bear the costs thereof.

(2) Allowances made to producers by the processor for the 1965–66 crop shall be made for the 1966–67 crop at the rates which were effective under comparable conditions in 1965–66; the costs of services which were borne by the processor for the 1965–66 crop shall be borne for the 1966–67 crop: *Provided*, That the processor shall not be required to bear the cost of ocean transportation of sugarcane: *And provided further*, That nothing in this subparagraph shall be construed as prohibiting negotiations between the processor and producer with respect to the amount of allowances to be made to the producer, any change to be approved in writing by the Area office upon a determination by the Director of the Area office that the change results in allowances which are fair and reasonable.

(g) *Reporting requirements.* (1) The processor shall submit to the Area office a statement as to whether settlement with producers are made in sugar or in cash, together with a statement as to the sugar yield period which will be used during the grinding season. Such information shall be submitted not later than 7 days after grinding commences, except that if the Director of the Area office determines that the failure to submit such statement by such date was unintentional, an extension of time may be granted by the Area office.

(2) If the processor makes settlement in cash he shall submit in duplicate to the Area office statements verified by a Certified Public Accountant of the gross proceeds from the sales of molasses and the deductions made in determining the f.o.b. mill price of sugar and the net proceeds from molasses. Such statements shall be submitted not later than June 1, 1968, except that if the Director of the Area office determines that the failure to submit such statement by such date was unintentional, an extension of time may be granted by the Area office.

(h) *Subterfuge.* The processor shall not reduce the returns to the producer below those determined in accordance with the requirements of this section through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1966–67 crop grown by other producers.

(b) *Requirements of the act.* Section 301(c)(2) of the act provides as a condition for payment, that the producer on the farm who is also directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1966–67 price determination.* This determination continues the provisions of the 1965–66 crop determination, except that the price of raw sugar to be used in computing settlements with producers for sugarcane is the daily spot price quotations for raw sugar deliverable under the New York Coffee and Sugar Exchange No. 10 domestic contract in place of the No. 7 domestic contract; the sugar yield formula to be used in conjunction with the core sampler method of sampling sugarcane delivered by producers is revised; the delivery point for the producer's raw sugar is defined; and the provisional molasses payment to producers is to be not less than 85 percent instead of 75 percent.

A public hearing was held in San Juan, P.R., on November 16, 1966, at which interested persons were afforded the opportunity to testify with respect to fair and reasonable prices for the 1966–67 crop of sugarcane. A representative of the Puerto Rican Farm Bureau recommended that the producer's share of sugar be increased 1.7 percentage points at all levels of sugar yields. The witness stated that the producer's share of

sugar decreased from 65.7 percent in 1951 to 64 percent in 1964—a decrease of 1.7 percentage points. He said that the continued decrease in the value of the producer's sugarcane was brought about by the continuous deterioration in sugar yields from cane during the last 8 years, which was no fault of the producers; and that therefore producers should not bear all of the burden on such losses. The witness stated that because of the unprofitability of sugarcane production, many sugarcane farmers are changing to other use of their land, and as a result the mills cannot operate at full capacity.

A representative of the Puerto Rico Sugar Producers Association recommended that no change be made in the sharing relationship. The witness stated that the present sharing relationship was established several years ago; that during the intervening period there have been increases in the producer's share of the proceeds through increases in the compensation from the processor to the producer for loading and delivering sugarcane; and that the processor has been bearing a greater percentage of the total cost of producing and processing sugarcane. The witness testified that one of the opportunities for broad cost reduction would be in the modification of the sampling and testing procedures, since the current intricate process results in excessive costs to both the producer and the processor.

A representative of a processing company recommended that a processor making payment to the producer in sugar be allowed to make delivery to the producer at another processor's warehouse: *Provided*, That no additional costs would be imposed on the producer as a result, and that there would be agreement between the processor and producer.

A representative of another processor stated that over a period of many years every change made in the fair price determination had been in favor of the producer; that all of the changes made by producers to reduce production costs have served to increase processor's costs. He said that the company he represented has been forced to close another of their mills because of the lack of sugarcane.

A representative of the Agricultural Experiment Station of the University of Puerto Rico testified that the sampling and testing of every delivery of sugarcane has become increasingly difficult, and that a study had been made to determine a simpler and more efficient method which would reduce the frequency of sampling in determining sugar yields. The witness stated that the sampling problem is greatly complicated by the large number of producers in Puerto Rico, and recommended the use of a statistical method of reducing sampling, which would also improve cane deliveries and grinding operations. The witness outlined the formula used by the Experiment Station in the statistical evaluation of the quality of the sugarcane delivered to three sugar mills, and stated that a copy of the study would be made available to the Department of Agriculture.

Consideration has been given to the recommendations made at the public hearing and to other pertinent information. The comparative returns, costs, and profits of producing and processing sugarcane in Puerto Rico, obtained through field survey for recent years have been recast in terms of prospective price and production conditions for the 1966–67 crop. Analysis of these data indicates that productivity gains, particularly in the production of sugarcane, continue to lag behind those of other domestic areas, and as a result unit costs continue to increase. On average, both producing and processing continue to be unprofitable. A change in the present sharing relationship would not benefit the industry as a whole since it would only increase the losses of one group, which in the long term would be harmful to the other group. It is recommended that other means of increasing profits be sought, such as increasing productivity through improving producing, harvesting, and hauling methods.

On November 21, 1966, the New York Coffee and Sugar Exchange began trading in the new No. 10 domestic contract. The new contract adds quality standards to the previous polarization standard. These additional requirements cover moisture, ash content, grain size, filterability, and color, for which acceptable ranges are provided with a system of premiums and discounts for sugar not within the range. The No. 7 domestic contract will be discontinued when the existing open positions in the No. 7 futures are liquidated. Accordingly, this determination provides that the daily spot price quotations for sugar deliverable under the No. 10 domestic contract will be the basis for the "price of raw sugar."

The Sugar Board of Puerto Rico has revised the formula for determining the yield of raw sugar where the "core sampler" method of sampling sugarcane delivered by producers is used. Since the formula provided in Schedule A of the determination adopted the original Sugar Board formula, such formula is revised to agree with the revised Sugar Board formula.

The prior determination provided that where a processor had not sold his molasses by the time he is required to submit to the Area office a statement of the gross proceeds from the sale of molasses, he shall make a provisional payment to producers of not less than 75 percent of the average of the net proceeds per gallon realized by all other processors in Puerto Rico who made cash settlement for molasses. This determination increases the amount of the provisional payment from 75 percent to 85 percent to coincide with a similar revision made by the Sugar Board of Puerto Rico.

The recommendation of a processor for clarification of the delivery point for the producer's raw sugar has been adopted. When the producer elects payment by the delivery of his share of raw sugar, delivery is to be made by loading such sugar into the producer's vehicle at the mill where produced. However, the processor and producer may agree to delivery to the producer at the warehouse of another mill provided that marketing costs of the producer are no higher than would have been incurred had the sugar been delivered to the producer at the mill where processed.

The experiments being conducted by the Agricultural Experiment Station of the University of Puerto Rico to find a reliable statistical method of reducing the frequency of sampling sugarcane to determine sugar yields have been studied with interest. It is hoped that further studies will enable the sugar industry of Puerto Rico to arrive at a method that is more accurate and economical than the present method of sampling each delivery of sugarcane.

On the basis of an examination of all pertinent factors, the provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; sec. 301, 61 Stat. 929, as amended; 7 U.S.C. 1132)

NOTE: The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to, the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This determination shall become effective on publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on February 14, 1967.

ORVILLE L. FREEMAN,
Secretary.

SCHEDULE A

FORMULAE FOR DETERMINING THE "YIELD OF RAW SUGAR" FOR EACH PRODUCER

(A) Where a continuous sample of the crusher juice of the deliveries of sugarcane by a producer is used, the formula for determining the yield of raw sugar shall be:

$$R=TI(S-0.3B)F$$

where:

R=Yield of raw sugar, 96° basis;

S=Polarization of the crusher juice obtained from the sugarcane of each producer;

B=Brix of the crusher juice obtained from the sugarcane of each producer;

T=Trash correction factor which varies inversely with the amount of trash contained in the sugarcane of each producer from 1.0 for sugarcane which contains an amount of trash not in excess of 5 percent of the gross weight of sugarcane to 0.76075 for sugarcane which contains an amount of trash in excess of 30 percent: *Provided*, That where sugarcane has been subjected to a washing process prior to milling, the amount of trash that is soil shall be excluded in determining the correction factor.

I=Inferior sugarcane correction factor which is applied only to inferior varieties of sugarcane of each producer and is determined as follows:

(a) When the purity, P (where $P=100S \div B$), of the crusher juice of sugarcane is equal to 75 or more, the factor $I=0.9$; or

(b) When the purity, P (where $P=100S \div B$), of the crusher juice of such sugarcane is less than 75, the factor, $I=0.9-0.02(75-P)$;

F=Yield factor which is determined as follows:

(a) Determine the "tentative recovery of raw sugar," 96° basis, for each producer delivering sugarcane during the settlement period from the product of the formula $(S-0.3B)$, the number of hundredweights of net sugarcane, the applicable trash correction factor, T; and where applicable the inferior sugarcane correction factor, I; and

(b) Divide the pounds of raw sugar 96° basis, produced at the mill during the applicable settlement period by the sum of the "tentative recoveries of raw sugar" for all producers to obtain the yield factor, F.

If part of the sugarcane delivered by producers is subjected to a washing process prior to milling, the polarization and brix of the resulting dilute crusher juice of such sugarcane shall be converted to an undiluted crusher juice basis by application of dilution compensation factors (DCF) computed as follows:

$$\text{Brix } DCF = \frac{\text{Brix of undiluted crusher juice sample}}{\text{Brix of diluted crusher juice sample}}$$

$$\text{Pol } DCF = \frac{\text{Pol of undiluted crusher juice sample}}{\text{Pol of diluted crusher juice sample}}$$

A written description of procedures and the frequency of sampling sugarcane to be used in determining DCF factors shall be submitted by the processor to the Area office for approval.

(B) Where the "Core Sampler" method of sampling sugarcane delivered by producers is used the formula for determining the yield of raw sugar shall be:

$$R = F[S - 0.3(B + 0.1f_e)]$$

Where:
R=96° yield % cane.
S=Pol % cane.
B=Brix % cane.
f_e=Fiber % cane.
F=Factor calculated using the values obtained during the liquidation period, weighted on the basis of the net weight of cane and substituted at the right side of the following equation:

$$F = \frac{R}{S - 0.3(B + 0.1f_e)}$$

A written description of core sampling procedures to be used shall be submitted by the processor to the Area office for approval.

(C) Where the sugarcane delivered by producers is sampled by hand or machine and the juice is extracted by a laboratory hand mill, the yield of raw sugar may be determined in accordance with the formula provided under either (A) or (B) above, subject to the written approval of the Area office. A written description of the sampling procedure to be used shall be submitted by the processor to the Area office for approval.

The sugar yield of sugarcane which is commingled while being loaded or transported from the Island of Vieques to the processor's mill shall be the total sugar produced from the barge load of sugarcane, determined by applying either formula (A) or (B) prescribed by this Schedule A to the sugarcane of each barge load without segregating the cane of each producer; and the producer's share of such sugar shall be apportioned on the basis of the ratio of the net weight of each producer's sugarcane to the total net weight of the barge load of sugarcane. The sugarcane of each grower shall be weighed at scales on the Island of Vieques to determine gross weight. The net weight of commingled cane from the barge load shall be determined at the mill in accordance with the applicable provisions of this determination, and the differences in gross and net weights shall be distributed among the growers who supplied the barge load of cane in proportion to the tonnage delivered by each grower.

SCHEDULE B

ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES ON RAW SUGAR

Admissible deductions for selling and delivery expenses on 1966–67 crop raw sugar are limited to the sum of the following expenses for each mill operated by a processor, net of any receipts which reduce such expenses;

(1) Freight from the mill directly to the bulk raw sugar loading terminal, including the cost of covering cars or trucks where necessary;

(2) The cost of receiving, handling, and loading aboard ship at the bulk terminal at the rates established by the Puerto Rico Public Service Commission and in effect at the time the sugar is delivered to the bulk sugar terminal facility;

(3) Ocean freight;

(4) Unloading at destination;

(5) Freight demurrage resulting from causes beyond the control of the shipper; and

(6) An allowance of 7.0 cents per hundredweight of 96° raw sugar, in lieu of the following expenses;

(i) Reclaiming, weighing, and loading at mill or where stored;

(ii) Shore risk, marine and war risk insurance;

(iii) Brokerage or commission and exchange;

(iv) Weighing, testing, and sampling at destination;

(v) All other expenses not itemized herein.

When any of the necessary services included in items (1), (3), (4), or (5) above are furnished by the processor, costs incurred may include for each of the services rendered:

(1) Direct and immediate supervisory labor;

(2) Maintenance labor and supplies required for the facilities used;

(3) Taxes and insurance assessed or charged to the processor on such labor and a proportionate share of retirement and pension, bonuses, and vacation expenses properly allocable to such labor;

(4) Direct supplies; and

(5) Depreciation (at rates allowed by the taxing authority), property taxes, and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of costs. In the event that facilities used in providing the necessary services are also used for other purposes by the processor, only that portion of the maintenance, depreciation, property taxes, and property insurance of such facilities properly apportionable to the necessary service shall be allowed.

The Director of the Area office may permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the costs incurred by the processor in furnishing the necessary service in the event that the costs incurred therefor cannot be accurately determined.

In determining the f.o.b. mill price of raw sugar sold or processed in Puerto Rico, equivalent selling and delivery expenses as approved by the Director of the Area office shall be computed as follows:

(1) If the processor delivers less than 33 percent of the total quantity of raw sugar produced by the mill to mainland refiners, the allowable per hundredweight selling and delivery expenses to be applied to such total quantity shall not exceed the average of the admissible selling and delivery expenses approved by the Director of the Area office for all 1966–67 crop raw sugar produced in Puerto Rico which was delivered to mainland refiners.

(2) If the processor delivers 33 percent or more of the total quantity of raw sugar produced by the mill to mainland refiners, the allowable per hundredweight selling and delivery expenses to be applied to such total quantity shall be the average of the admissible selling and delivery expenses as approved by the Director of the Area office for that quantity of raw sugar produced by the mill which was delivered to mainland refiners.

The statement as required by paragraph (g)(2) of the determination shall include the following certification:

CERTIFICATION

I, _____ hereby certify that as a result of the audit performed of the books of Central _____ as of _____, the deductions as set forth herein are properly chargeable as selling and delivery expenses for sugar in accordance with the determination of fair and reasonable prices for the 1966–67 crop of Puerto Rican sugarcane.

_____

SCHEDULE C

ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES FOR MOLASSES

Admissible deductions for selling and delivery expenses in connection with the molasses payment provided in paragraph (c) of the 1966–67 price determination are limited to the sum of the following expenses actually incurred at each mill operated by a processor, net of any receipts which reduce such expenses;

(1) Operation of pumps to deliver molasses from mill tank to shipside or other delivery point;

(2) Freight incurred or which would have been incurred on direct shipment from tanks located at the mill to shipside, or to a waterfront tank facility, or to local buyers when such molasses is sold on a delivered price basis;

(3) Operation of tank barges, tugs, or other marine equipment used in delivering molasses to shipside;

(4) Weighing and testing;

(5) Wharfage, including charges arising from utilization of waterfront facilities such as pipelines (including fees paid for right of way privileges), pumps, and tanks (a) to store molasses in anticipation of shipment; and (b) to deliver such molasses within the hold of the ship;

(6) Shore risk insurance (limited in coverage from mill to shipside);

(7) Freight demurrage resulting from causes beyond the control of the shipper;

(8) Brokerage paid to a bona fide broker.

When any of the necessary services included in items (1) through (8) above are furnished by the processor, costs incurred may include for each of the services rendered:

(1) Direct and immediate supervisory labor;

(2) Maintenance labor and supplies required for facilities used;

(3) Taxes and insurance assessed or charged to the processors on such labor and a proportionate share of retirement and pensions, bonuses, and vacation expenses properly allocable to such labor;

(4) Fuel, energy or direct supplies; and

(5) Depreciation (at rates allowed by the taxing authorities), property taxes and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of costs. In the event that facilities used in providing the necessary services are also used for other purposes by the processor, only that portion of the maintenance, depreciation, property taxes, and property insurance of

such facilities, properly apportionable to the necessary service, shall be allowed.

The Director of the Area office, may permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the cost incurred by the processor in furnishing the necessary service in the event that the costs incurred therefor cannot be accurately determined.

The statement as required by paragraph (g)(2) of the determination shall include the following certification:

CERTIFICATION

I, hereby certify that, as the result of the audit performed of the books of Central _____ as of _____, the gross proceeds from the sales of molasses as herein stated are true and correct and the deductions set forth herein are properly chargeable as selling and delivery expenses for molasses in accordance with the determination of fair and reasonable prices for the 1966–67 crop of Puerto Rican sugarcane.

[F.R. Doc. 67-1943; Filed, Feb. 20, 1967; 8:45 a.m.]

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

[Lemon Reg. 254, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1) (i), (ii), and (iii) of § 910.554 (Lemon Reg. 254, 32 F.R. 2806) are hereby amended to read as follows:

§ 910.554 Lemon Regulation 254.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 25,110 cartons;

(ii) District 2: 158,100 cartons;

(iii) District 3: 63,240 cartons.

* * * * *

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

Dated: February 15, 1967.

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

[F.R. Doc. 67-1942; Filed, Feb. 20, 1967; 8:46 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Elimination of Statement of Reasons for Surrender of License

The Atomic Energy Commission has adopted an amendment of § 50.82(a) of 10 CFR Part 50, "Licensing of Production and Utilization Facilities," which eliminates the requirement of that section that a licensee who proposes to surrender his facility license, dismantle the facility, and dispose of its component parts provide, in his application to the Commission for a surrender, a statement of reasons.

The general language of § 50.82 furnishes sufficient authority to require a "statement of reasons" in the unlikely event that it might be required to protect the common defense and security and the public health and safety. Therefore, the requirement of such a statement from all applicants is unnecessary.

Because this amendment relates to a minor, nonsubstantive matter, notice of proposed rule making and public procedure thereon are unnecessary, and good cause exists to make the amendment effective upon publication in the FEDERAL REGISTER.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, as amended, the following amendment of 10 CFR Part 50 is published as a document subject to codification to be effective upon the date of its publication in the FEDERAL REGISTER.

Paragraph (a) of § 50.82 of 10 CFR Part 50 is amended to read as follows:

§ 50.82 Applications for termination of licenses.

(a) Any licensee may apply to the Commission for authority to surrender a license voluntarily and to dismantle the facility and dispose of its component parts. The Commission may require information, including information as to proposed procedures for the disposal of radioactive material, decontamination of the site, and other procedures, to provide reasonable assurance that the dismantling of the facility and disposal of the component parts will be performed in accordance with the regulations in this chapter and will not be inimical to the common defense and security or to the health and safety of the public.

* * * * *

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

Dated at Washington, D.C., this 10th day of February 1967.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 67-1925; Filed, Feb. 20, 1967; 8:45 a.m.]

Title 12—BANKS AND BANKING

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

PART 11—SOLICITATION OF PROXIES

Removal of Requirement Regarding Age of Persons Nominated for Election

This amendment issued under authority of R.S. 324, et seq., as amended; 12 U.S.C. 1 et seq. and Securities Exchange Act of 1934, as amended (15 U.S.C. 78), removes the requirement that proxy statements furnished to stockholders of certain national banks state the age of each person nominated for election as a director. Since the amendment relieves restriction, notice and public procedure are found to be unnecessary and contrary to public interest. Accordingly, this amendment will become effective upon publication.

Part 11, Chapter I, Title 12 of the Code of Federal Regulations of the United States of America is amended at Schedule A, Item 2. *Nominees for directors,* by deleting the word "age" so that the foregoing Item 2 reads as follows:

Item 2. *Nominees for directors.* (a) If action is to be taken with respect to the election of directors, the following information, to the extent practicable, shall be furnished with respect to each person nominated for election as a director; such person's name, present principal occupation or employment and the principal office, if any, with the bank presently held by him.

Part 11, Chapter I, Title 12 of the Code of Federal Regulations of the United States of America is amended at Schedule C, Item 1 by deleting the word "age" so that the foregoing Item 1 reads as follows:

Item 1. Name and business address of each participant.

Dated: February 16, 1967.

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

[F.R. Doc. 67-1991; Filed, Feb. 20, 1967; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 67-EA-18; Amdt. 39-352]

PART 39—AIRWORTHINESS DIRECTIVES

Hartzell Model HC-93Z, HC-B3Z and HC-B3W Propellers

There have been several failures of the Hartzell Model HC-93Z, HC-B3Z and HC-B3W propellers as installed on the Pratt & Whitney Model R-985 Series engines.

The failures have been attributed to excessive propeller blade stresses which cause initiation and propagation of cracks in the propeller blade shank area. The condition is caused by detuning of the engine-propeller combination as a result of wear in the engine crankshaft flyweight and flyweight liners.

Propellers currently in operation may have developed some damage not visible by external inspection which could result in serious propagation of blade cracks if the propellers were permitted to operate for entire engine overhaul periods.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489) § 39.13 of Part 39 (14 CFR Part 39), is hereby amended by adding the following new airworthiness directive:

HARTZELL PROPELLERS. Applies to Models HC-93Z30/10152-5½, HC-B3Z30/10152-5½, HC-B3W30/10152-5½, HC-B3Z30/10160-6, and HC-B3W30/10160-6 propellers installed on Pratt and Whitney R985 series engines.

Compliance required as indicated:

To prevent propeller blade shank failures accomplish the following:

(a) For blades previously inspected by a procedure described in paragraph (c), reinspect in accordance with paragraph (c) every 200 hours time in service from last inspection.

(b) For all other blades:

(1) Blades with 300 hours or more time in service, inspect in accordance with paragraph (c) within the next 25 hours in service after the effective date of this AD and reinspect every 200 hours time in service from the last inspection.

(2) Blades with less than 300 hours time in service, inspect in accordance with paragraph (c) prior to the accumulation of 325 hours and reinspect every 200 hours time in service from the last inspection.

(c) Remove blades from propeller and inspect each blade in the shank retention area for cracks using penetrant inspection method or equivalent approved by the Chief, Engineering and Manufacturing Branch, Eastern Region. Replace before further flight any cracked blade with a new blade or a blade that has been inspected according to this AD.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

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

Issued in Jamaica, N.Y., on February 17, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-2018; Filed, Feb. 20, 1967; 8:51 a.m.]

[Airspace Docket No. 66-SW-25]

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

Alteration of Federal Airways

On November 17, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 14653) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would raise the floor on a segment of V-17 from McAllen, Tex., to Laredo, Tex.

Interested persons were afforded an opportunity to comment on the proposed amendment. The Air Transport Association of America offered no objection. No other comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 27, 1967, as hereinafter set forth.

Section 71.123 (32 F.R. 2009) is amended as follows:

In V-17 all before "12 AGL Cotulla, Tex.;" is deleted and "From McAllen, Tex., 29 miles, 12 AGL, 34 miles, 25 MSL, 12 AGL Laredo, Tex.;" is substituted therefor.

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

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

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

[F.R. Doc. 67-1930; Filed, Feb. 20, 1967; 8:45 a.m.]

[Airspace Docket No. 66-CE-83]

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

Extension of Federal Airways

On December 1, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 15097) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend VOR Federal airways Nos. 47 and 493.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 27, 1967, as hereinafter set forth.

Section 71.123 (32 F.R. 2009) is amended as follows:

1. In V-47 "12 AGL Salem." is deleted and "12 AGL Salem; 12 AGL INT Salem 027° and Flint, Mich., 118° radials." is substituted therefor.

2. In V-493 "12 AGL Carleton, Mich." is deleted and "12 AGL Carleton, Mich.; 12 AGL INT Carleton 327° and Flint, Mich., 202° radials; 12 AGL Flint." is substituted therefor.

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

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

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

[F.R. Doc. 67-1953; Filed, Feb. 20, 1967; 8:47 a.m.]

[Airspace Docket No. 66-CE-90]

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

Designation of Transition Area

On December 6, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 15242) stating that the Federal Aviation Agency proposed to designate controlled airspace in the Bay City, Mich., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was from the Air Transport Association. The Association offered no objection to the proposal provided that adequate communications exist for the control of IFR traffic so as not to unduly penalize other airspace movements in the area. The Federal Aviation Agency has determined that such adequate communications do exist.

The airport coordinates recited in the transition area designation in the notice of proposed rule making have been changed slightly in this final rule. Since these changes are minor in nature and impose no additional burden on any person, they are being incorporated in the rule without notice and public procedure.

In consideration of the foregoing, Part 71 of the Federal Aviations Regulations is amended, effective 0001 e.s.t., April 27, 1967, as hereinafter set forth.

In § 71.181 (32 F.R. 2148), the following transition area is added:

BAY CITY, MICH.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the James Clements Municipal Airport (latitude 43°32'45" N., longitude 83°53'40" W.) excluding the portion within the Saginaw, Mich., control zone.

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

Issued in Kansas City, Mo., on February 3, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-1954; Filed, Feb. 20, 1967; 8:48 a.m.]

[Airspace Docket No. 66-EA-65]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On November 23, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 14841) stating that the Federal Aviation Agency was considering an amendment to Part 73 of the Federal Aviation Regulations which would raise the ceiling of Restricted Area R-6501 Underhill, Vt., and designate it as a joint use restricted area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. The only comment received was from the Air Transport Association and they interposed no objection.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., March 30, 1967, as hereinafter set forth.

Section 73.65 (32 F.R. 2334) R-6501 Underhill, Vt., is amended as follows:

1. "Designated altitudes. Surface to 4,000 feet MSL" is deleted and "Designated altitudes. Surface to 13,600 feet MSL" is substituted therefore.

2. Add "Controlling agency. Federal Aviation Agency, Burlington Approach Control."

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

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

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

[F.R. Doc. 67-1955; Filed, Feb. 20, 1967; 8:48 a.m.]

[Airspace Docket No. 66-WE-60]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Route

On November 18, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 14688) stating that the Federal Aviation Agency was considering realignment of Jet Route No. 13 between Albuquerque, N. Mex., and Denver, Colo., and extension of Jet Route No. 104 from Las Vegas, N. Mex., to Denver, Colo.

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

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., March 30, 1967, as hereinafter set forth.

Section 75.100 (32 F.R. 2341) is amended as follows:

1. In Jet Route No. 13 all between "Albuquerque, N. Mex.;" and "Denver, Colo.;" is deleted, and "Alamosa, Colo.;" is substituted therefor.

2. Jet Route No. 104 is amended to read as follows:

Jet Route No. 104 (Tucson, Ariz., to Denver, Colo.), from Tucson, Ariz., via San Simon, Ariz.; Socorro, N. Mex.; Las Vegas, N. Mex.; Pueblo, Colo.; to Denver, Colo.

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

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

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

[F.R. Doc. 67-1931; Filed, Feb. 20, 1967; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

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

Trifluralin

A petition (PP 6F0493) was filed with the Food and Drug Adminstration by Elanco Products Co., a Division of Eli Lilly and Co., 740 South Alabama Street, Indianapolis, Ind. 46206, proposing the establishment of a tolerance of 0.05 part per million for negligible residues of the herbicide trifluralin in or on sugarbeets.

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

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

§ 120.207 Trifluralin; tolerance for residues.

A tolerance of 0.05 part per million is established for negligible residues of the herbicide trifluralin (α,α,α-trifluoro-2,6-dinitro-*N*,*N*-dipropyl-*p*-toluidine) in or on sugarbeets.

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

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

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

Dated: February 13, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-1967; Filed, Feb. 20, 1967; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Miscellaneous Amendments

In Part 200 in the Table of Contents §§ 200.52b, 200.71, 200.74, 200.75, 200.84d, and 200.84f are deleted, a new § 200.52c is added, and pertinent section headings are amended as follows:

Sec.
200.52a Assistant Commissioner for Field Operations and Deputy.
200.52c Director of the Land Development Division.
200.56 Assistant Commissioner for Home Mortgages and Deputy.
200.57 Assistant Commissioner for Multifamily Housing and Deputy.
200.63 Director of the Architectural Division and Deputy.
200.72 Director of the Management Division and Deputy.
200.73 Director of the Audit Division.
200.97 Assistant Commissioner for Field Operations and Deputy; Assistant Commissioner for Home Mortgages and Deputy; Zone Operations Commissioners and Deputies; Assistant Commissioner for Property Improvement and Deputy; and the Assistant Commissioner for Multifamily Housing and Deputy and Division Directors under their supervision.
200.102 General Counsel and Assistant Commissioners.
200.106 Assistant Commissioner for Field Operations and Deputy; Zone Operations Commissioners and Deputies; Directors, Deputy Directors, Assistant Directors, and Administrative Officers and Chief Clerks in FHA Field Offices; Assistant Commissioner for Administration; Director of Personnel; and Deputy Director of Personnel.

Subpart C—Organization and Management

Section 200.41 is amended to read as follows:

§ 200.41 Administrative staff.

The principal administrative staff of the FHA includes the Deputy Commissioner, the Executive Assistant Commissioner, the General Counsel, and Assistant Commissioners, whose respective duties and areas of authority are indicated by their titles.

Section 200.43 is amended to read as follows:

§ 200.43 Zone Operations Commissioners.

The territory served by the Federal Housing Administration is divided into geographical zones or regions comprised of a group of field insuring offices. Each zone is headed by a Zone Operations Commissioner who is responsible to the Assistant Commissioner for Field Operations for the supervision, direction, and coordination of all functions and responsibilities of the several officers within the regional jurisdiction established for the particular zone.

Subpart D—Delegations of Basic Authority and Functions

Section 200.51 is amended to read as follows:

§ 200.51 Acting Commissioner.

The Deputy Commissioner, the Executive Assistant Commissioner, the Assistant Commissioner for Field Operations, the General Counsel, the Assistant Commissioner for Programs, the Assistant Commissioner for Administration, and the Assistant Commissioner-Comptroller, in the order named, are designated by the Assistant Secretary-Commissioner to act in his place and stead in the event of his absence or inability to act, having the title of "Acting Commissioner" with all the powers, duties, and rights delegated to the Assistant Secretary-Commissioner by the Secretary of Housing and Urban Development.

Section 200.52a is amended to read as follows:

§ 200.52a Assistant Commissioner for Field Operations and Deputy.

To the position of Assistant Commissioner for Field Operations and under his general supervision to the position of Deputy Assistant Commissioner for Field Operations there is delegated the following basic authority and functions:

(a) To act with the Commissioner in the determination of basic policy and to be a member of the Executive Board.

(b) To direct the execution of the insurance programs of the Federal Housing Administration in the field and to direct all field operations.

(c) To be responsible for coordination and general supervision of the Zone Operations Commissioners.

(d) To approve or disapprove the noncollection or refund of fees, to extend the period within which a mortgagee or lender is required to take action in order to prevent the expiration of a multifamily housing commitment or in order to reopen an expired multifamily housing commitment, and to approve or disapprove the retroactive reinstatement or reopening of an expired multifamily housing commitment.

(e) To take any action authorized to be taken by any office or division within his jurisdiction.

In Part 200 § 200.52b is revoked as follows:

§ 200.52b Associate Deputy Commissioner for Management. [Revoked]

In Part 200 a new § 200.52c is added to read as follows:

§ 200.52c Director of the Land Development Division.

To the position of Director of the Land Development Division there is delegated the following basic authority and functions: To develop and recommend the policies and establish operating plans and procedures for the insurance of mortgages under Title X of the National Housing Act, and to direct the operation of the land development program.

In § 200.56 the heading thereof and the introductory text are amended and a new paragraph (g) is added as follows:

§ 200.56 Assistant Commissioner for Home Mortgages and Deputy.

To the position of Assistant Commissioner for Home Mortgages and under his general supervision to the position of Deputy Assistant Commissioner for Home Mortgages there is delegated the following basic authority and functions:

* * * * *

(g) To review cases relating to expenditures to correct or compensate for structural defects in houses financed with insured mortgages and to approve or reject, without referral to the Structural Defects Committee, those requests for financial assistance which he determines do not involve circumstances of an exceptionally difficult or questionable nature.

In § 200.57 the heading thereof, the introductory text, and paragraphs (b) and (c) are amended to read as follows:

§ 200.57 Assistant Commissioner for Multifamily Housing and Deputy.

To the position of Assistant Commissioner for Multifamily Housing and under his general supervision to the position of Deputy Assistant Commissioner for Multifamily Housing there is delegated the following basic authority and functions:

* * * * *

(b) To develop and recommend policies and establish operating plans and procedures for the insurance and servicing of multifamily housing mortgages, urban renewal housing rehabilitation loans, equity investments in multifamily housing, and the rent supplement program.

(c) To be responsible for coordination and general supervision of the Rental Housing Division, the Urban Renewal Division, the Cooperative Housing Division, and the Special Assistants for elderly housing and nursing homes.

* * * * *

In § 200.58 paragraph (b) is amended to read as follows:

§ 200.58 Director of the Rental Housing Division and Deputy.

* * * * *

(b) To develop and recommend operating plans and procedures for the insurance and servicing of rental project mortgages, other than urban renewal, cooperative housing, and rent supplement.

* * * * *

In § 200.59 paragraph (b) is amended to read as follows:

§ 200.59 Director of the Urban Renewal Division and Deputy.

* * * * *

(b) To develop and recommend operating plans and procedures for the insurance and servicing of urban renewal mortgages and the rent supplement program, and to coordinate FHA participation in urban renewal and rent supplement programs.

* * * * *

In § 200.60 paragraph (b) is amended to read as follows:

§ 200.60 Director of the Cooperative Housing Division and Deputy.

* * * * *

(b) To develop and recommend operating plans and procedures for the insurance and servicing of cooperative housing mortgages and condominium projects mortgages.

* * * * *

In § 200.62 paragraph (b) is amended to read as follows:

§ 200.62 Assistant Commissioner for Technical Standards and Deputy.

* * * * *

(b) To be responsible for coordination and general supervision of the Architectural Division, the Appraisal and Mortgage Risk Division, and the Land Development Division, comprising the functions of establishing and maintaining standards, methods, procedures, and techniques in the areas of architecture and engineering, construction cost, land planning, mortgage credit, valuation, the selection and rating of mortgage risk, the provision of technical advice and guidance in these fields to all organizational elements of the Administration, and the direction of the land development program.

Section 200.63 is amended to read as follows:

§ 200.63 Director of the Architectural Division and Deputy.

To the position of Director of the Architectural Division and under his general supervision to the position of Deputy Director of the Architectural Division there is delegated the following basic authority and functions:

(a) To develop and maintain architectural, land planning, and engineering standards, techniques, and procedures.

(b) To provide technical advice and guidance to all organizational elements of the administration in the fields of architecture, land planning, and engineering.

In § 200.64 paragraphs (a) and (b) are amended to read as follows:

§ 200.64 Director of the Appraisal and Mortgage Risk Division and Deputy.

* * * * *

(a) To develop and maintain standards, procedures, and techniques for the valuation of property, the estimation of construction cost, determination of acceptability of mortgage credit, and for the overall determination of mortgage risk and the acceptability of mortgage risk for insurance.

(b) To provide technical advice and guidance to all organizational elements of the Administration in the fields of valuation, construction cost, mortgage credit, and risk determination.

In § 200.68 paragraphs (a) and (d) are amended and new paragraphs (j) and (k) are added to read as follows:

§ 200.68 Assistant Commissioner for Administration and Deputy.

* * * * *

(a) To be responsible for all personnel policy, procedures, and activities; organizational structures and related matters; all budget activities; audits of mortgagees and financial institutions, mortgagors, contractors, and brokers participating in FHA insurance programs; administrative staff planning and coordination of agency operations analysis activities; contracting for the maintenance and operation of acquired properties and for credit reports; management surveys, forms and records management; coordination and maintenance of the FHA manual, directives, and other issuances and instructional material; planning and liaison with HUD Office of General Services on general services required for the operation of the Federal Housing Administration; review of departmental compliance cases, referral of such cases to the Inspection Division, HUD, and liaison with the Inspection Division on the disposition of the cases; and to be in charge of the Personnel Division, the Budget Division, the Management Division, the Audit Division, and the Office of Compliance Coordination.

* * * * *

(d) To execute or cause to be executed under his direction all contracts for goods and services for the repair, construction, improvement, removal, demolition or alteration, maintenance, and operation of acquired properties, including properties held by FHA as mortgagee in possession, and broker management services in connection with such properties, the publication of notices and advertisements in newspapers magazines, and periodicals, and all contracts for credit reports.

* * * * *

(j) To make or cause to be made audits of mortgagees, and financial institutions and mortgagors participating in the insurance programs of the FHA and audits of the accounts and records of contractors and brokers, including on-site examination of fiscal records and accounts.

(k) To determine in connection with departmental activities, except those under section 2 of Title I of the National Housing Act, noncompliance with rules, regulations, and instructions of the Federal Housing Administration; to refer such cases to the Inspection Division, HUD, and to maintain liaison with the Division on the disposition made of such cases.

In § 200.69 paragraph (a) is amended to read as follows:

§ 200.69 Director of Personnel and Deputy.

* * * * *

(a) To be responsible for the development, establishment, and operation of a comprehensive personnel program, including employment, selection and placement, position classification, employee relations, training, and incentive awards.

* * * * *

In Part 200 § 200.71 is revoked as follows:

§ 200.71 Director of the General Services Division and Deputy. [Revoked]

In § 200.72 the heading thereof and the introductory text are amended and new paragraphs (g) through (j) are added to read as follows:

§ 200.72 Director of the Management Division and Deputy.

To the position of Director of the Management Division and under his general supervision to the Deputy Director of the Management Division, and with respect to paragraphs (g), (h), (i), and (j) of this section to the Chief of the Contracting Section there is delegated the following basic authority and functions:

* * * * *

(g) To act for the Assistant Secretary-Commissioner in the following instances:

(1) In approving the settlement of tort claims for and against the Assistant Secretary-Commissioner.

(2) In approving the settlement of claims not exceeding $6,500 made by employees for damage or loss of personal property occurring incident to performing Government service.

(3) In executing releases or other instruments required in connection with the settlement of claims under subparagraphs (1) and (2) of this paragraph.

(h) To execute or cause to be executed under his direction all contracts for goods and services for the repair, construction, improvement, removal, demolition or alteration, maintenance, and operation of acquired properties, including properties held by FHA as mortgagee in possession, and broker management services in connection with such properties, and the publication of notices and advertisements in newspapers, magazines, and periodicals.

(i) To execute contracts for credit reports.

(j) To approve for payment travel and other expenses incidental to the transfer of an employee to a new duty station, as provided in the Administrative Expenses Act.

Section 200.73 is amended to read as follows:

§ 200.73 Director, Audit Division.

To the position of Director, Audit Division, there is delegated the following basic authority and functions:

(a) To be responsible for a comprehensive audit of mortgagees and financial institutions, mortgagors, contractors, and brokers to provide the Assistant Secretary-Commissioner with continuing assurance of the soundness and integrity of operations, and conformity with applicable laws, regulations, policies, standards, and procedures.

(b) To be responsible for the recommendation of investigation and action by responsible authorities in cases of suspected violation of contract terms.

(c) To be responsible for the review and recommendation to the Assistant Commissioner for Home Mortgages of approval, disapproval, or cancellation of approval of financial institutions as approved mortgagees and of firms or individuals as authorized agents for approved mortgagees.

(d) To act with the Commissioner and under his direction in the determination of basic policy and be a member of the Executive Board.

In Part 200 §§ 200.74 and 200.75 are revoked as follows:

§ 200.74 Auditor and Deputy. [Revoked]

§ 200.75 Director of the Examination Division and Deputy. [Revoked]

In § 200.77 paragraph (n) is amended to read as follows:

§ 200.77 Assistant Commissioner-Comptroller and Deputy.

* * * * *

(n) To keep or cause to be kept under his direction a seal of the Department of Housing and Urban Development; to certify as to delegations of authority by the Assistant Secretary-Commissioner, and as to the truth or accuracy of copies of original papers or documents in the possession of the FHA; to prepare and execute notarized affidavits for the use of U.S. Attorneys in presenting the fiscal status of Secretary-held mortgages at foreclosure trials; and to maintain the Archives files of FHA.

* * * * *

In § 200.82 paragraph (h) is amended to read as follows:

§ 200.82 Reports Officer and Deputy.

* * * * *

(h) To maintain liaison with the General Accounting Office, Treasury Department, Bureau of the Budget, and the Secretary of Housing and Urban Development on matters pertaining to financial activities, and with the Federal National Mortgage Association concerning the acceptance of debentures in exchange for mortgages held by the Secretary of Housing and Urban Development.

* * * * *

In Part 200 § 200.84d is revoked as follows:

§ 200.84d Multifamily Housing Representatives. [Revoked]

In § 200.84e paragraphs (a) and (b) are amended and a new paragraph (d) is added to read as follows:

§ 200.84e Director, Compliance Coordination.

* * * * *

(a) With respect to departmental activities, to determine noncompliance with statutes, including the criminal statutes, rules, regulations, policies, and procedures, and instructions governing FHA operations and participants in FHA programs, except section 2 of Title I of the National Housing Act, and to refer cases requiring investigation to the Inspection Division, HUD.

(b) To recommend administrative action and assure that appropriate and timely action is taken, and to maintain liaison, as required, with the Inspection Division, HUD, and central control records on the referral, findings, and disposition of all compliance cases, except those relating to section 2 of Title I of the National Housing Act.

* * * * *

(d) To maintain continuing liaison, as required, with the Inspection Division, HUD, on Equal Opportunity in Housing and Equal Employment Opportunity.

In Part 200 § 200.84f is revoked as follows:

§ 200.84f Director of Public Information. [Revoked]

In § 200.85 paragraph (a) is amended to read as follows:

§ 200.85 Executive Board.

(a) *Members.* The committee called the Executive Board is comprised of the following members: Assistant Secretary-Commissioner, Chairman; Deputy Commissioner, Vice Chairman; Executive Assistant Commissioner; Assistant Commissioner for Field Operations; General Counsel; Assistant Commissioner for Home Mortgages; Assistant Commissioner for Multifamily Housing; Assistant Commissioner for Property Improvement; Assistant Commissioner for Technical Standards; Assistant Commissioner for Programs; Assistant Commissioner for Administration; Assistant Commissioner-Comptroller; Assistant Commissioner for Property Disposition; Assistant to the Commissioner, Intergroup Relations; and Director, Audit Division.

* * * * *

In § 200.86 paragraph (a) is amended to read as follows:

§ 200.86 Security Committee.

(a) *Members.* The Security Committee is comprised of the following members: Personnel Security Officer, Chairman; Assistant Commissioner for Administration, Vice Chairman; and Deputy Assistant Commissioner for Field Operations.

* * * * *

In § 200.88 paragraph (a) is amended to read as follows:

§ 200.88 Property Disposition Committee.

(a) *Members.* The Property Disposition Committee is comprised of the following members: Deputy Commissioner, Chairman; Assistant Commissioner for Field Operations; General Counsel; Assistant Commissioner for Home Mortgages; Assistant Commissioner for Multifamily Housing; Assistant Commissioner for Technical Standards; Assistant Commissioner for Property Disposition; and such other members as the Commissioner shall designate.

* * * * *

In § 200.91 paragraph (a) is amended to read as follows:

§ 200.91 Operations Analysis Policy Committee.

(a) *Members.* The Operations Analysis Policy Committee is comprised of the following members: Deputy Commissioner, Chairman; Executive Assistant Commissioner; Assistant Commissioner for Field Operations; Assistant Commissioner for Programs; and Assistant Commissioner for Administration.

* * * * *

In § 200.97 the heading thereof and the introductory text are amended to read as follows:

§ 200.97 Assistant Commissioner for Field Operations and Deputy; Assistant Commissioner for Home Mortgages; Zone Operations Commissioners and Deputies; Assistant Commissioner for Property Improvement; and the Assistant Commissioner for Multifamily Housing and Deputy and Division Directors under their supervision.

To the positions of Assistant Commissioner for Field Operations and his Deputy; Zone Operations Commissioner, and to each of them; and Deputy Zone Operations Commissioner, and to each of them; and as they apply to home mortgage insurance operations to the position of Assistant Commissioner for Home Mortgages; and as they apply to property improvement loans under section 2 of Title I of the National Housing Act to the position of Assistant Commissioner for Property Improvement, and as they apply to multifamily housing mortgages to the positions of Assistant Commissioner for Multifamily Housing and Deputy, and to the position of Division Director, and to each of them under their supervision, there is delegated the following duties and functions:

* * * * *

In § 200.102 the heading thereof and the introductory text are amended to read as follows:

§ 200.102 General Counsel; and Assistant Commissioners.

To the position of General Counsel; and to the position of Assistant Commissioner; and to each of them, in addition to the authority granted under the provisions of section 204(g) of the National Housing Act, there is delegated the following duties and functions:

* * * * *

Section 200.103 is amended to read as follows:

§ 200.103 Division Directors and their superiors; the General Counsel; Field Office Directors, Deputies, and Assistants, and others.

To the position of Assistant Commissioner and Deputy Assistant Commissioner, Special Assistant and Deputy Special Assistant, Assistant to the Commissioner, Defense Coordinator, General Counsel and Associate General Counsel, Division Director and Deputy Division Director, Zone Operations Commissioner and Deputy Zone Operations Commissioner, Field Office Director, Deputy Field Office Director, Assistant Field Office Director, there is delegated the duty and function to certify that official long distance telephone calls made were necessary in the interest of the Government, pursuant to 31 U.S.C. 680a (section 4 of the Act approved May 10, 1939, 53 Stat. 738).

In § 200.106 the heading thereof and paragraph (a) are amended to read as follows:

§ 200.106 Assistant Commissioner for Field Operations and Deputy; Zone Operations Commissioners; Directors, Deputy Directors, Assistant Directors, and Administrative Officers and Chief Clerks in FHA Field Offices; Assistant Commissioner for Administration; Director of Personnel; and Deputy Director of Personnel.

(a) To the Assistant Commissioner for Field Operations; Deputy Assistant Commissioner for Field Operations; Zone Operations Commissioners; Directors, Deputy Directors, Assistant Directors, Administrative Officers, and Chief Clerks in FHA Field Offices; the Assistant Commissioner for Administration; the Director of Personnel; and the Deputy Director of Personnel, pursuant to 5 U.S.C. 16a, there is delegated the authority to administer the oath required by section 1757, Revised Statutes, as amended (5 U.S.C. 16) incident to entrance into the executive branch of the Federal Government, or any other oath required by law in connection with employment therein, such oath to be administered without charge or fee and to have the same force and effect as oaths administered by officers having seals.

* * * * *

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., February 15, 1967.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 67-1952; Filed, Feb. 20, 1967; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Passaic River, N.J.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.225 is hereby amended with respect to paragraph (f) by adding a new subparagraph (2-a) to govern the operation of the Erie Lackawanna Railroad bridge across the Passaic River between Newark and West Arlington, N.J., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.225 Navigable waters in the State of New Jersey; bridges where constant attendance of draw tenders is not required.

* * * * *

(f) * * *

(2-a) Passaic River, Erie Lackawanna Railroad bridge between Newark and West Arlington. The draw need not be opened for the passage of vessels throughout the year, between the hours of 11 p.m. and 7 a.m., either e.d.s.t. or e.s.t., whichever is in force.

* * * * *

[Regs. Feb. 2, 1967, 1507-32 (Passaic River, N.J.)-ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

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

[F.R. Doc. 67-1929; Filed, Feb. 20, 1967; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 36—LOAN GUARANTY

Recasting

Section 36.4506 is revised to read as follows:

§ 36.4506 Recasting.

In the event of default or to avoid imminent default, Veterans Administration may at any time enter into an agreement with the borrower which will permit the latter temporarily to repay his obligation on a basis appropriate to his apparent current ability to pay or may enter into an appropriate recasting or extension agreement: *Provided,* That no such agreement shall extend the ultimate repayment of a loan beyond the expiration of 30 years from the date of the loan, or 40 years in the case of a loan for the construction or improvement of a farmhouse: *Provided further,* That notwithstanding the provisions of this section the term of loans extended under the provisions of section 1820(f) of Title 38, United States Code, may be extended for such period as will provide a maturity of not in excess of 40 years from the date of the loan; except that the Veterans Administration may authorize a suspension in the payment of principal and interest on, and an additional extension in the maturity of, any such loan for a period not to exceed 5 years if it determines that such action is necessary to avoid severe financial hardship.

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective upon publication in the FEDERAL REGISTER.

Approved: February 15, 1967.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 67-1948; Filed, Feb. 20, 1967; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 172—NONPOSTAL STAMPS AND BONDS

U.S. Savings Stamps and Bonds

The regulations of the Post Office Department are amended as follows:

I. In § 172.3 *United States savings stamps* make the following changes:

Paragraph (c) is amended to prohibit furnishing saving stamp albums to business concerns, and to include information about purchasing albums. Paragraph (e)(2) is amended to provide for entering value of savings stamps in an album in the specific space provided, if there is one. Paragraphs (c) and (e)(2) of § 172.3 now read as follows:

§ 172.3 U.S. savings stamps.

* * * * *

(c) *Savings-stamp albums.* Savings stamps will not be redeemed until stuck in an album of the appropriate denomination. Savings-stamp albums for each denomination are furnished free by postmasters to schools, individuals, and nonprofit organizations. Postmasters will not furnish business concerns with savings-stamp albums in any quantity. The 10-cent albums may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. The albums sell for 5 cents per single album or at a special quantity price of $1.50 for 100 albums.

NOTE: The corresponding Postal Manual section is 172.33.

* * * * *

(e) *Redemption from public.* * * *

(2) *Cancellation of redeemed stamps.* Postal employees shall enter the value of savings stamps in each album on the back cover of the album in the space provided, or near the top if no specific space, and place a clear impression of the post office dating stamp nearby. They shall cancel redeemed stamps promptly after acceptance. The stamps shall not be defaced or mutilated.

* * * * *

NOTE: The corresponding Postal Manual section is 172.352.

§ 172.4 [Amended]

II. In § 172.4 *United States savings bonds,* make the following changes:

A. Paragraph (a) is amended to include the $75 denomination Series E Savings Bond. As so revised paragraph (a) now reads:

(a) *Availability.* The Post Office Department acts as agent of the Treasury Department for the sale of Series E U.S. savings bonds at post offices in communities where no banks sell the bonds or where there are no other issuing agents. Savings bonds are available in the following denominations:

Denomination	Purchase price	Maturity value
O	$18.75	$25
L	37.50	50
K	56.25	75
C	75.00	100
R	150.00	200
D	375.00	500
M	750.00	1,000

NOTE: The corresponding Postal Manual section is 172.41.

B. In paragraph (c) *Acceptance of funds,* delete the term "regional controller" in the fourth sentence and insert in lieu thereof the term "postal data center."

NOTE: The corresponding Postal Manual section is 172.43.

C. In paragraph (d)(4)(ii), delete the term "regional controller" in the first sentence and insert in lieu thereof the term "postal data center."

NOTE: The corresponding Postal Manual section is 172.444b.

D. In paragraph (e)(2), delete the zone number in the address and insert the ZIP Code number "60605" following Illinois.

NOTE: The corresponding Postal Manual section is 172.45.

E. In paragraph (f) *Examination of stocks and bonds,* delete the term "regional controller" from the last sentence, and insert in lieu thereof the term "postal data center."

NOTE: The corresponding Postal Manual section is 172.46.

F. Paragraph (h) is amended and revised to provide for use of Standard Form 1192 to authorize allotments from pay for savings bonds or to make changes in existing authorizations. In addition, paragraph (h) now includes information that all bonds of $50 or higher denominations will be given an issue date of the first day of the month in which at least half of the purchase price is accumulated, regardless of number of deductions necessary to complete full purchase price of bond.

(h) *Payroll savings plan.*—(1) *Object.* The plan permits employees of the Postal Service to authorize withholding of salary deductions for the purchase of Savings Bonds. The availability of the payroll savings plan shall be made known to all employees.

(2) *Authorization.* Standard Form 1192, *"U.S. Savings Bonds Authorization for Purchase and Request for Change,"* shall be used by employees who wish to authorize deductions from pay each pay period or to authorize any changes desired in deductions or bonds. The form shall be completed in detail by the employee and forwarded by the postmaster or other official to the postal data center. The minimum deduction is $3.75 each pay day. Larger allotments in multiples of $1.25 may be made.

(3) *Issuance of Bond.* The postal data center will issue bond and deliver to purchaser when deductions are sufficient to pay for it. Bonds of the $50 and higher denominations will be given an issue date of the first day of the month in which at least half of the purchase price is accumulated, regardless of the number of payroll deductions required to complete the full purchase price of the bond.

(4) *Refund of Deductions.* The postal data center will refund withheld deductions insufficient to purchase a bond if the employee is separated from the service or cancels his withholding authorization.

NOTE: The corresponding Postal Manual section is 172.48.

As the foregoing amendments to Part 172 relate to a proprietary function of the Government public rule making procedures and advanced notice, as well as a delayed effective date are unnecessary and would be contrary to the public interest.

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

TIMOTHY J. MAY,
General Counsel.

FEBRUARY 16, 1967.

[F.R. Doc. 67-1947; Filed, Feb. 20, 1967; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Wildlife Refuges in Alabama, Arkansas, Florida, Mississippi, and Tennessee

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ALABAMA

CHOCTAW NATIONAL WILDLIFE REFUGE

Sport fishing on the Choctaw National Wildlife Refuge, Jackson, Ala., is permitted only on the areas designated by signs as open to fishing. These open areas are shown on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends from the date of this publication through November 30, 1967.

(2) Fishing is permitted during daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through November 30, 1967.

ARKANSAS

BIG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Big Lake National Wildlife Refuge, Manila, Ark., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 4,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends from March 1, 1967, through October 31, 1967.

(2) Fishing is permitted during daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 31, 1967.

FLORIDA

LOXAHATCHEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Loxahatchee National Wildlife Refuge, Delray Beach, Fla., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 74,492 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) The sport fishing season on the refuge extends from February 23, 1967, to February 22, 1968.

(2) Fishing is restricted to 1 hour before sunrise to 1 hour after sunset.

(3) Boats may enter or leave the refuge only at the three public ramps as follows: (a) North end of refuge at S–5A landing; (b) headquarters boat ramp; (c) S–39 boat ramp on south end of refuge.

(4) Method of fishing is with attended rod and reel and/or pole and line. Trotlines, limb lines, nets, or other set tackle prohibited.

(5) Air-thrust boats may be authorized only by special permit issued by the refuge manager. Speedboats and racing craft are prohibited except for official purposes.

(6) Persons must follow such routes of travel within the area as may be designated by posting by the refuge officer-in-charge. To protect Government property or wildlife the refuge officer-in-charge may close any or all of the area.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to February 22, 1968.

FLORIDA

ST. MARKS NATIONAL WILDLIFE REFUGE

Sport fishing on the St. Marks National Wildlife Refuge, St. Marks, Fla., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 44,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends from April 1, 1967, through October 15, 1967, on the St. Marks and Wakulla Units, and from March 1, 1967, through October 15, 1967, on certain designated areas of the Panacea Unit north of Highway No. 372. The area south of Highway No. 372 on the Panacea Unit will remain open through December 31, 1967.

(2) Fishing permitted one-half hour before sunrise until one-half hour after sunset, 7 days a week.

(3) Boats with gasoline engines to 3½ hp. and electric motors permitted.

(4) Trotlines as permitted by State regulations are allowed except that lines shall be taken up prior to closing hour of fishing daily.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1967.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Noxubee National Wildlife Refuge, Brooksville, Miss., is permited only on the areas designated by signs as open to fishing. These open areas, comprising 1,892 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season extends from March 1 through October 31, 1967, on Ross Branch Reservoir, Bluff and Loakfoma Lakes, Keaton Tower Pond,

Parker and Pete Sloughs, Cypress, Jones, and Octoc Creeks, and Noxubee River. Road borrow pits and Betts Pond are open year-round.

(2) A daily permit (50 cents) is required by the Mississippi State Game and Fish Commission to fish in Bluff and Loakfoma Lakes, and tailwaters of the spillways.

(3) Fishing permitted during daylight hours only.

(4) Snag lines prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1967.

TENNESSEE

LAKE ISOM NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Isom National Wildlife Refuge, Tenn., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 750 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends from March 16, 1967, through September 30, 1967. Sunrise to sunset.

(2) Boats with outboard motors and inboard motors of not more than 6 hp. may be used.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1967.

TENNESSEE

REELFOOT NATIONAL WILDLIFE REFUGE

Sport fishing on the Reelfoot National Wildlife Refuge, Tenn., is permitted only on the area designated by signs as open to fishing. These open areas, comprising 9,092 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions.

(1) The sport fishing season on the refuge extends from the date of this publication through October 23, 1967, except that portion of the refuge located south of Upper Blue Basin remains open until 7 days before opening of the 1967 duck season.

(2) Boats with outboard motors and inboard motors of not more than 10 hp. may be used.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective until 7 days before opening of the 1967 duck season.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 67-1937; Filed, Feb. 20, 1967; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Reclamation, Department of the Interior

PART 418—NEWLANDS RECLAMATION PROJECT, NEVADA; TRUCKEE RIVER STORAGE PROJECT, NEVADA; AND WASHOE RECLAMATION PROJECT, NEVADA-CALIFORNIA (TRUCKEE AND CARSON RIVER BASINS, CALIFORNIA-NEVADA); PYRAMID LAKE INDIAN RESERVATION, NEVADA; STILLWATER AREA, NEVADA

A statement of proposed rules and regulations adopting general operating criteria and principles relating to the projects and areas noted in the title above was published in the FEDERAL REGISTER (31 F.R. 11314) on August 26, 1966. Comments received were considered and the proposed rules revised accordingly. Subtitle B of Chapter I of 43 CFR is hereby amended by adding the following new Part 418. These rules are issued to become effective on the date of publication in the FEDERAL REGISTER.

Sec.

AUTHORITY: The provisions of this Part 418 issued under sec. 10, 32 Stat. 388, et seq.; 43 U.S.C. 373.

§ 418.1 Statement of considerations leading to the proposed adoption of general operating criteria and principles relating to the captioned stream systems.

(a) Under authority of the Act of Congress approved June 17, 1902 (32 Stat. 388), commonly known as the Reclamation Act, and acts amendatory thereof or supplementary thereto, including the Washoe Project Act of August 1, 1956 (70 Stat. 775), as amended by the act of August 21, 1958 (72 Stat. 705), and the Federal Water Pollution Control Act of July 9, 1956, as amended (33 U.S.C. 466 et seq.) the Secretary of the Interior is charged with responsibility for the management of the water supplies available to the Newlands Project, Nevada, to the Truckee River Storage Project, Nevada, and to the Washoe Project, California-Nevada. He is also required to provide for the construction, operation and maintenance of the authorized facilities and to provide for the proper management and administration of such facilities as well as of project lands and services.

(b) Under the Constitution and various acts of Congress, the United States is trustee for the Indians and in that status it is obligated to protect and preserve the rights and interests of the Pyramid Lake Tribe of Indians in the Truckee River and in Pyramid Lake. This trust responsibility is vested in the Secretary of the Interior. It is in the national interest that the fishery resource of Pyramid Lake be restored, that agricultural use be developed, and that the water inflow to the Lake be such as to allow realization of the great potential thereof, including recreation. The regulations in this part will initiate Departmental controls, lacking in the past, to limit diversions by TCID from the Truckee River within decreed rights, and thereby make additional water available for delivery to Pyramid Lake.

(c) The Secretary is charged by law with the protection and conservation of migratory birds, and with maintaining the integrity of the refuge system developed pursuant to the Migratory Bird Treaty Act (16 U.S.C. 703–711), and the Migratory Bird Conservation Act (16 U.S.C. 715–715r). The lower Carson River Basin is within a major division of the Pacific Flyway and provides part of the refuge system.

(d) The Secretary is charged with the responsibility of preparing comprehensive programs for eliminating or reducing the pollution of interstate waters and tributaries thereof and improving the quality of surface and underground waters pursuant to the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.).

(e) The area of the Truckee and the Carson River Basins is one of short water supply and is continuously subject to increasing competitive demands. To effectuate the acts of Congress and treaties with Great Britain and Mexico for the conservation of migratory birds affecting these river basins, to meet the reasonable water use demands under water rights either decreed or to be decreed or otherwise vested, and to obtain the best combination of uses of the waters of the basins in the public interest requires modification of existing patterns of water use. Extended negotiations have been undertaken with the Truckee-Carson Irrigation District for the purpose of reaching agreement regarding these matters. These negotiations will be continued.

(f) Meanwhile, recurring flood conditions along the Truckee River and its tributaries have created a situation which makes it imperative to proceed in the Stampede Division of the Washoe Project by construction of Stampede Dam on the Little Truckee River.

(g) The rules and regulations in this part are formulated and issued by reason of the foregoing considerations and they have been developed within the framework of agreements, decrees, understandings, and obligations of the United States or to which the United States is a party. The rules and regulations in this part will be revised as experience indicates the need or to conform to any agreement reached between the United States and the Truckee-Carson Irrigation District amending the existing contract with that District.

§ 418.2 Definitions.

As used in this part:

(a) "District" means the Truckee-Carson Irrigation District, organized under Nevada law with its office at Fallon, Nev.

(b) "Truckee River Decree" means decree entered in the action entitled "United States v. Orr Water Ditch Co. et al.," in the U.S. District Court, Nevada, Equity No. A-3.

(c) "Carson River Decree" means orders, temporary and final, entered in the action entitled "United States v. Alpine Land and Reservoir Co. et al.," in U.S. District Court, Nevada (Equity No. D-183).

(d) "Contract" means that contract between United States and Truckee-Carson Irrigation District dated December 18, 1926, as amended.

(e) "Irrigation works" means the works of the United States constructed for the primary purpose of irrigating the lands of the Newlands Project within the boundaries of the District, and including Derby Dam, Lake Tahoe Dam, the Truckee canal, Lahontan Dam and Reservoir, Carson Diversion Dam, T canal, V canal, and all other canals, turnouts, pumping plants and works necessary to irrigate and drain District lands, the operation of which was transferred to the District pursuant to Article 6 of the contract.

§ 418.3 Procedures for operation, management and control of the Truckee and Carson Rivers in regard to exercise of water rights of the United States.

In order to make the most efficient use of the available water:

(a) On or before October 1, 1967, the Regional Director of the Bureau of Reclamation as chairman, the Area Director of the Bureau of Indian Affairs, the Regional Director of the Bureau of Sport Fisheries and Wildlife, the Regional Director of the Federal Water Pollution Control Administration, the Regional Director of the Bureau of Outdoor Recreation, and the designee of the Geological Survey shall recommend operating criteria and procedures consistent with the guidelines set forth herein for the approval of the Secretary for the coordinated operation and control of the Truckee and Carson Rivers in regard to the exercise of water rights of the United States, so as to (1) comply with all of the terms and provisions of the Truckee River Decree and the Carson River Decree; and (2) maximize the use of the flows of the Carson River in satisfaction of Truckee-Carson Irrigation District's water entitlement and minimize the diversion of flows of the Truckee River for District use in order to make available to Pyramid Lake as much water as possible. Any change in subsequent years of the adopted operating criteria and procedures shall be formulated and approved in the same manner as set forth above.

(b) The departmental representatives designated in paragraph (a) of this section shall select a committee of water contractors and users and other directly affected interests, including the Pyramid Lake Tribe and those using water for fishing, hunting and recreation in both river basins. The departmental representatives shall consult with this advisory committee in the formulation of the operating criteria and procedures.

§ 418.4 District's operation of the irrigation works.

(a) The District's operation of the irrigation works, including the diversion of water, shall be in compliance with all of the terms and provisions of the Truckee River Decree and the Carson River Decree, the rules and regulations in this part, and the operating criteria and procedures adopted by the Secretary.

(b) It is determined that a water supply of not more than 406,000 acre-feet from both Truckee and Carson Rivers, if available, may be diverted in any year to irrigate District irrigable lands.

(c) It is further determined in regard to the operation and control of the Truckee and Carson Rivers during the water year beginning October 1, 1966, that 406,000 acre-feet, if available, will be diverted for the District. For future water years, this quantity may be reduced by determinations about operating criteria and procedures made in accordance with the standards set forth in § 418.3(a).

(d) The District's water supply noted in paragraphs (b) and (c) of this section shall be measured at the gaging station below Lahontan Dam and at diversion points along the Truckee Canal. Measurements shall be made by the District through facilities and by methods satisfactory to the Secretary of the Interior or his representative and shall be compiled on a water-year basis extending from October 1 to September 30.

(e) All water passing the gaging station below Lahontan Dam shall be charged against the District's yearly supply of not more than four hundred and six thousand (406,000) acre-feet, excepting uncontrollable spillage from Lahontan Reservoir, and further excepting precautionary drawdown of the Reservoir to create space for storing flood waters from the Carson River basin, provided, such drawdown is neither stored downstream in District facilities nor used by the District for irrigation.

(f) The United States may temporarily store part of the District's supply in upstream facilities provided that water so stored which is within the District's entitlement shall be credited to the District and shall be released to the District at its request. At any one time the sum of the storage in Lahontan Reservoir and the total related creditable storage upstream shall not exceed the present storage capacity of Lahontan Reservoir, which is here defined as two hundred and ninety thousand (290,000) acre-feet, plus, however, in the event of such storage upstream, an additional amount equal to anticipated losses in transmission downstream to the District. In addition the District may store in District reservoirs downstream of Lahontan Reservoir a quantity of water presently estimated to be 35,000 acre-feet.

(g) Deliveries of water from the Truckee Canal into Lahontan Reservoir (when water is available and the District is entitled to it) shall be permitted only so long as the total storage credited to Lahontan Reservoir in that reservoir and in upstream facilities, at any one time, is not more than two hundred and ninety thousand (290,000) acre-feet plus an amount equal to anticipated losses in transmission downstream from storage reservoir to Lahontan Reservoir.

(h) Hydropower generation at Lahontan and V canal power plants shall be incidental only to releases or diversions of water for beneficial consumptive uses, except that power may be generated from water that would otherwise constitute uncontrollable spill or precautionary drawdown.

§ 418.5 Water rights.

The regulations in this part prescribe water uses within existing rights. The regulations in this part do not, in any way, change, amend, modify, abandon, diminish, or extend existing rights.

CHARLES F. LUCE,
Acting Secretary of the Interior.

FEBRUARY 13, 1967.

[F.R. Doc. 67-2050; Filed, Feb. 20, 1967; 9:17 a.m.]

Proposed Rule Making

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1602]

EMPLOYER REPORTING REQUIREMENTS

Extension of Deadline for Filing Report

Notice is hereby given that the deadline for filing Employer Information Report EEO–1 (Standard Form 100) has been extended from March 31, 1967, to April 30, 1967. The payroll period for which employers may gather and report employment data has also been extended to include any payroll period in the month of March 1967.

Employer Information Report EEO–1 (Standard Form 100) is generally required of (a) all employers with 100 or more employees who are subject to Title VII of the Civil Rights Act of 1964; (b) all members of Plans for Progress; and (c) all holders of Federal Government contracts and subcontracts who have at least one contract or subcontract amounting to $50,000 or more, and depositories of Federal funds in any amount, who have 50 or more employees.

STEPHEN N. SHULMAN,
Chairman, Equal Employment Opportunity Commission.

FEBRUARY 15, 1967.

EDWARD C. SYLVESTER, Jr.,
Director, Office of Federal Contract Compliance.

FEBRUARY 16, 1967.

EUGENE F. ROWAN,
Administrative Director, Plans for Progress.

FEBRUARY 15, 1967.

[F.R. Doc. 67–1949; Filed, Feb. 20, 1967; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Ch. V]

SPECIAL INDUSTRY COMMITTEES FOR NEWLY COVERED EMPLOYMENTS IN PUERTO RICO

Extension of Time for Prehearing Statements Industry Committees Nos. NC–7A, B, C, D, and E

The last date for filing prehearing statements for industry committees numbered NC–7A, NC–7B, NC–7C, NC–7D, and NC–7E, set at February 24, 1967, in the notice of their appointment, convention, and hearings (32 F.R. 2953, 2954) is extended to March 3, 1967.

Signed at Washington, D.C., this 16th day of February 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 67–1993; Filed, Feb. 20, 1967; 8:51 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 67–SO–3]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would lower the floor of V–437 from 4,500 feet MSL to 1,200 feet above the surface between Savannah, Ga., and Charleston, S.C. Such action would provide three additional cardinal altitudes for aircraft en route along this heavily traveled airway segment. The 4,500 feet MSL floor was established to minimize conflict between en route traffic and terminal traffic at MCAS Beaufort, S.C. If such action is taken, use of the additional control area would be handled procedurally.

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, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga. 30320. 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 Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

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

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

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

[F.R. Doc. 67–1932; Filed, Feb. 20, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67–CE–2]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate controlled airspace in the Juneau, Wis., terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Juneau, Wis., terminal area as a result of the development of a public-use instrument approach procedure at Dodge County Airport, Juneau, Wis., utilizing the Juneau, Wis., RBN as a navigational aid, proposes the following airspace action:

Designate the Juneau, Wis., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Dodge County Airport (latitude 43°25'30'' N., longitude 88°41'-54'' W.) and within 2 miles each side of the 195° bearing from Dodge County Airport, extending from the 5-mile radius area to 8 miles S of the airport.

The proposed transition area will provide controlled airspace protection for aircraft arriving and departing Dodge County Airport during descent from 1,500 to 700 feet above the surface and during climb from 700 to 1,200 feet above the surface.

The portions of the arrival and departure procedures for Dodge County Airport executed at and above 1,500 feet above the surface are contained within presently designated 1,200-foot floor transiton area.

The floors of the airways which traverse the transition area proposed herein will automatically coincide with the floor of the transition area.

Since the action proposed herein was developed to provide controlled airspace for a new approach procedure, no procedural changes will be effected by the proposal contained herein.

Specific details regarding this proposal and the approach procedure which it was developed to protect may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit 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 Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment.

No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is 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 February 3, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-1956; Filed, Feb. 20, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-3]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter controlled airspace in the Trenton, Mo., terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Trenton, Mo., terminal area as a result of the planned development of a public-use instrument approach procedure to serve the Trenton, Mo., Municipal Airport, utilizing the City-owned "MH" facility as a navigational aid, proposes the following airspace action:

Designate the Trenton, Mo., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Trenton, Mo. Municipal Airport (latitude 40°05'00" N., longitude 93°35'25" W.) and within 2 miles each side of the 172° bearing from Trenton Municipal Airport, extending from the 5-mile radius area to 8 miles S of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles W and 8 miles E of the 172° bearing from Trenton Municipal Airport, extending from the airport to 12 miles S of the airport.

The 700-foot floor transition area will provide controlled airspace protection for aircraft executing the prescribed instrument approach procedure during descent from 1,500 to 700 feet above the surface and during climb from 700 to 1,200 feet above the surface. The 1,200-foot floor transition area will provide airspace protection for that portion of the instrument approach procedure conducted at or above 1,500 feet above the surface.

The proposed instrument approach procedure will be made effective concurrently with the designation of the proposed transition area.

The floor of the airway that traverses the transition area proposed herein will automatically coincide with the floors of the transition area. Since a new approach procedure is to be established, no procedural changes will be effected in conjunction with the action proposed herein.

Specific details concerning the new approach procedure may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit 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 Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is 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 February 3, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-1957; Filed, Feb. 20, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-5]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Sioux Falls, S. Dak., terminal area.

The Sioux Falls, S. Dak., transition area is presently designated as follows:

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Sioux Falls/Joe Foss Field (latitude 43°34'44" N., longitude 96°44'27" W.), within a 21-mile radius of the Sioux Falls VORTAC, extending from a line 5 miles east of and parallel to the 154° radial, clockwise to the 329° radial and within a 17-mile radius of Sioux Falls VORTAC, extending from the 329° radial, clockwise to a line 5 miles south of and parallel to the 070° radial; and that airspace extending upward from 1,200 feet above the surface within a 43-mile radius of the Sioux Falls VORTAC bounded on the east by a line 5 miles east of and parallel to the 154° radial, clockwise to a line 6 miles northwest of and parallel to the 231° radial, and within a 33-mile radius of the Sioux Falls VORTAC, bounded on the northwest by a line 5 miles southwest of and parallel to the 336° radial, clockwise to a line 5 miles south of and parallel to the 070° radial.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Sioux Falls, S. Dak., terminal area, which revealed a need for revising the designated transition area, proposes the following airspace action:

Redesignate the Sioux Falls, S. Dak., transition area as that airspace extending upward from 700 feet above the surface within a 10-mile radius of Sioux Falls/Joe Foss Field (latitude 43°34'44" N., longitude 96°44'27" W.); within a 21-mile radius of the Sioux Falls VORTAC, extending from a line 5 miles E of and parallel to the 154° radial, clockwise to the 329° radial, and within a 17-mile radius of the Sioux Falls VORTAC, extending from the 329° radial, clockwise to a line 5 miles S of and parallel to the 070° radial, and that airspace extending upward from 1,200 feet above the surface within a 43-mile radius of the Sioux Falls VORTAC, extending from the S edge of V-120 E of Sioux Falls clockwise to the S edge of V-120 W of Sioux Falls; and within a 33-mile radius of Sioux Falls VORTAC, extending from a line 5 miles SW of and parallel to the 336° radial, clockwise to a line 5 miles S of and parallel to the 070° radial.

The proposed additional transition area will provide controlled airspace protection for arriving and departing aircraft at Joe Foss Field, Sioux Falls, S. Dak., utilizing specified transition routes to and from jet route J-82.

The floors of the airways that traverse the transition area proposed herein will automatically coincide with the floors of the transition area.

No procedural changes will be effected in conjunction with the actions proposed herein.

Specific details of this proposal may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit 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 Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this

time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is 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 February 6, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-1958; Filed, Feb. 20, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-6]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter controlled airspace in the Minneapolis, Minn., terminal area.

The following controlled airspace is presently designated in the Minneapolis, Minn., terminal area:

That airspace extending upward from 700 feet above the surface within a 23-mile radius of Minneapolis-St. Paul International Airport (latitude 44°53'08" N., longitude 93°13'11" W.), and within 5 miles N and 8 miles S of the Flying Cloud, Minn., VOR 292° radial, extending from the 23-mile radius area to 12 miles W of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 36-mile radius of Minneapolis-St. Paul International Airport, and within 9 miles SW and 6 miles NE of the Farmington, Minn., VOR 297° radial, extending from the 36-mile radius area to 48 miles NW of the VOR, and that airspace W of Farmington, Minn., bounded on the S by V-26, on the NW by V-148 and on the NE by V-171; and that airspace W of Minneapolis bounded on the N by V-78, on the S by V-148 and on the SW by V-171; and that airspace extending upward from 5,000 feet MSL E of Minneapolis, bounded on the SE by V-26, on the SW by V-2N, and on the N by V-78.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Minneapolis, Minn., terminal area as a result of the development of an instrument approach procedure for the Lake Elmo Airport, St. Paul, Minn., utilizing the St. Paul TVOR facility as a navigational aid, proposes to take the following airspace action:

Redesignate the transition area in the Minneapolis, Minn., terminal area as that airspace extending upward from 700 feet above the surface within a 23-mile radius of Minneapolis-St. Paul International Airport (latitude 44°53'08" N., longitude 93°13'11" W.); within 5 miles N and 8 miles S of the Flying Cloud, Minn., VOR 292° radial, extending from the 23-mile radius area to 12 miles W of the VOR; and within 5 miles each side of the St. Paul, Minn., VOR 037° radial, extending from the 23-mile radius to 13 miles NE of the VOR; that airspace extending upward from 1,200 feet above the surface within a 36-mile radius of Minneapolis-St. Paul International Airport; within 9 miles SW and 6 miles NE of the Farmington, Minn., VOR 297° radial extending from the 36-mile radius area to 48 miles NW of the VOR; that airspace W of Farmington, Minn., bounded on the S by V-26, on the NW by V-148 and on the NE by V-171; and that airspace W of Minneapolis bounded on the N by V-78, on the S by V-148 and on the SW by V-171; and that airspace extending upward from 5,000 feet MSL E of Minneapolis bounded on the SE by V-26, on the SW by V-2N, and on the N by V-78.

The proposed transition area will provide controlled airspace protection for aircraft executing random IFR departures from Lake Elmo Airport during climb from 700 to 1,200 feet above the surface. It will also provide this protection for the missed approach portion of the new instrument approach procedure for this airport. With the exception of the missed approach portion, the new approach procedure is contained within the present Minneapolis, Minn., transition area down to 700 feet above the surface.

The floors of the airways that traverse the transition areas proposed herein will automatically coincide with the floors of the transition areas.

Since the action proposed herein was developed for the protection of a new instrument approach procedure, no procedural changes will be effected by the proposal.

Specific details of this proposal and the procedure which it was developed to protect may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit 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 Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is 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 February 3, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-1959; Filed, Feb. 20, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-10]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate controlled airspace in the Valparaiso, Ind., terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Valparaiso, Ind., terminal area, as a result of the development of a public-use instrument approach procedure at Porter County Airport, Valparaiso, Ind., utilizing an "MH" facility located on the Porter County Airport as a navigational aid, proposes the following airspace action:

Designate the Valparaiso, Ind., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Porter County Airport (latitude 41°27'10" N., longitude 87°00'20" W.) and within 2 miles each side of the 077° bearing from Porter County Airport extending from the 5-mile radius area to 8 miles E of the airport.

The proposed transition area will provide controlled airspace protection for aircraft executing the prescribed instrument approach procedure during descent from 1,500 to 700 feet above the surface. It will also provide this protection for aircraft departing Porter County Airport during climb from 700 to 1,200 feet above the surface. The portion of the new approach procedure which will be executed at and above 1,500 feet above the surface is contained within the Chicago, Ill., and South Bend, Ind., 1,200-foot floor transition area.

The floors of the airways that traverse the transition area proposed herein will automatically coincide with the floor of the transition area.

Since the action proposed herein was developed for the protection of a new instrument procedure, no procedural changes will be effected in conjunction with this proposal.

Specific details of this proposal and the approach procedure which it was developed to protect may be examined by contacting the Chief, Standards and Airspace Branch, Air Traffic Division, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is 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 February 3, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-1960; Filed, Feb. 20, 1967; 8:48 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 67-CE-8]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 73 of the Federal Aviation Regulations which would increase the time of designation of Restricted Area R-3302, Savanna, Ill.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. 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. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Agency has been requested by the Department of the Army to change the time of use of Restricted Area R-3302. The time of use of R-3302 is currently 0800 to 2200 c.s.t., Monday through Friday. However, the Army has advised that a review of the activities conducted in R-3302 indicates a requirement for 14 hours per day on a weekly basis.

In view of the foregoing, it is proposed that R-3302 Savanna, Ill., be amended as follows:

Under time of designation delete "0800 to 2200 c.s.t., Monday through Friday." and substitute therefor "0800 to 2200 c.s.t."

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

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

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

[F.R. Doc. 67-1933; Filed, Feb. 20, 1967; 8:46 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 67-CE-9]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 73 of the Federal Aviation Regulations which would increase the time of designation of Restricted Area R-3403, Jefferson Proving Ground, Ind.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. 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. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Agency has under consideration a request by the Department of the Army to extend the time of use of Jefferson Proving Ground, Ind., Restricted Area R-3403 to "Continuous." The Army states they are unable to fully accomplish their mission within the presently designated time of "0800 to 2400 e.s.t." The requirement for increased time of operation is based on the following:

1. Inability to carry out required testing of ammunition during the present hours of operation.

2. A requirement for Propellant, Booster and Fuze test firing during darkness that cannot be done within the present time of limitation.

3. A programed increase in all types of activities.

In view of the foregoing, it is proposed that the Jefferson Proving Ground, Ind., Restricted Area R-3403, be amended as follows:

In the time of designation: delete "0800 to 2400 e.s.t." and substitute therefor "Continuous."

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

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

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

[F.R. Doc. 67-1934; Filed, Feb. 20, 1967; 8:46 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 66-SW-59]

RESTRICTED AREA

Proposed Redesignation

The Federal Aviation Agency is considering an amendment to Part 73 of the Federal Aviation Regulations that would redesignate Restricted Area R-5114 at Fort Wingate, N. Mex.

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, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex. 76101. 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. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The U.S. Air Force has requested a redesignation of R-5114 to accommodate the firing of a two-stage missile known as the Ballistic Missile Target System (BMTS) and the continuation of the Pershing Missile Program. The BMTS Program is a classified project, however, an unclassified portion of the program is to more clearly define the flight safety measures that may be required for off-range firings. At the present time, the Air Force proposes to conduct firings

of the Ballistic Missile Target System from R–5114 during the months of May, June, and July 1967. It is proposed to launch approximately 12 missiles during these months. Several nighttime launches are anticipated. In addition, occasional Pershing Missile launches will be conducted within this time frame.

The overall project is similar in nature to the project for which R–5114 was originally designated. The restricted area would be joint use airspace and procedures for handling air traffic would be continued, as in the past designations of R–5114, by the Albuquerque, N. Mex., Center. If action is taken to adopt this proposal, the Fort Wingate, N. Mex., Restricted Area R–5114 would be designated as follows:

Boundaries: Beginning at latitude 35°-27'00" N., longitude 108°35'00" W.; to latitude 35°11'00" N., longitude 108°13'00" W.; to latitude 35°04'40" N., longitude 108°24'-00" W.; to latitude 35°24'00" N., longitude 108°38'00" W.; to the point of beginning.

Designated altitudes: Surface to unlimited.

Time of designation: May 1 to July 31, 1967, as published in NOTAMs 24 hours in advance of use.

Controlling agency: Federal Aviation Agency, Albuquerque ARTC Center.

Using agency: Commander, Air Force Missile Development Center, Holloman AFB, N. Mex.

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

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

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

[F.R. Doc. 67-1961; Filed, Feb. 20, 1967; 8:48 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 66-PC-6]

RESTRICTED AREA

Designation and Alteration

The Federal Aviation Agency is considering amendments to Part 73 of the Federal Aviation Regulations that would designate a new restricted area and alter an existing restricted area in the State of Hawaii.

Interested persons my 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, Pacific Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 4009, Honolulu, Hawaii 96812. All communications received within 45 days after publication of this notice in the Federal Register will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

The Department of the Navy has requested the establishment of additional restricted airspace which would result in the designation of a new Restricted Area R–3120, PMRFAC Five, Hawaii and the alteration of R–3101 Bonham, Hawaii. Geographically, the new and altered restricted areas include the existing R–3101 plus that additional area between the eastern boundary of R–3101 and longitude 159°42' west. That portion of the restricted airspace underlying airway V–14 would be designated as a new Restricted Area R–3120 PMRFAC Five, Hawaii, with a ceiling of 5,000 feet MSL, which is the airway floor. It would begin at the surface over the ocean area and at 1,200 feet AGL over the land area.

The remainder of the proposed restricted airspace would be redesignated as R–3101, PMRFAC Four, Hawaii and subdivided into four parts, Subareas A, B, C, and D to provide for maximum flexibility in releasing portions of the restricted airspace for public use when not in use for the purpose designated. Subareas A and C would have the same lateral limits which extend from 3 miles off-shore to the shoreline plus a narrow strip of Government controlled land in the vicinity of the Barking Sands facilities. Vertically, Subarea A would extend from the surface to 5,000 feet MSL and Subarea C from 5,000 feet MSL to unlimited. Subareas B and D would also have identical lateral limits which include the land area extending eastward from the shoreline or the eastern boundary of Government controlled land to longitude 159°42'. Subarea B would extend from 1,200 feet AGL to 5,000 feet MSL and Subarea D from 5,000 feet MSL to unlimited.

The proposed restricted areas are designed to meet the needs of the Barking Sands Pacific Missile Range facility and an associated underwater test range which is being constructed in the offshore areas. Planned activities for the restricted areas which are hazardous to nonparticipating aircraft include:

1. Aircraft and missile operations associated with the underwater range.
2. Missile and unmanned drone launches from pads on land areas.
3. High altitude rocket probes.
4. Surface-to-air and subsurface-to-air missile launches from various water areas.
5. High speed jet aircraft flying with and controlling unmanned drones.
6. Remote control recovery of unmanned drones at Barking Sands ALF.
7. Air-to-surface ordnance delivery.
8. Air-to-air rocket operations.
9. Fallout and impact of booster rockets.

The Barking Sands Pacific Missile Range Facility is a part of the National Range and will be available to all military branches as well as to civilian organizations involved in military projects. The Navy predicts that the present volume of 250 annual operations will increase to 1600 annually by 1970 and be further augmented by activities involving the underwater test range. The over-all operations will consist of research and development projects, training exercises, operational readiness inspections and equipment testing.

The altered R–3101 and the new R–3120, as proposed, will be joint use restricted areas and will be released for public use when not in use for the purpose designated.

If these actions are taken:

1. R–3101 Bonham, Hawaii, would be altered to read:

R–3101 PMRFAC Four, Hawaii

SUBAREA A

Boundaries: Beginning at latitude 22°13'-00" N., longitude 159°42'00" W.; thence to latitude 22°09'45" N., longitude 159°42'00" W.; thence counterclockwise along the shoreline of Kauai to latitude 22°04'36" N., longitude 159°46'20" W.; thence to latitude 22°-04'25' N., longitude 159°46'06' W.; thence to latitude 22°03'55" N., longitude 159°46'29" W.; thence to latitude 22°01'45" N., longitude 159°46'53" W.; thence to latitude 22°-01'07" N., longitude 159°46'20" W.; thence to latitude 22°00'55" N., longitude 159°45'-53" W.; thence to latitude 21°59'52" N., longitude 159°45'14" W.; thence to latitude 21°59'35" N., longitude 159°45'55" W.; thence counterclockwise along the shoreline of Kauai to latitude 21°58'25" N., longitude 159°43'35" W.; thence to latitude 21°58'30" N., longitude 159°48'55" W.; thence clockwise along a line 3 nautical miles from the shoreline of Kauai to the point of beginning.

Designated Altitudes: Surface to 5,000 feet MSL.

Time of Designation: Continuous.

Controlling Agency: FAA, Lihue Flight Service Station.

Using Agency: Commander, Pacific Missile Range (COMPMR).

SUBAREA B

Boundaries: Beginning at latitude 22°09'-45" N., longitude 159°42'00" W.; thence counterclockwise along the shoreline of Kauai to latitude 22°04'36" N., longitude 159°46'20" W.; thence to latitude 22°04'25" N., longitude 159°46'06" W; thence to latitude 22°03'55" N., longitude 159°46'29" W.; thence to latitude 22°01'45" N., longitude 159°46'53" W.; thence to latitude 22°01'07" N., longitude 159°46'20" W.; thence to latitude 22°00'55" N., longitude 159°45'53" W.; thence to latitude 21°59'52" N., longitude 159°45'14" W.; thence to latitude 21°59'35" N., longitude 159°45'55" W.; thence counterclockwise along the shoreline of Kauai to latitude 21°58'25" N., longitude 159°43'35" W.; thence to latitude 21°58'20" N., longitude 159°42'00" W.; thence to point of beginning.

Designated Altitudes: 1,200 feet above ground to 5,000 feet MSL.

Time of Designation: Continuous.

Controlling Agency: FAA, Lihue Flight Service Station.

Using Agency: Commander, Pacific Missile Range (COMPMR).

SUBAREA C

Boundaries: Beginning at latitude 22°13'-00" N., longitude 159°42'00" W.; thence to latitude 22°09'45" N., longitude 159°42'00" W.; thence counterclockwise along the shoreline of Kauai to latitude 22°04'36" N., longitude 159°46'20" W.; thence to latitude

22°04'25" N., longitude 159°46'06" W.; thence to latitude 22°03'55" N., longitude 159°46'29" W.; thence to latitude 22°01'45" N., longitude 159°46'53" W.; thence to latitude 22°01'07" N., longitude 159°46'20" W.; thence to latitude 22°00'55" N., longitude 159°45'53" W.; thence to latitude 21°59'52" N., longitude 159°45'14" W.; thence to latitude 21°59'35" N., longitude 159°45'55" W.; thence counterclockwise along the shoreline of Kauai to latitude 21°58'22" N., longitude 159°43'35" W.; thence to latitude 21°58'25" N., longitude 159°48'55" W.; thence clockwise along a line 3 nautical miles from the shoreline of Kauai to the point of beginning.

Designated Altitudes: 5,000 feet MSL to unlimited.

Time of Designation: Continuous.

Controlling Agency: FAA, Honolulu ARTC Center.

Using Agency: Commander, Pacific Missile Range (COMPMR).

SUBAREA D

Boundaries: Beginning at latitude 22°09'-45" N., longitude 159°42'00" W.; thence counterclockwise along the shoreline of Kauai to latitude 22°04'36" N., longitude 159°46'20" W.; thence to latitude 22°04'25" N., longitude 159°46'06" W.; thence to latitude 22°03'55" N., longitude 159°46'29" W.; thence to latitude 22°01'45" N., longitude 159°46'53" W.; thence to latitude 22°01'07" N., longitude 159°46'20" W.; thence to latitude 22°00'55" N., longitude 159°45'53" W.; thence to latitude 21°59'52" N., longitude 159°45'14" W.; thence to latitude 21°59'35" N., longitude 159°45'55" W.; thence counterclockwise along the shoreline of Kauai to latitude 21°58'25" N., longitude 159°43'35" W.; thence to latitude 21°58'20" N., longitude 159°42'00" W.; thence to point of beginning.

Designated Altitudes: 5,000 feet MSL to unlimited.

Time of Designation: Continuous.

Controlling Agency: FAA, Honolulu ARTC Center.

Using Agency: Commander, Pacific Missile Range (COMPMR).

2. R-3120 PMRFAC Five would be designated as follows:

R-3120 PMRFAC FIVE, HAWAII

Boundaries: Beginning at latitude 21°-58'30" N., longitude 159°48'55" W.; thence to latitude 21°58'25" N., longitude 159°43'-35" W.; thence to latitude 21°58'20" N., 159°42'00" W.; thence to latitude 21°54'45" N., longitude 159°42'00" W.; thence clockwise along a line 3 nautical miles from the shoreline of the Island of Kauai to point of beginning.

Designated Altitudes: Surface to 5,000 feet MSL, except 1,200 feet above ground to 5,000 feet MSL in the portion overlying land area

Time of Designation: Continuous.

Controlling Agency: FAA, Lihue Flight Service Station.

Using Agency: Commander, Pacific Missile Range (COMPMR).

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 February 14, 1967.

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

[F.R. Doc. 67-1962; Filed, Feb. 20, 1967; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 95]

[Docket No. 17196; FCC 67-205]

CITIZENS RADIO SERVICE

Type Acceptance of Transmitters Used by Class B and Class D Stations

In the matter of amendment of Parts 2 and 95 of the Commission's rules to require type acceptance of transmitters used by Class B and Class D stations in the Citizens Radio Service; Docket No. 17196, RM-807.

1. Notice of proposed rule making is hereby given in the above entitled matter.

2. On June 16, 1965, the Hallicrafters Co., filed a petition (RM-807) requesting that Part 95 of the Commission's rules, which governs the Citizens Radio Service, be amended to require that all new transmitters for use by Class D stations in this service be type accepted and that the use of nontype accepted equipment be prohibited after an amortization period. In support of its request, the petitioner states that its engineering staff has tested and analyzed numerous Class D transceivers and found that many of these units are outside frequency tolerance limits, are operating over the maximum power input specified in Part 95, have excessive modulation distortion and have inadequate spurious radiation suppression, which causes needless interference to adjacent channels and even other services. Since the receipt of this petition, several other manufacturers of Class D station equipment have indicated informally to the Commission their support of a requirement for type acceptance.

3. Currently, Part 95 permits type-acceptance of Class D station transmitters on a voluntary basis. The Commission is aware that in many cases there is a discrepancy between the technical capabilities of transmitters being manufactured and operated as Class D stations and the existing technical standards contained in Part 95. Further, the Commission is aware that some manufacturers of Class D transmitters have included features which facilitate operation by the licensee in violation of the rules. We believe that compulsory type-acceptance will have a salutary effect on both these conditions and help to eliminate much of the adjacent channel interference prevalent in many areas. At the same time the Commission believes it is desirable to change the current requirement for type approval of Class B station transmitters to include provision for type acceptance.

4. The Commission has pending before it a petition filed by the Heath Co., Benton Harbor, Mich. (RM-1093) to provide for type acceptance of transmitters supplied by the manufacturer in kit form. This petition remains under study and will be acted upon at a later date. Accordingly, the proposals contained in the present Docket Proceeding should not be construed as indicating in any way the disposition eventually to be made of Petition RM-1093. However, persons desiring to address themselves to the question of type acceptance of transmitters in kit form may file comments either in the present Docket or addressed to RM-1093 or both.

5. The proposed amendments are set forth below. Generally, they propose that all new Class D stations, first purchased 6 months after the adoption of these amendments, must use only type accepted transmitters. Existing stations would be permitted to continue using nontype accepted equipment for a 5 year amortization period. Although the technical standards to be met for type acceptance have been revised for greater clarity, they do not impose any new or significantly tighter standards other than a requirement for a modulation limiter. However, type acceptance may be withdrawn from currently type accepted equipment not meeting the new requirements.

6. Authority for the proposed amendment is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

7. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before March 27, 1967, and reply comments on or before April 10, 1967. All relevant and timely filed 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 consideration other relevant information before it, in addition to the specific comments invited by this notice.

8. In accordance with the provisions set forth in § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

9. The petitioner also requests that Part 95 be amended so that the radio receiver associated with any Class D station transmitter be required to comply with the minimum radiation standards specified under Part 15, entitled, "Incidental Radiation." However, the petition contains no reasons or statements in support of such a rule change. Further, such a requirement would involve changes to Part 15 of the rules, not under consideration in this proceeding.

Therefore, the Commission concludes that any such rule change should be considered only in a separate proceeding and that, if the petitioner desires to pursue this matter further, it should file a new petition containing supporting statements justifying such a change as required by § 1.401(c) of the rules.

Adopted: February 15, 1967.

Released: February 16, 1967.

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

[1] Commissioner Wadsworth absent.

I. Proposed amendments to Part 2—Frequency Allocations and Treaty Matters; General Rules and Regulations.

1. In § 2.584 paragraph (c) is amended and paragraphs (g) and (h) are added to read as follows:

§ 2.584 Identification and changes in type accepted equipment.

* * * * *

(c) Except when prohibited by paragraphs (g) and (h) of this section, permissive changes may be made in type accepted equipment without prior Commission approval. There are two classifications of permissive changes, neither of which may involve a change of type as defined in paragraph (b) of this section. The first classification includes those modifications in type accepted equipment which do not change the equipment characteristics beyond the rated limits established by the manufacturer and accepted by the Commission when obtaining type acceptance. The second classification of permissive change includes those which bring the performance of the equipment outside the manufacturers' rated limits as originally filed but not below the minimum requirements of the applicable rules. The Commission shall be supplied with complete information and results of tests regarding this class of permissive changes, in accordance with § 2.571(b), prior to the operation of the modified equipment under an authorization of the Commission.

* * * * *

(g) Equipment type accepted for use in Class D stations in the Citizens Radio Service under Part 95 of this chapter shall in no way be modified by the user. The provisions of paragraphs (c) and (d) of this section are not applicable to such equipment.

(h) The manufacturer of equipment type accepted for use in Class D stations in the Citizens Radio Service under Part 95 of this chapter shall make no change in the transmitter design or construction without prior authorization from the Commission. When a change is requested, the Commission may authorize the change or may require that the modified equipment be identified with a new type number and that additional type acceptance information and measurement data be submitted.

II. Proposed amendments to Part 95—Citizens Radio Service.

1. In § 95.3(c) delete the definition for *Bandwidth occupied by an emission* and add the following definitions in appropriate alphabetical order:

§ 95.3 Definitions.

* * * * *

(c) * * *

Authorized bandwidth. The maximum permissible occupied bandwidth for the particular emission used.

Double sideband emission. An emission in which both sidebands (the upper sideband and the lower sideband) resulting from the modulation of a particular carrier are transmitted. The carrier, or a portion thereof, also may be present in the emission.

Mean power. The power supplied to the antenna transmission line by a transmitter during normal operation, averaged over a time sufficiently long compared with the period of the lowest frequency encountered in modulation. A time of $\frac{1}{10}$ second during which the mean power is greatest will be selected normally.

Occupied bandwidth. The frequency bandwidth such that, below its lower and above its upper frequency limits, the mean powers radiated are each equal to 0.5 percent of the total mean power radiated by a given emission.

Peak envelope power. The average power supplied to the antenna transmission line by a transmitter during one radio frequency cycle at the highest crest of the modulation envelope, taken under conditions of normal operation.

Single sideband emission. An emission in which only one sideband is transmitted. The carrier, or a portion thereof, may also be present in the emission.

2. In § 95.35 paragraph (c) is amended and a new paragraph (d) is added as follows:

§ 95.35 Changes in authorized stations.

* * * * *

(c) Proposed changes which will not depart from any of the terms of the outstanding authorization for the station involved may be made without prior Commission approval. Included in such changes is the substitution of various makes of transmitting equipment at any station, provided that the particular equipment to be installed is included in the Commission's "Radio Equipment List, Part C" and is listed as acceptable for use under this part. At a Class D station authorized prior to (6 months after adoption of this rule), nontype accepted equipment purchased prior to (6 months after adoption of this rule) may be substituted at any time prior to (5 years after adoption of this rule) provided it is crystal-controlled and otherwise complies with the power, frequency tolerance, emission, and modulation limitations prescribed for this class of station. At a Class C station operated on frequencies in the 26.99–27.26 Mc/s band, nontype accepted equipment may be substituted provided it is crystal-controlled and otherwise complies with the power frequency tolerance, emission, and modulation limitations prescribed for this class of station.

(d) Changes which may not be made include:

(1) Internal or external connection or addition of any part, device or accessory not originally included by the manufacturer with the transmitter for its type acceptance.

(2) Replacement of components of a type accepted transmitter with components not approved therefor by the manufacturer of the transmitter.

3. Section 95.43 is amended as follows:

§ 95.43 Station power.

(a) Unless specifically expressed otherwise, transmitter power is the peak envelope power of the transmitter for single sideband emission, and the mean power of the transmitter for other emissions (see § 95.3).

(b) Any device which contributes radiofrequency power to the radiating system of a station operating in this service is considered to be part of the station transmitter, and such power is considered to be included in the transmitter power as defined in paragraph (a) of this section.

(c) Except as provided in paragraph (d) of this section, the transmitter power of a station operating in this service shall not exceed the following maximum values under any condition of modulation or other circumstances:

Class of station	*Watts transmitter power*
A	48
B	4
C	4
D, double sideband	4
D, single sideband	8

(d) On the frequency 27.255 Mc/s, transmitter power for Class C stations shall not exceed 24 watts. On frequencies in the band 72–76 Mc/s, transmitter power for Class C stations shall not exceed 0.75 watt.

(e) Single sideband transmitters for which type acceptance is requested after 6 months (after adoption of this rule) for use in Class D stations shall include a means for automatically preventing the transmitter power from exceeding the maximum permissible peak envelope power.

4. Section 95.45 is amended as follows:

§ 95.45 Frequency tolerance.

(a) Except as provided in paragraphs (b) and (c) of this section, the carrier frequency of a station in this service shall be maintained within the following percentage of the authorized frequency:

Class of station	Applicable conditions	Frequency tolerance	
		Fixed and base	Mobile
A	Effective Nov. 1, 1967	0.00025	0.005
B	Transmitter power 2.4 watts or less		.5
B	Transmitter power over 2.4 watts		.1
C			.005
D			.005

(b) Class A stations authorized before November 1, 1967, may continue to operate with a tolerance of 0.001 percent, or 0.005 for mobile stations with a power of 2.4 watts or less, until November 1, 1971.

(c) Class C stations operating on authorized frequencies between 26.99 and 27.26 Mc/s with 2.4 watts or less mean power output, which are used solely for the control of remote objects or devices by radio (other than devices used solely as a means of attracting attention), are permitted a frequency tolerance of 0.01 percent.

5. In § 95.47 paragraph (d) is amended as follows:

§ 95.47 Types of emission.

* * * * *

(d) Class D stations in this service are authorized to use amplitude voice modulation, either single or double sideband. Tone signals or signalling devices may be used only to actuate receiver circuits, such as tone operated squelch or selective calling circuits, the primary function of which is to establish or maintain voice communications. The use of any signals solely to attract attention or for the control of remote objects or devices is prohibited.

* * * * *

6. In § 95.49 paragraphs (c) and (d) are amended as follows:

§ 95.49 Emission limitations.

* * * * *

(c) (1) Except as provided in subparagraph (2) of this paragraph and except Class B stations operating only on 465.00 Mc/s in accordance with § 95.41(b), the authorized bandwidth of the emission of any station employing amplitude modulation shall be 8 kc/s for double sideband, 4 kc/s for single sideband and, effective November 1, 1967, the authorized bandwidth of the emission of stations employing frequency or phase modulation (Type F2 or F3) shall be 20 kc/s. The use of Type F2 or F3 emissions in the frequency band 26.96–27.28 Mc/s is not authorized.

(2) Stations authorized before November 1, 1967, and employing frequency or phase modulation may continue to operate with a 40 kc/s bandwidth until November 1, 1971.

(d) The mean power of emissions shall be attenuated below the mean output power of the transmitter on frequencies removed from the center of the authorized bandwidth by the following amounts:

(1) More than 50 percent and up to and including 100 percent of the authorized bandwidth, at least 25 decibels;

(2) More than 100 percent and up to and including 250 percent of the authorized bandwidth, at least 35 decibels;

(3) More than 250 percent of the authorized bandwidth, at least 43 plus 10 Log_{10} (maximum rated mean output power in watts) decibels.

* * * * *

7. Section 95.51 is amended as follows:

§ 95.51 Modulation requirements.

(a) The maximum audio frequency required for satisfactory radiotelephone intelligibility for use in this service is considered to be 3000 c/s.

(b) When double sideband amplitude modulation is used for telephony, the modulation percentage shall be sufficient to provide efficient communication and normally shall be maintained between 70 percent and 100 percent on peaks, and shall not exceed 100 percent.

(c) Each transmitter for which type acceptance is requested on or after [6 months after adoption of this rule] having 2.4 watts or more maximum power output shall be equipped with a device which automatically prevents modulation in excess of that specified in this subpart. For single sideband transmitters, § 95.43(e) shall apply in lieu of this paragraph.

(d) Class A stations authorized on or after November 1, 1967, shall be provided with a device which automatically will prevent modulation in excess of that specified in this subpart which may be caused by greater than normal audio level. Class A stations authorized before November 1, 1967, will be required to comply with the provisions of this paragraph by November 1, 1971: *Provided, however,* That the requirements of this paragraph shall not apply to transmitters authorized as mobile stations with a power of 2.4 watts or less.

(e) Each transmitter of a Class A station which is equipped with a modulation limiter in accordance with the provisions of paragraph (d) of this section shall also be equipped with an audio low-pass filter. This audio low-pass filter shall be installed between the modulation limiter and the modulated stage and, at audiofrequencies between 3 kc/s and 20 kc/s, shall have an attenuation greater than the attenuation at 1 kc/s by at least:

$$60 \log_{10} (f/3) \text{ decibels}$$

where "f" is the audiofrequency in kc/s. At audiofrequencies above 20 kc/s, the attenuation shall be at least 50 decibels greater than the attenuation at 1 kc/s.

(f) Except as provided in paragraph (g) of this section and except Class B stations operating only on frequency 465.00 Mc/s in accordance with § 95.41 (b), the frequency deviation of any frequency modulated transmitter operated in this service shall not exceed ±15 kc/s and the simultaneous amplitude modulation and frequency or phase modulation of a transmitter is not authorized.

(g) Effective June 1, 1967, the maximum frequency deviation for all Class A stations employing frequency or phase modulation will be ±5 kc/s.

8. Section 95.55 is amended as follows:

§ 95.55 Acceptability of transmitters.

Transmitters type approved or type accepted for use under this part are included in the Commission's Radio Equipment List, Part C. Copies of this list are available for public reference at the Commission's Washington, D.C., offices and field offices. The requirements for transmitters which may be licensed and operated in this service are set forth in the following paragraphs.

(a) Class A stations: All transmitters shall be type accepted.

(b) Class B stations:

(1) Except as provided in § 95.69 all transmitters shall be type accepted or type approved.

(2) All crystal controlled transmitters purchased after (6 months after adoption of this rule) shall be type accepted.

(c) Class C stations:

(1) Transmitters operated in the band 72–76 Mc/s shall be type accepted.

(2) All transmitters operated in the band 26.99–27.26 Mc/s shall be type approved or crystal controlled.

(d) Class D stations:

(1) All transmitters purchased prior to (6 months after adoption of this rule) shall be crystal controlled or type accepted.

(2) All transmitters purchased after (6 months after adoption of this rule) shall be type accepted.

(3) Effective (5 years after adoption of this rule) all transmitters shall be type accepted.

9. A new § 95.56 is added as follows:

§ 95.56 Transmitter requirements.

(a) With the exception of equipment type approved for use at a Class B or a Class C station, all transmitting equipment authorized in this service shall be crystal controlled.

(b) No controls, switches or other functions which can cause operation in violation of the technical regulations of this part shall be accessible from the front panel or exterior to the cabinet enclosing a transmitter authorized in this service.

10. In § 95.57 the headnote and paragraph (a) are amended and paragraph (d) is added as follows:

§ 95.57 Procedure for type acceptance of equipment.

(a) Any manufacturer of a transmitter built for use in this service, except noncrystal controlled Class B or Class C station equipment, may request type acceptance for such transmitter in accordance with the type acceptance requirements of this part, following the type acceptance procedure set forth in Subpart F of Part 2 of this chapter.

* * * * *

(d) Requests for type acceptance of any particular type of equipment for use at a Class D station will not be considered unless the applicant certifies at the time of the request that at least 25 units of the particular type will be manufactured.

11. A new § 95.58 is added as follows:

§ 95.58 Additional requirements for type acceptance.

(a) Except for transmitters type accepted for use at Class A stations, transmitters shall not include any provisions for increasing power to levels in excess of the pertinent limits specified in § 95.43.

(b) Manufacturing tolerances shall be such that production units of a given transmitter type will not exceed the pertinent power limit specified in § 95.43 when operated at each nominal primary supply voltage and with the radio frequency load for which it is designed.

(c) Transmitters equipped for transmission on any frequency or frequencies not available to Class D stations under this part are not eligible for type acceptance for use in Class D stations in this service.

(d) An instruction book for the user shall be furnished with each unit of equipment sold and one copy shall be forwarded to the Commission with each

request for type acceptance or type approval. The book shall contain all information necessary for the proper installation and operation of the equipment including: (1) Instructions concerning all controls, adjustments and switches which may be operated or adjusted without causing violation of technical regulations of this part; (2) warnings concerning any adjustments which, according to the rules of this part, may be made only by, or under the immediate supervision of, a person holding a commercial first or second class radio operator license; (3) warnings concerning the replacement or substitution of crystals, tubes or other components which could cause violation of the technical regulations of this part and of the type acceptance or type approval requirements of Part 2 of this chapter; and (4) a list of acceptable replacements for components subject to failure.

(e) The total of the power output ratings of all electron tubes, semiconductors, or other amplifying devices supplying or contributing radio frequency power to the antenna terminals of any transmitter of a Class D station shall not exceed 10 watts. The electron tube or semiconductor ratings are considered to be the Intermittent Commercial and Amateur Service (ICAS) ratings as specified by the tube or semiconductor manufacturer.

(f) Only the following external controls and connections or functions will be permitted in equipment used at Class D stations. Any external controls, switches, meters, or connections other than those set forth below are prohibited unless approved by the Commission in type acceptance of the equipment.

(1) Primary power connection. (Any circuitry or devices such as rectifiers, transformers, or inverters employed for conversion of the primary supply voltage to a different value must be considered a part of the transmitter, for type acceptance purposes.)

(2) Microphone connection.

(3) Radio frequency power output connection.

(4) On-off switch for primary power to transmitter. May be combined with the receiver volume control and on-off switch for primary power to receiver.

(5) Upper-lower sideband selector. For single sideband equipment only.

(6) For single sideband equipment only, a selector for choice of sideband and for transmission of carrier and one, or both, sidebands.

(7) Channel selector switch.

(8) Transmit-receive switch.

(9) Public address switch.

(g) Other than the channel selector switch, all transmitting frequency determining circuitry, including crystals employed in Class D station equipment shall be internal to the equipment and shall not be accessible from the operating panel.

12. In § 95.59 the headnote and paragraph (a) are amended and paragraph (d) is deleted as follows:

§ 95.59 Submission of noncrystal controlled Class B and Class C station equipment for type approval.

(a) Upon grant of written request therefor manufacturers of noncrystal controlled equipment for use at Class B or Class C stations in this service may submit units of such equipment to the Commission for type approval. Such a request normally will not be granted unless at least 100 units of the model to be submitted are scheduled for manufacture. The applicant must send a prototype or a typical production model of the equipment complete with power supply to the Commission's laboratory at Laurel, Md., for tests. All instructions which are intended to be supplied to the purchaser of the equipment shall be included. Transportation of the equipment and associated documents to and from the laboratory shall be at no cost to the Government.

* * * * *

(d) [Deleted]

13. In § 95.63 the introductory text is amended as follows:

§ 95.63 Minimum equipment specifications.

Equipment submitted for type approval in this service shall be capable of meeting the technical specifications contained in this part, and in addition, shall comply with the following:

* * * * *

14. Section 95.69 is amended as follows:

§ 95.69 Acceptance of composite equipment.

(a) Noncrystal controlled Class B or Class C station equipment constructed by a manufacturer in lots of less than 100 units will not, in the usual case, be tested by the Commission for the purpose of granting type approval. An applicant for a station in this service who proposes to use or operate such equipment which has not been type approved shall supply complete information showing that the equipment fully complies with appropriate station requirements using supplementary sheets which shall accompany the standard application form. The Commission may, at its discretion, require that such equipment or a prototype thereof be made available to its laboratory at Laurel, Md., for testing in accordance with the procedures described elsewhere in this part, as applicable to equipment to be manufactured in lots of more than 100 units. In addition, field tests as deemed necessary or desirable may be carried out by authorized Government personnel to determine the reliability of the equipment under operating conditions comparable to those encountered in actual service.

(b) For nontype accepted, crystal controlled Class C or Class D equipment not subject to the requirements of paragraphs (c) or (d) of § 95.55, supplemental technical information is not required to accompany the standard application form: *Provided, however,* That it is clearly indicated that the equipment employs crystal control: *And, provided further,* That the Commission may require the applicant to certify that the frequency stability of the crystal controlled transmitter is within the tolerance specified elsewhere in this part.

15. In § 95.97 the introductory text of paragraph (c) is amended as follows:

§ 95.97 Operator license requirements.

* * * * *

(c) Except as provided in § 95.53 and in paragraph (d) of this section, no commercial radio operator license is required to be held by the person performing transmitter adjustments or tests during or coincident with the construction, installation, servicing, or maintenance of Class C transmitters, or Class D transmitters purchased prior to (6 months after adoption of this rule): *Provided,* That there is compliance with all of the following conditions:

* * * * *

[F.R. Doc. 67-1973; Filed, Feb. 20, 1967; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

GRAZING REGULATIONS

Schedule of Grazing Fees, 1967

Notice is hereby given, in accordance with Departmental regulations (43 CFR 4115.2-1(k)), that the schedule of fees for the grazing year beginning March 1, 1967, and ending February 29, 1968, for grazing use of the Federal range, including LU (Land Utilization) land within grazing districts, authorized pursuant to section 3 of the Taylor Grazing Act will be the same in all cases as for the grazing fee year of March 1, 1966, to February 28, 1967.

CHARLES F. LUCE,
Under Secretary of the Interior.

FEBRUARY 17, 1967.

[F.R. Doc. 67-2017; Filed, Feb. 20, 1967; 8:51 a.m.]

Fish and Wildlife Service

OKEFENOKEE UNIT

Notice of Public Hearing Regarding Wilderness Study

Correction

In F.R. Doc. 67-1865, appearing at page 2977 of the issue for Thursday, February 16, 1967, the words reading "approximately 31,800 acres" in the first paragraph should read "approximately 331,800 acres".

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

DEPUTY ADMINISTRATOR, STATE AND COUNTY OPERATIONS

Delegation of Authority for Setoffs and Withholdings

Pursuant to the authority vested in me by the Setoff and Withholding Regulations published in the FEDERAL REGISTER, dated July 10, 1964 (29 F.R. 9425), the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, is hereby authorized, as my designee, to:

1. Defer or subordinate the right of the Agricultural Stabilization and Conservation Service (ASCS) and Commodity Credit Corporation (CCC) to recover through setoff all or part of any indebtedness to ASCS or CCC as provided in § 13.4(a) of such regulations.

2. Specifically authorize setoff pursuant to § 13.4(f) of such regulations.

3. Receive requests for setoff as provided in § 13.6(d) of such regulations.

4. Issue such procedures and instructions as may be required from time to time as provided in § 13.10 of such regulations.

This delegation supersedes Delegation of Authority No. Ca-189 issued August 5, 1964 (29 F.R. 11282).

(R.S. 161, 5 U.S.C. 22)

Effective date: Date of signature.

Signed at Washington, D.C., on February 14, 1967.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-1944; Filed, Feb. 20, 1967; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Treasurer

[Treasurer of the U.S.; Order No. 26 (Supp. No. 2)]

ADMINISTRATIVE ASSISTANT, CURRENCY REDEMPTION DIVISION

Signing of Official Papers

Treasurer of the United States, Order No. 26, dated May 18, 1966 (31 F.R. 7529), is hereby supplemented by adding the following position:

Administrative Assistant, Currency Redemption Division.

Dated: February 15, 1967.

[SEAL] W. T. HOWELL,
Acting Treasurer of the United States.

[F.R. Doc. 67-1946; Filed, Feb. 20, 1967; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Assignment of Functions Under Title VI of Civil Rights Act of 1964

Notice is hereby given that the Secretary of Commerce assigned to the Secretary of Health, Education, and Welfare, with his approval, certain responsibilities of the Department of Commerce for enforcement of federally assisted programs under Title VI of the Civil Rights Act of 1964 with respect to hospitals, other health facilities, and institutions of higher education which are subject to the Title VI Regulations of the Department of Commerce. The following is the text of the letter, dated May 27, 1966, assigning these responsibilities to the Secretary of Health, Education, and Welfare, which he formally accepted by letter of November 5, 1966.

HON. JOHN W. GARDNER,
Secretary of Health, Education, and Welfare,
Washington, D.C. 20201.

DEAR MR. SECRETARY: The Attorney General on February 5, 1966, wrote to me about the desirability of coordination among the Federal agencies to ensure more effective implementation of Title VI of the Civil Rights Act of 1964, and in such connection, your willingness to assume delegated authority from other agencies of a number of their enforcement responsibilities with respect to Title VI assistance programs in the fields of higher education and hospital and other health facilities.

Since then, staff of our two Departments, together with the Department of Justice, have discussed such delegation, and have reached mutual agreement on the substance of the assignment of functions.

In accordance therewith, and pursuant to the authority of section 8.15(c) of my Department's Title VI Regulations, I hereby assign to you, with your consent, the responsibilities listed below of the Department of Commerce and of its responsible officials under Title VI and the Commerce Regulations issued thereunder (15 CFR 8.1 et seq.), with respect to hospitals and other health facilities and to institutions of higher education under and including, but not limited to, the following programs:

A. Grants to nonprofit institutions or organizations to further or obtain scientific research to be made available to the public or interested businesses or organizations (e.g., 42 U.S.C. 1891-1893);

B. Loans, grants, technical and other assistance under the Public Works and Economic Development Act of 1965 (P.L. 89-136, 79 Stat. 552), and its predecessor Area Redevelopment Act (42 U.S.C. 2501 et seq.); and

C. Grants, technical and other assistance under the Appalachian Regional Development Act of 1965 (P.L. 89-4, 79 Stat. 5).

Responsibilities:

1. Compliance reports, including the mailing, receiving, and evaluation thereof, under section 8.7(b);

2. Other actions under section 8.7 (a), (c), and (d);

3. All actions under sections 8.7(e), 8.8, 8.9, and 8.10, including periodic compliance reviews, receiving of complaints, investigations, determination of recipient's apparent failure to comply, and resolution of matters by informal means;

4. Wherever a primary objective of the financial assistance authorized by a statute is to provide employment, as in those programs under paragraphs B and C above.

this assignment of responsibilities includes and applies to employment practices to the extent they are involved in such programs.

The Department of Commerce specifically reserves to itself the responsibilities for effecting compliance under sections 8.11, 8.12, and 8.13.

The responsibilities so designated to you are to be exercised in accordance with the Coordinated Enforcement Procedures for Medical Facilities and for Institutions of Higher Education under Title VI of the Civil Rights Act of 1964, dated February 1966, developed by the interested governmental

agencies and approved by the Department of Justice, and may be redelegated by you to other officials of your Department. The Department of Commerce also retains the right to exercise these responsibilities itself in special cases with the agreement of the appropriate official in your Department.

Exceptions:

All Title VI responsibilities of this Department and of its officials under the following two programs of financial assistance which involve higher education institutions are retained by this Department and are not a part of the assignment of responsibility:

1. Assistance to State Maritime Academies and colleges to train merchant marine officers (46 U.S.C. 1381–1388).

2. Grants and other assistance under the State Technical Services Act of 1965 (P.L. 89–182, 79 Stat. 679).

Sincerely yours,

JOHN T. CONNOR,
Secretary of Commerce.

Dated: February 14, 1967.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 67–1926; Filed, Feb. 20, 1967; 8:45 a.m.]

[Dept. Order 177; Amdt. 1]

ASSISTANT SECRETARY OF COMMERCE FOR SCIENCE AND TECHNOLOGY

Authority and Responsibilities

The following amendment to the order was issued by the Secretary of Commerce on January 31, 1967. This material amends the material appearing at 31 F.R. 6746 of May 5, 1966.

Department Order 177, dated April 14, 1966, is hereby amended as follows:

1. Section 3 is amended to read:

SEC. 3. *Scope and delegation of authority.* .01 The Assistant Secretary of Commerce for Science and Technology shall exercise policy direction and general supervision over the Environmental Science Services Administration, National Bureau of Standards, Patent Office, and the Office of State Technical Services.

.02 Pursuant to the authority vested in the Secretary of Commerce by law, the authorities of the Secretary of Commerce under the Fair Packaging and Labeling Act of 1966 (Public Law 89–755 of Nov. 3, 1966) are hereby delegated to the Assistant Secretary of Commerce for Science and Technology with the authority to redelegate such authority.

.03 The Assistant Secretary of Commerce for Science and Technology is authorized to establish a constituent operating unit under his policy direction and general supervision to assist in carrying out his responsibilities under the Fair Packaging and Labeling Act and to perform related functions as assigned.

2. In section 4, *Duties and responsibilities*, a new paragraph f. is added to read:

f. The determination of undue proliferation within the meaning of the Fair Packaging and Labeling Act of 1966, and the determination whether to publish voluntary standards.

Effective date: January 31, 1967.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 67–1927; Filed, Feb. 20, 1967; 8:45 a.m.]

[Dept. Order 181; Amdt. 2]

ASSISTANT SECRETARY OF COMMERCE FOR DOMESTIC AND INTERNATIONAL BUSINESS

Delegation of Authority

The following amendment to the order was issued by the Secretary of Commerce on January 31, 1967. This material amends the material appearing at 30 F.R. 11070–11071 of August 26, 1965; 31 F.R. 16731 of December 30, 1966; and 30 F.R. 15042–15044 of December 4, 1965, as amended by 31 F.R. 15331 of December 7, 1966.

Department Order 181, dated August 12, 1965, as amended, is hereby further amended as follows:

1. In section 3, *Scope and delegation of authority* add new paragraphs .04 and .05 to read:

.04 Pursuant to the authority vested in the Secretary of Commerce by law, the Assistant Secretary of Commerce for Domestic and International Business is hereby delegated, with power to redelegate, the authority vested in the Secretary under Title I of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2071 et seq.), as conferred on the Secretary under Executive Order 10480, dated August 14, 1953, as amended, to issue or modify orders restricting transportation and discharge of certain commodities or for the prohibition of movement of American carriers to certain designated destinations, which authority has heretofore been implemented by the issuance of Transportation Orders T–1 and T–2.

.05 Pursuant to the authority vested in the Secretary of Commerce by law, the Assistant Secretary of Commerce for Domestic and International Business is hereby delegated, with power to redelegate, the functions, authorities, and responsibilities given to the Secretary of Commerce under Executive Order 11322, dated January 5, 1967, relating to trade and other transactions involving Southern Rhodesia.

2. Paragraphs 2j. and 3e. of Department Order 128, dated November 22, 1965, as amended, are hereby revoked.

Effective date: January 31, 1967.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 67–1928; Filed, Feb. 20, 1967; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NEO-DECANOIC ACID

Notice of Establishment of Temporary Tolerance

Notice is given that at the request of the Enjay Chemical Co., 60 West 49th Street, New York, N.Y. 10020, a temporary tolerance of 1 part per million is established for residues of the desiccant-defoliant neo-decanoic acid (a mixture of 10-carbon trialkyl acetic acids (calculated as $C_9H_{19}COOH$)) in or on cottonseed. The Commissioner of Food and Drugs has determined that this temporary tolerance will protect the public health.

A condition under which this temporary tolerance is established is that the harvest aid will be used in accord with the temporary permit issued by the U.S. Department of Agriculture.

This temporary tolerance expires February 13, 1968.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a (j)) and delegated to the Commissioner (21 CFR 2.120; 31 F.R. 3008).

Dated: February 13, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67–1968; Filed, Feb. 20, 1967; 8:49 a.m.]

[Docket No. FDC–D–100; NDA No. 12–169]

S. E. MASSENGILL CO.

Daribiotic Mastitis Ointment; Notice of Withdrawal of Approval of New-Drug Application

The S. E. Massengill Co., Bristol, Tenn. 37620, the applicant for and holder of new-drug application No. 9292 for Daribiotic Mastitis Ointment, has requested withdrawal of approval of that application, and thereby has waived the opportunity for hearing, as provided by section 505(e) of the Federal Food, Drug, and Cosmetic Act, prior to such withdrawal.

The Commissioner of Food and Drugs, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and delegated to the Commissioner by the Secretary (21 CFR 2.120), finds, on the basis of new information evaluated together with the evidence available when new-drug application No. 9292 was approved, that the methods used in, or the facilities and controls used for, the manufacture,

processing, and packing of the subject drug are inadequate to assure and preserve its identity, strength, quality, and purity.

Therefore, on the basis of the foregoing finding of fact and at the request of the applicant, the approval of new-drug application No. 9292 applying to Dariblotic Mastitis Ointment is withdrawn, effective on the date of signature of this document.

Dated: February 13, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-1969; Filed, Feb. 20, 1967; 8:49 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR ADMINISTRATION; REGION IV (CHICAGO)

Designation

The designation of officers to serve as Acting Assistant Regional Administrator for Administration, Region IV (Chicago), during the present vacancy in the position of Assistant Regional Administrator for Administration, Region IV, published at 32 F.R. 764, January 21, 1967, is hereby amended to change the effective date as follows:

Effective date. This designation shall be effective as of November 16, 1966.

LEWIS E. WILLIAMS,
Deputy Assistant Secretary for Administration.

[F.R. Doc. 67-1950; Filed, Feb. 20, 1967; 8:47 a.m.]

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR ADMINISTRATION; REGION V (FORT WORTH)

Designation

The officers appointed to the following listed positions in the Division of Administration, Region V (Fort Worth), are hereby designated to serve as Acting Assistant Regional Administrator for Administration, during the present vacancy in the position of Assistant Regional Administrator for Administration, Region V, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Administration, provided that no officer is authorized to serve as Acting Assistant Regional Administrator for Administration unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Regional Director of Administration.
2. Chief, Budget and Management Branch.
3. Personnel Management Specialist.

(Secretary's delegation effective Nov. 16, 1966)

Effective date. This designation shall be effective as of November 16, 1966.

LEWIS E. WILLIAMS,
Deputy Assistant Secretary for Administration.

[F.R. Doc. 67-1951; Filed, Feb. 20, 1967; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16349]

DOMESTIC SERVICE MAIL RATE INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on March 22, 1967, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., February 15, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-1963; Filed, Feb. 20, 1967; 8:48 a.m.]

[Docket No. 17952]

VARANAIR-SIAM AIR CO., LTD.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on March 3, 1967, at 10:00, e.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned examiner.

Dated at Washington, D.C., February 14, 1967.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 67-1964; Filed, Feb. 20, 1967; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17176; FCC 67M-256]

EDWARD G. ATSINGER III

Order Scheduling Hearing

In re application of Edward G. Atsinger III, Garner, N.C., Docket No. 17176, File No. BP-16631; for construction permit.

It is ordered, This 13th day of February 1967, that Herbert Sharfman shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on April 19, 1967, at 10 a.m.; and that a prehearing conference shall be held on March 22, 1967, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: February 16, 1967.

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

[F.R. Doc. 67-1974; Filed, Feb. 20, 1967; 8:49 a.m.]

[Docket No. 17176; FCC 67-183]

EDWARD G. ATSINGER III

Order Designating Application for Hearing on Stated Issues

In re application of Edward G. Atsinger III, Garner, N.C., Docket No. 17176, File No. BP-16631; Requests: 1000 kc, 250 w, Day, Class II; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 8th day of February 1967;

1. The Commission has before it for consideration, the above-captioned and described application requesting a construction permit for a new standard broadcast station to be located at Garner, N.C.

2. Garner has a population, according to the 1960 U.S. Census of 3,451, and is located approximately 3 miles from the city limits of Raleigh, N.C., population 93,931.[1] The proposed 5 mv/m contour penetrates the geographic boundary of Raleigh thus raising a presumption that the applicant is realistically proposing to serve that city rather than Garner. Policy statement on section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, adopted December 22, 1965, 2 FCC 2d 190, 6 RR 2d 190.

3. In an amendment filed on March 31, 1966, the applicant submitted data and arguments in an attempt to rebut the aforementioned presumption. However, after careful study of this material, the Commission finds that the applicant has failed to overcome this presumption and that an evidentiary hearing must be held to explore the matter further.

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

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

1. To determine the areas and populations which would receive primary service from the proposal of Edward G. Atsinger III and the availability of other primary service to such areas and populations.

[1] There are five standard broadcast stations in Raleigh but none in Garner.

2. To determine whether the proposal of Edward G. Atsinger III will realistically provide a local transmission facility for Garner, N.C., or for Raleigh, N.C., in light of all the relevant evidence, including, but not necessarily limited to, the showing with respect to:

(a) The extent to which the specified station location has been ascertained by the applicant to have separate and distinct programing needs;

(b) The extent to which the needs of the specified station location are being met by existing standard broadcast stations;

(c) The extent to which the applicant's program proposal will meet the specific, unsatisfied programing needs of its specified station location; and

(d) The extent to which the projected sources of the applicant's advertising revenues within its specified station location are adequate to support its proposal, as compared with its projected sources from all other areas.

3. To determine, in the event it is concluded pursuant to the foregoing issue (2) that the proposal will not serve its specified station location, whether the proposal meets all of the technical provisions of the rules, for standard broadcast stations assigned to Raleigh, N.C.

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

It is further ordered, That, in the event of a grant of the application of Edward G. Atsinger III, the construction permit shall contain the following condition:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

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

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

Released: February 16, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-1975; Filed, Feb. 20, 1967; 8:49 a.m.]

[1] Commissioners Bartley and Johnson concurring and issuing statements filed as part of the original document.

[Docket Nos. 16972, 16973; FCC 67M-261]

CARTER BROADCASTING CORP. AND METRO GROUP BROADCASTING INC.

Order Rescheduling Hearing

In re applications of Carter Broadcasting Corp., Burlington, Vt., Docket No. 16972, File No. BP-16735; Metro Group Broadcasting, Inc., Plattsburgh, N.Y., Docket No. 16973, File No. BP-17089; for construction permits.

The Hearing Examiner having under consideration a verbal request on behalf of Metro Group Broadcasting, Inc., requesting that the evidentiary hearing scheduled for this date be continued for a period of approximately 2 weeks;

It appearing, that the applicants are in a stage of negotiations which conceivably will preclude the necessity of an evidentiary hearing;

It further appearing, that good cause exists and there is no opposition to said request;

Accordingly, it is ordered, This 16th day of February 1967, that the request is granted and that the evidentiary hearing scheduled this date be and the same is hereby rescheduled for March 3, 1967, at 10 a.m., in the Commission's offices, Washington, D.C.

Released: February 16, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-1976; Filed, Feb. 20, 1967; 8:49 a.m.]

[Docket Nos. 17148-17150; FCC 67M-270]

L & S BROADCASTING CO. ET AL.

Order Regarding Procedural Dates

In re applications of L & S Broadcasting Co., Jacksonville, N.C., Docket No. 17148, File No. BP-16329; Roy H. Park Radio, Inc. (WNCT), Greenville, N.C., Docket No. 17149, File No. BP-16563; John C. Hall, Ayden, N.C., Docket No. 17150, File No. BP-16604; for construction permits.

Pursuant to the agreements reached at the prehearing conference held February 15, 1967;

It is ordered, This 15th day of February 1967 that:

(1) A preliminary exchange of all engineering exhibits to be offered in the direct affirmative cases shall be made on March 24, 1967;

(2) An exchange of all exhibits to be offered in the direct affirmative presentations shall be made on April 21, 1967;

(3) Notification of witnesses to be called for cross-examination and notification of witnesses, if any, to be offered in the affirmative presentations shall be given on April 27, 1967;

It is further ordered, That the hearing presently scheduled for March 21, 1967, is continued to May 1, 1967, commencing at 10 a.m., in the offices of the Commission at Washington, D.C.

Released: February 16, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-1977; Filed, Feb. 20, 1967; 8:49 a.m.]

[Docket No. 16663; FCC 67M-269]

LAMAR LIFE INSURANCE CO.

Order Scheduling Further Hearing Conference

In re application of Lamar Life Insurance Co., Docket No. 16663, File No. BRCT-326; for renewal of license of television station WLBT and auxiliary services, Jackson, Miss.

The Hearing Examiner having under consideration a response to motion for continuance of hearing date filed on behalf of United Church of Christ at Tougaloo, Aaron Henry and Robert L. T. Smith, filed February 13, 1967;

It appearing, that certain matters are raised in said pleading which may properly be resolved by a further hearing conference;

Accordingly, it is ordered, This 16th day of February 1967, that a further hearing conference in this proceeding will be held on February 23, 1967, 10 a.m., in the Commission's offices, Washington, D.C.

Released: February 16, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-1978; Filed, Feb. 20, 1967; 8:49 a.m.]

[Docket Nos. 17157, 17158; FCC 67M-246]

LEE BROADCASTING CORP. AND MINNESOTA-IOWA TELEVISION CO.

Order Scheduling Hearing

In re applications of Lee Broadcasting Corp., Austin, Minn., Docket No. 17157, File No. BPH-5438; Minnesota-Iowa Television Co., Austin, Minn., Docket No. 17158, File No. BPH-5516; for construction permits.

It is ordered, This 6th day of February 1967, that Thomas H. Donahue shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on March 29, 1967, at 10 a.m.; and that a prehearing conference shall be held on February 28, 1967, commencing at 9 a.m.; *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: February 15, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-1979; Filed, Feb. 20, 1967; 8:49 a.m.]

[Docket No. 17175; FCC 67-181]

NORMAN W. HENNIG

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Norman W. Hennig, Tucumcari, N. Mex., Docket No. 17175, File No. BP-15523; Requests: 1330 kc, 1 kw, Day, Class III; for construction permit.

1. The Commission has before it for consideration (a) the above-captioned application; (b) the "Petition to Deny Application" filed April 29, 1963, by Tucumcari Broadcasting Co., Inc., licensee of Station KTNM, Tucumcari, N. Mex.; (c) the letter filed on July 26, 1963, by Norman W. Hennig, the applicant herein; (d) the "Statement with Respect to Petition to Deny" filed on November 7, 1963, by KTNM; (e) the "Amendment to Petition to Deny" filed on October 8, 1964, by KTNM; and (f) the "Opposition to Amendment to Petition to Deny", filed on October 21, 1964, by the applicant.

2. Petitioner bases its claim of standing on the fact that it is the licensee of the only existing station (KTNM) in the community[1] which the applicant seeks to serve and that there would be direct competition for advertising revenues and audience. The Commission finds that the petitioner has standing as a "party in interest" under section 309(d)(1) of the Communications Act of 1934, as amended, and § 1.580(i) of the Commission's rules. FCC v. Sanders Brothers Radio Station, 309 U.S. 470, 9 RR 2008 (1940).

3. A formal opposition to the original petition to deny was not filed. However, on July 26, 1963, the applicant did file a letter opposition to the petition, in which he states that since the petition was not sent via airmail, he did not respond to it. This letter was not served on the petitioner even though it contained material opposing the petition. On August 30, 1963, the Commission sent a letter to the applicant pointing out deficiencies in the application. The applicant amended his application on September 5, 1963. While this information was not served on the petitioner, KTNM's counsel did acknowledge that it had examined the amendment, and on November 7, 1963, filed a pleading entitled "Statement with Respect to Petition to Deny". Since the letter opposition was not served on petitioner, it will not be considered in the disposition of the case. However, any data contained in the letter which has been repeated in the amendment received September 5, 1963, will be considered. In any event, the applicant's contention that failure to serve this pleading by airmail voids the pleading must be rejected. At most, failure to serve a pregrant petition to deny by airmail would require the grant of additional time to respond to the pleading. Therefore, the only data that will be considered are the application, as amended to date, the original petition to deny, the petitioner's supplemental statement of November 7, 1963, the amendment to the petition to deny and the opposition thereto.

4. The petitioner requested that a Carroll issue be specified on the grounds that the revenues in the area are inadequate to support a second standard broadcast station without a net loss or degradation of service to the area. The Missouri-Illinois Broadcasting Co. case 1 RR 2d 1 (1963) was remanded to the Commission sub nom. KGMO Radio-Television, Inc. v. FCC, 336 F. 2d 290, 2 RR 2d 2057 (1964) with instructions to give KGMO an opportunity to amplify its allegations in support of its request for the specification of a Carroll issue on the grounds that KGMO did not have notice of the new pleading requirement necessary to support a Carroll issue. The Commission's action on the remand is contained in the Missouri-Illinois Broadcasting Co. case, FCC 64-748, 3 RR 2d 232 (1964). In the latter case, the Commission listed the type of material that a petitioner should submit in support of the request for a Carroll issue. Since the petitioner herein did not have notice of these new pleading requirements, he was given an opportunity to amend and amplify his allegations in support of the requested Carroll issue. The Commission now has before it for consideration the pleadings of the petitioner, as amended, and the response thereto submitted by the applicant.

5. The Commission has considered the contentions of the parties, as amended, and is of the opinion that the petitioner has met the burden of pleading to the extent required by Folkways Broadcasting Co., Inc. v. FCC, 8 RR 2d 2089. In its response to the Commission inquiries, the petitioner alleged specific facts and drew conclusions which were reasonably related to these factual allegations. In sum, petitioner has offered to prove that the economic effect of a new station in Tucumcari, N. Mex., would be detrimental to the public interest because it would create a situation in which neither licensee would be able to provide adequate public service to the area. Although the burden of proof on the petitioner is heavy, it was not required to prove its case prior to hearing. All that is required at this stage to warrant the specification of the Carroll issue is that the petitioner allege facts which prima facie indicate that a grant of the application would not serve the public interest. The Commission is of the view that the petitioner has raised substantial and material questions of fact concerning the ability of the Tucumcari market to support another standard broadcast station without a net loss or degradation of service to the community. These questions can only be resolved in an evidentiary hearing. Accordingly, the Carroll issue will be specified. The burden of proof and proceeding with the introduction of evidence will be placed on the petitioner.

6. Petitioner also requests inclusion of an issue to determine whether the applicant is financially qualified to construct and operate his proposed station and whether his estimates of expected operating revenues and expenses are reasonable. In support thereof, petitioner concedes that "arithmetically" the applicant is financially qualified to construct and operate the station for a brief period without income, but argues that the applicant's estimate of operating costs ($2,000 per month) is unrealistic and that the true costs would approximate its own (i.e., $6,000 per month). Petitioner also asserts that the applicant's estimate of annual revenue ($36,000) is unrealistic. While petitioner's assertions are based, in part, on conjecture, it appears that the applicant's estimate of construction costs and operating expenses are below average for stations similarly situated. In view of the question of the adequacy of revenues in the Tucumcari area, together with the relatively modest estimate of construction costs and operating expenses, an issue will be specified to permit the applicant to indicate the bases for his estimates. Moreover, according to the information on file the applicant indicated available cash in the amount of $33,000 in his application as originally filed. Subsequently, the applicant filed a statement to the effect that cash in the amount of $44,000 is available. The applicant, however, did not support his claim of the availability of $44,000 with a personal balance sheet, and the financial information on file is not current. Based on the applicant's estimate, the cost of construction and first year's operation will be approximately $46,000. Because of the absence of current information on the applicant's financial position, an issue will be specified to determine the present availability of funds to meet construction costs and initial operating expenses.

7. The petitioner alleges, in its petition to deny, that the percentage breakdowns in the program section of the application bore little relationship to the program schedule contained in the application. Petitioner then asserts the conclusion that the Commission cannot find that any steps were taken to ascertain the program needs of the community. In his amendment of September 5, 1963, the applicant submitted a revised program schedule and statistical analysis. As a result of the submission of the amendment, the petitioner takes the position that its analysis of the amendment confirms its doubt that any serious study has been given to the program needs of the area and states that many of the programs proposed by the applicant are presently broadcast by KTNM. In reply to the petitioner's contention, the applicant argues that he has ascertained the needs and interests of the community by contacts with community leaders and residents, that he has been a resident of Tucumcari and has been engaged in operating a radio-TV business there and has gained experience as a former staff member of Station KSYX in Santa Rosa, N. Mex. The applicant also states that the proposed manager of the station has had experience with both KTNM and KSYX. The Commission finds, in this

[1] According to the 1960 U.S. Census, Tucumcari has a population of 8,143 and Quay County, in which it is located, has a population of 12,279.

instance, that, in view of the dispute over this question and the general nature of the applicant's description of his survey, the matter can best be resolved by specifying the issue requested by the petitioner.

8. Except as indicated by the issues specified below, the applicant is qualified to construct and operate the proposed station. However, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

Accordingly, it is ordered, This 8th day of Februray 1967, that, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether there are adequate revenues to support more than one standard broadcast station in the area without net loss or degradation of standard broadcast service to such area.

2. To determine, with respect to the applicant's financial proposal:

(a) The basis of the applicant's—

(1) Estimate of construction costs, and

(2) Estimated operating expenses for the first year of operation;

(b) The applicant's current financial position and whether sufficient funds are available to meet the cost of construction and 1 year's operation of the proposed station;

(c) The basis for the applicant's estimate of revenues in his first year of operation, whether such estimate is reasonable, the extent to which net operating revenues may be relied upon to yield necessary funds for the initial construction and 1 year's operating cost;

(d) Whether in the light of the evidence adduced pursuant to items 2–a, 2–b, and 2–c, the applicant is financially qualified.

3. To determine the efforts made by the applicant to ascertain the needs and interests of the area and the manner in which the applicant proposes to meet such needs and interests.

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

It is further ordered, That the petition to deny filed by the Tucumcari Broadcasting Co., Inc., is granted to the extent indicated above and is denied in all other respects.

It is further ordered, That the Tucumcari Broadcasting Co., Inc., is made a party to the proceeding.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof with respect to Issue No. 1 shall be upon the petitioner and that the burden of proceeding with the introduction of evidence and the burden of proof with respect to Issues Nos. 2 and 3 shall be upon the applicant.

It is further ordered, That, in the event of a grant of the application, the construction permit shall contain the following condition: Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

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

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

Released: February 16, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[2]

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

[F.R. Doc. 67-1980; Filed, Feb. 20, 1967; 8:49 a.m.]

[Docket No. 14952; FCC 67-186]

NORRISTOWN BROADCASTING CO., INC. (WNAR)

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Norristown Broadcasting Co., Inc. (WNAR), Norristown, Pa., Docket No. 14952, File No. BP-12902; Has: 1110 kc, 500 w, Day, Class II, Requests: 1110 kc, 5 kw, 1 kw(CH), DA-2, Day, Class II, for construction permit.

1. The Commission has before it for consideration the above captioned application requesting an increase in daytime power from 500 watts to 5 kw for Station WNAR, Norristown, Pa.

2. Norristown is situated in Montgomery County approximately 15 miles from the center of Philadelphia, Pa. Norristown has a 1960 population of 38,925 and Philadelphia has a population of 2,002,512 according to the same census. The applicant's data indicates that WNAR presently places a 5 mv/m signal over a part of Philadelphia. The proposed operation would expand this 5 mv/m coverage to include all of Philadelphia as well as some increase in the immediate suburbs and rural areas of Philadelphia, thus raising a presumption that the applicant is realistically proposing to serve the city rather than Norristown.[1]

3. In amendments filed June 3 and June 20, 1966, the applicant submitted data and arguments in an attempt to rebut the aforesaid presumption. However, after examination of this material, the Commission finds that the applicant has failed to rebut the presumption and that an evidentiary hearing must be held to explore the matter further.

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

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

1. To determine the areas and populations which would receive service from the proposed operation of the applicant and availability of other primary service to such areas and populations.

2. To determine whether the proposal of Norristown Broadcasting Co., Inc., will realistically provide a local transmission facility for its specified station location or for another larger community, in the light of all the relevant evidence, including but not necessarily limited to, the showing with respect to:

(a) The extent to which the specified station location has been ascertained by the applicant to have separate and distinct programing needs;

(b) The extent to which the needs of the specified station location are being met by existing standard broadcast stations;

(c) The extent to which the applicant's program proposal will meet the specific unsatisfied programing needs of its specified station location; and

(d) The extent to which the projected sources of the applicant's advertising revenues within its specified station location are adequate to support its proposal, as compared with its projected sources from all other areas.

3. To determine, in the event that it is concluded pursuant to the foregoing issue (a) that the proposal of the applicant will not realistically provide a local transmission service for its specified station location, whether such proposal meets all of the technical provisions of the rules, including §§ 73.30, 73.31, and 73.188(b) (1) and (2) for standard broadcast stations assigned to the most

[2] The statement in which Commissioner Bartley concurs in part and dissents in part and in which Commissioner Loevinger joins filed as part of the original document and Commissioner Johnson's concurring statement filed as part of the original document.

[1] Policy Statement on section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, adopted Dec. 22, 1965. 2 FCC 2d 190, 6 RR 2d 1901.

populous community for which it is determined that the proposal will realistically provide a local tranmission service, namely Philadelphia, Pa.

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

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

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

It is further ordered, That in the event of a grant of this application the construction permit shall include the following condition: Subsequent to the installation and adjustment of the daytime directional antenna system and prior to the authorization of program tests, sufficient field intensity measurement data shall be made on the nighttime directional antenna system to establish that the nighttime radiation pattern remains adjusted within authorized limits.

Adopted: February 8, 1967.

Released: February 16, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-1981; Filed, Feb. 20, 1967; 8:50 a.m.]

[Docket No. 14952; FCC 67M-259]

NORRISTOWN BROADCASTING CO., INC. (WNAR)

Order Scheduling Hearing

In re application of Norristown Broadcasting Co., Inc. (WNAR), Norristown, Pa., Docket No. 14952, File No. BP-12902; for construction permit.

It is ordered, This 13th day of February 1967, that Basil P. Cooper shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on April 24, 1967, at 10 a.m.; and that a prehearing conference shall be held on March 17, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: February 16, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-1982; Filed, Feb. 20, 1967; 8:50 a.m.]

[Docket Nos. 17029, 17030, FCC 67M-262]

RUSSEL SHAFFER AND INTERNATIONAL ELECTRONIC DEVELOPMENT CORP.

Order Regarding Procedural Dates

In re applications of Russel Shaffer, Boulder, Colo., Docket No. 17029, File No. BPH-5337; International Electronic Development Corp., Boulder, Colo., Docket No. 17030, File No. BPH-5432; for construction permits.

The Hearing Examiner having under consideration the "Petition for Extension of Dates" filed on February 10, 1967, by Russel Shaffer, one of the parties in the above-entitled proceeding, requesting a 30-day extension of time for the pertinent dates respecting further proceedings in this matter;

It appearing, that said petition states that counsel for all other parties to this proceeding have consented to the immediate consideration and grant thereof; and that good cause has been shown therefor;

It is ordered, This 15th day of February 1967, that the above-mentioned petition for extension of dates, be, and the same is, hereby granted; and that the exchange of exhibits presently scheduled for February 20, 1967, is hereby rescheduled for March 20, 1967; that the notification of witnesses presently scheduled for February 27, 1967, is hereby rescheduled for March 27, 1967; and the hearing presently scheduled for March 8, 1967, is hereby rescheduled for April 11, 1967.

Released: February 16, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-1983; Filed, Feb. 20, 1967; 8:50 a.m.]

[Docket No. 17174; FCC 67-180]

SIOUX EMPIRE BROADCASTING CO.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Elder C. Stangland and Wallace L. Stangland, doing business as Sioux Empire Broadcasting Co., Sioux Falls, S. Dak., Docket No. 17174, File No. BP-15191; Requests: 1520 kc, 500 w, Day; for construction permit.

1. The Commission has before it the above-captioned and described application and a petition to deny the application filed by KISD, Inc., licensee of Station KISD, Sioux Falls, S. Dak.[1]

2. Petitioner claims standing to oppose a grant of the application on the basis of the fact that KISD, Inc., is the licensee of standard broadcast Station KISD which will compete with the proposed station for listening audience and advertising revenue. The Commission finds that applicant has standing as a party in interest pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, and § 1.580(i) of the Commission's rules. Federal Communications Commission v. Sanders Bros. Radio Station, 309 U.S. 470 (1940).

3. KISD requests that the application be designated for hearing to determine whether a grant of the application is in contravention of the duopoly and concentration of control provisions of § 73.35 of the Commission's rules; the efforts made by the applicant to ascertain the needs and interests of the area to be served and how the applicant proposes to meet such needs and interests, Henry et al. (Suburban Broadcasters) v. Federal Communications Commission, 112 U.S. App. D.C. 257, 302 F. 2d 191, 23 RR 2016 (1962); whether there are adequate revenues to support a fourth commercial standard broadcast station in Sioux Falls without a loss or degradation of service to the area, Carroll Broadcasting Co. v. Federal Communications Commission, 103 U.S. App. D.C., 346, 258 F. 2d 440, 17 RR 2066 (1958); and whether, in the light of the evidence adduced on the adequacy of revenue question, the applicant is financially qualified to construct and operate the proposed station in the manner proposed.

4. Much of what has been alleged is supported by statements signed under oath by Verl Thomson, former president and controlling stockholder of KISD, Inc. On September 9, 1966, the Commission approved a transfer of control from Thomson to new principals, and the transfer was consummated on October 1, 1966. By letter of October 25, 1966, counsel for the new owners advised the Commission that the new management adopts the pleadings filed by the former owner and intends to continue to oppose the Sioux Empire application.

5. KISD urges that a hearing is necessary on the question of whether a grant of the application would be in contravention of the duopoly provisions of § 73.35(a) of the Commission's rules, and in support of this contention alleges that

[1] Commissioner Johnson's concurring statement filed as part of the original document.

[1] Also before the Commission are the following related pleadings: The applicant's opposition to the petition and KISD's reply; a supplement to KISD's petition, a second and third supplement, both filed by KISD; a further opposition filed by the applicant and further reply filed by KISD; and KISD's fourth supplement to the original petition. Section 1.45 does not contemplate the filing of pleadings after a petitioner's reply. However, KISD's supplementary pleadings contain comments on new matter for the most part and, in one instance, a supplement was filed by leave of the Commission. Therefore, all allegations and supporting documents have been considered.

the proposed 1.0 mv/m contour would overlap the 1.0 mv/m contour of Station KIWA, Sheldon, Iowa, of which Eider C. Stangland, one of the partners, is the individual licensee. KISD has submitted field intensity measurements along two radials. These measurements of the KIWA signal show that the KIWA 1.0 mv/m contour will extend 32 miles in the direction of Sioux Falls, and according to KISD, indicate prohibited overlap of the proposed 1.0 mv/m contour for a distance of 5.1 miles.

6. Subsequently, the applicant proceeded to make field intensity measurements along the same radials and at essentially the same points utilized by the petitioner. These measurements consists of two independent sets of data. The two sets of data submitted by the applicant are essentially in agreement and indicate that the KIWA 1.0 mv/m contour does not extend more than 24 miles along either radial toward Sioux Falls. On this basis, the proposed and the KIWA 1.0 mv/m contours would be separated by approximately 3 miles.

7. In view of the discrepancy between the one set of KISD measurements on the one hand and the applicant's two sets of data on the other, all the data on each radial were analyzed together. Jeanette Broadcasting Co., 19 RR 480. The Commission's analysis discloses that the two contours are tangent, and, accordingly, no violation of § 73.35(a) of the rules is indicated.

8. The petitioner also claims that a grant of the application would result in a concentration of control of standard broadcast stations in a manner inconsistent with the public interest in violation of § 73.35(b) of the Commission's rules. It is alleged that the proposed station in Sioux Falls and the commonly owned station, KIWA, are within the same trade and market area. The applicant contests this allegation. However, assuming, arguendo, that Station KIWA and the proposed station are located in the same trade and market area, this fact, standing alone, would not necessitate the specification of the requested issue. The petitioner has not raised any other facts sufficient to raise a substantial and material question under § 73.35 (a) of the rules. In determining whether there is such a concentration of control, the Commission considers such factors as the size, extent and location of areas served, the number of people served, classes of stations involved and the extent of other competitive services in the area in question. The petitioner, in its "Third Supplement to Petition to Deny" indicated that there are three competing standard broadcast stations presently licensed in Sioux Falls as well as one FM station and two television stations. The petitioner also alleges that there was a competing standard broadcast station located in Yankton, S. Dak. (located approximately 55 miles from Sioux Falls). In view of the availability of other services in the area and the petitioner's failure to adequately support its contention, the Commission finds that there is no question of undue concentration of control within the meaning of § 73.35(a) of the Commission's rules under the circumstances in this case.

9. In support of its request for an issue to determine the efforts of the applicant to ascertain the needs and interests of the area to be served, the petitioner alleges that the applicant's program proposal is identical to the program service proposed in the original application for the construction permit of KIWA in Sheldon which was filed on September 19, 1958. The petitioner points out that there are several broadcast facilities in Sioux Falls (population—65,466) and one broadcast station (KIWA) in Sheldon (population—4,251). In view of the foregoing, petitioner asserts that it cannot be determined whether the applicant has ascertained the needs and interests of the public in Sioux Falls and whether the applicant's proposal would meet those needs. Petitioner also urges that a survey which the applicant claims to have made has not been related to the program proposal. The applicant concedes that the program schedule, insofar as titles, program categories and percentage analysis are concerned, is identical with the original KIWA proposal, but the applicant contends that similarity in program titles does not mean similarity in program content and that the content of the programs are different so as to take into account the particular needs of Sioux Falls. Eider C. Stangland, one of the partners and a resident of Sioux Falls, claims to have investigated the needs of the area by personal contacts with residents. Mr. Stangland has also had broadcast experience in Sioux Falls. The applicant submitted the results of interviews with community leaders which, according to the applicant, confirmed the validity of the program proposal. The applicant has not clearly indicated the manner in which the results of the interviews relate to the original statement of program service which remains unaltered since the date it was originally submitted. This fact together with the dispute between the applicant and the petitioner over the adequacy of the applicant's basis for the program proposal persuades the Commission that an issue should be specified to permit the applicant to submit evidence on its efforts to ascertain the needs, interests and desires of the public, the adequacy of those efforts and the manner in which those needs as determined by the applicant will be met. Since this question involves matters within the peculiar knowledge of the applicant's principals, the burden of proceeding with the introduction of the evidence and the burden of proof shall be upon the applicant.

10. The petitioner also attacks the reliability of the applicant's programing representations. In support of this contention, the petitioner relies on its observations during 1 day's monitoring of Station KIWA on July 14, 1964. The petitioner reports that the actual schedule for this day did not correspond with the proposed schedule and that this reflects adversely on the credibility of the applicant's representations. This showing, standing alone, does not provide a sufficient basis for questioning the credibility of the applicant's proposal. The Commission finds that no material or substantial questions of fact have been presented which would warrant the specification of an issue concerning the reliability of the applicant's Sioux Falls program representations.

11. The petitioner, in its original petition to deny the application, requested that a Carroll issue (Carroll Broadcasting Co. v. Federal Communications Commission, supra) be specified on the ground that the revenues in the area are inadequate to support a fourth broadcast station without a net loss or degradation of service to the area. The Missouri-Illinois Broadcasting Co. case, 1 RR 2d 1 (1963) was remanded to the Commission sub nom. KGMO Radio-Television, Inc., v. Federal Communications Commission, 119 U.S. App. D.C. 1, 336 F. 2d 920, 2 RR 2d 2057 (1964) with instructions to give KGMO an opportunity to amplify its allegations in support of its request for the specification of a Carroll issue on the ground that KGMO did not have notice of the new pleading requirements necessary to support a Carroll issue. The Commission's action on the remand is contained in the Missouri-Illinois Broadcasting Co. case, 3 RR 2d 232 (1964). In the latter case, the Commission listed the type of material that a petitioner should submit in support of the request for a Carroll issue. Since the petitioner herein did not have notice of these new pleading requirements, it was given an opportunity to amend and amplify its allegations. The Commission now has before it for consideration the pleadings of the petitioner and the applicant, as amended.

12. The Commission has considered the contentions of the petitioner and the applicant, as amended, and is of the opinion that the petitioner has met the burden of pleading to the extent required by Folkways Broadcasting Co., Inc., v. FCC, 8 RR 2d 2089. In its response to the Commission inquiries, the petitioner alleged specific facts and drew conclusions which were reasonably related to these factual allegations. In sum, petitioner has offered to prove that the economic effect of a new station in Sioux Falls would be detrimental to the public interest because it would result in a net loss or degradation of public service to the area. Although the burden of proof on the petitioner is heavy, it is not required to prove its case prior to hearing. All that is required at this stage to warrant the specification of the Carroll issue is that the petitioner allege facts which prima facie indicate that a grant of the application would not serve the public interest. The Commission is of the view that the petitioner has raised substantial and material questions of fact concerning the ability of the Sioux Falls market to support another standard broadcast station without a net loss or degradation of service to the community. These questions can only be resolved in an evidentiary hearing. Accordingly, the

Carroll issue will be specified. The burden of proceeding with the introduction of the evidence and the burden of proof will be placed on the petitioner.

13. The petitioner urges that, in view of the alleged inadequacy of available revenues, the applicant's estimate of operating revenues ($58,000) are unrealistic. On the basis of this allegation, the petitioner requests the specification of an issue to determine whether the applicant is financially qualified to construct and operate as proposed. The petitioner has not made a clear showing that the estimates are unrealistic and, therefore, the Commission will not permit the petitioner's judgment to be substituted for that of the applicant. The applicant has demonstrated to the satisfaction of the Commission that it is financially qualified to construct and operate the proposed station for 1 year without revenues. Approximately $48,186 will be required to cover the down payment on equipment, land, buildings, miscellaneous expenses and 1 year's working capital. They will contribute $20,000 as original partnership capital and have demonstrated their ability to meet their respective commitments. A bank loan of $30,000 is available, and a personal loan by one of the partners of $5,000 is also available. An equipment manufacturer has extended credit of $12,585 with a down payment of 2[illegible] percent and the balance payable over a 36-month period. Accordingly, the applicant is financially qualified. Ultravision Broadcasting Co., 1 FCC 2d 544, 5 RR 2d 343 (1965).

14. There remains no other material or substantial question of fact which would warrant the specification of issues in this proceeding. Accordingly, KISD's petition will be granted to the extent indicated above and will be denied in all other respects.

15. Except as indicated by the issues specified below, the applicant is qualified in all respects to construct, own and operate the proposed station. However, for the reasons indicated above, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

Accordingly, it is ordered, This 8th day of February 1967, that, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the efforts made by the applicant to ascertain the programing needs and interests of the area to be served and the manner in which the applicant proposes to meet such needs and interests.

2. To determine whether there are adequate revenues to support more than three commercial standard broadcast stations in the area to be served without a net loss or degradation of standard broadcast service to the area.

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

It is further ordered, That the Petition to Deny the application filed by KISD, Inc., is granted to the extent indicated above and is denied in all other respects.

It is further ordered, That KISD, Inc., is made a party to the proceeding.

It is further ordered, That the burden of proceeding with the introduction of the evidence and the burden of proof with respect to Issue No. 1 shall be upon the applicant and the burden of proceeding with the introduction of evidence and the burden of proof with respect to Issue No. 2 shall be upon KISD, Inc.

It is further ordered, That, in the event of a grant of the application, the construction permit shall contain the following condition: Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

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

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

Released: February 16, 1967.

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

[F.R. Doc. 67-1984; Filed, Feb. 20, 1967; 8:50 a.m.]

[Docket No. 17174; FCC 67M-258]

SIOUX EMPIRE BROADCASTING CO.

Order Scheduling Hearing

In re application of Eider C. Stangland and Wallace L. Stangland, doing business as Sioux Empire Broadcasting Co., Sioux Falls, S. Dak., Docket No. 17174, File No. BP-15191; for construction permit.

It is ordered, This 13th day of February 1967, that Forest L. McClenning shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on April 24, 1967, at 10 a.m.; and that a prehearing conference shall be held on March 14, 1967, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: February 16, 1967.

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

[F.R. Doc. 67-1985; Filed, Feb. 20, 1967; 8:50 a.m.]

[Docket Nos. 16924-16926; FCC 67M-266]

SUNSET BROADCASTING CORP. ET AL.

Order Scheduling Further Prehearing Conference

In re applications of Sunset Broadcasting Corp., Yakima, Wash., Docket No. 16924, File No. BPCT-3478; Apple Valley Broadcasting, Inc., Yakima, Wash., Docket No. 16925, File No. BPCT-3648; Northwest Television & Broadcasting Co. (a joint venture), Yakima, Wash., Docket No. 16926, File No. BPCT-3672; for construction permit for new television broadcast station at Yakima, Wash.

A prehearing conference having been held on February 15, 1967;

It appearing, that the applicants anticipate the prompt filing for Commission approval of an agreement of merger, and that they should be afforded a reasonable opportunity to fulfill that anticipation prior to the establishment of procedural dates;

It is ordered, This 15th day of February 1967, that a further prehearing conference herein shall convene on March 10, 1967, at 9 a.m., in the offices of the Commission at Washington, D.C.

Released: February 16, 1967.

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

[F.R. Doc. 67-1986; Filed, Feb. 20, 1967; 8:50 a.m.]

[Docket Nos. 17129-17136; FCC 67M-267]

UNICABLE, INC., ET AL.

Order Scheduling Hearing

In re petitions by Unicable, Inc., Oswego, N.Y., Docket No. 17129, File No. CATV 100-8; Auburn Cablevision Corp., Auburn, N.Y., Docket No. 17130, File No. CATV 100-10; General Electric Cablevision Corp., Auburn and Van Buren, N.Y., Docket No. 17131, File No. CATV 100-65; General Electric Cablevision Corp., Solvay, N.Y., Docket No. 17132, File No. CATV 100-137; Newchannels Corp., East Syracuse, N.Y., Docket No. 17133, File No. CATV 100-112; Newchannels Corp., Camillus, N.Y., Docket No. 17134, File No. CATV 100-124; for au-

[1] The statement in which Commissioner Bartley concurs in part and dissents in part and in which Commissioner Loevinger joins filed as part of the original document and Commissioner Johnson's concurring statement filed as part of the original document.

thority pursuant to § 74.1107 of the rules to operate CATV systems in the Syracuse Television Market; in re applications of Eastern Microwave, Inc., Van Buren, N.Y., Docket No. 17135, File No. 4704–C1–P–66; Eastern Microwave, Inc., Camillus, N.Y., Docket No. 17136, File No. 4879–C1–P–66; for construction permits for new point-to-point microwave radio stations.

It is ordered, This 15th day of February 1967, that Chester F. Naumowicz, Jr., shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on April 26, 1967, at 10 a.m.; and that a prehearing conference shall be held on March 15, 1967, commencing at 9 a.m.; *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: February 16, 1967.

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

[F.R. Doc. 67–1987; Filed, Feb. 20, 1967; 8:50 a.m.]

[Docket Nos. 17181–17183; FCC 67M–245]

UNITED TRANSMISSION, INC., ET AL.

Order Scheduling Hearing

In re: United Transmission, Inc., Russell, Kans., Docket No. 17181; Kays, Inc., Hays, Kans., Docket No. 17182; Cobb & Associates, Inc., Great Bend, Hoisington and Larned, Kans., Docket No. 17183; requests for special relief filed pursuant to § 74.1109 of the Commission's rules.

It is ordered, This 13th day of February 1967, that Elizabeth C. Smith shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on April 18, 1967, at 10 a.m.; and that a prehearing conference shall be held on March 20, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: February 15, 1967.

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

[F.R. Doc. 67–1988; Filed, Feb. 20, 1967; 8:50 a.m.]

[Docket Nos. 17181–17183; FCC 67–194]

UNITED TRANSMISSION, INC., ET AL.

Memorandum Opinion and Order Instituting a Hearing

In re: United Transmission, Inc., Russell, Kans., Docket No. 17181; Kays, Inc., Hays, Kans., Docket No. 17182; Cobb & Associates, Inc., Great Bend, Hoisington and Larned, Kans., Docket No. 17183; requests for special relief filed pursuant to § 74.1109 of the Commission's rules.

1. United Transmission, Inc., KAYS, Inc., and Cobb & Associates, Inc., have given notification pursuant to § 74.1105 of the Commission's rules of their intention to commence operation of CATV systems in Russell; Hays; and Great Bend, Hoisington and Larned, Kans., respectively. Kansas State Network, Inc. (KSN), licensee of Television Broadcast Station KCKT, Great Bend, Kans., has opposed each notification by filing, pursuant to § 74.1109 of the rules, a "Petition of Kansas State Network, Inc., for Temporary and Permanent Relief Against Importation of Distant Signals," and the parties have filed further pleadings which are considered below. We treat these matters together for reasons which should be clear from the following discussion.

2. KSN is the licensee of Television Broadcast Stations KARD–TV, Wichita; KCKT, Great Bend; KGLD–TV, Garden City, Kans.; and KOMC–TV, McCook, Nebr.; the last three stations are semisatellites of KARD–TV. KSN calculates that there are approximately 277,049 persons within KCKT's predicted Grade B contour, but urges that for purposes of assessing impact on KCKT the Commission should consider only the area where KCKT's predicted contour is not overlapped by KARD–TV's predicted Grade B contour: there are an estimated 159,978 persons in this "net KCKT Grade B area," but there are only eight towns in this area with populations of 2,500 or more persons:

City	Population	Predicted Television Service [1]
Great Bend	16,670	KAYS–TV, KTVH, KCKT.[2]
Ellinwood	2,729	KTVH, KCKT.
Hays	11,947	KAYS–TV, KCKT.[2]
Hoisington	4,248	KAYS–TV, KTVH, KCKT.[2]
Larned	5,001	KAYS–TV, KTVH, KCKT.
Plainville	3,104	KAYS–TV, KCKT.
Russell	6,113	KAYS–TV, KCKT.[2]
Salina	43,202	KTVH, KCKT.[2]
Total	93,014	

[1] The relevant network affiliations are: KTVH, and KAYS–TV which rebroadcasts it, are CBS; KAKE–TV is ABC; and KCKT is NBC.

[2] Also either served or proposed to be served by UHF television broadcast translator station rebroadcasting Station KAKE–TV, Wichita.

Five of these communities are involved in the present dispute, and Salina already has an operating CATV system. The signals to be carried on the proposed CATV systems are:

Russell and Hays: KCKT (NBC), Great Bend; WDAF–TV (NBC), Kansas City, Mo.; KCMO–TV (CBS), Kansas City, Mo.; KAYS–TV (CBS), Hays; KMBC–TV (ABC), Kansas City, Mo.; KTWU (Educ.), Topeka; KTVH (CBS), Hutchinson, Kans.; and WIBW–TV (CBS), Topeka.

Great Bend, Hoisington and Larned: KCKT, KTVH, KAYS–TV, WDAF–TV, KMBC–TV, WIBW–TV, and KTWU.[1]

The Salina CATV system offers its subscribers the following television signals: KTVH, WIBW–TV, KAKE–TV, KARD–TV, KMBC–TV, KCMO–TV, WDAF–TV, and KCSD–TV.

[1] KAKE–TV will be carried in Great Bend and possibly Hoisington. In addition, the following stations may be substituted for other distant signals: KCSD–TV (Educ.), Kansas City, Mo., and KCMO–TV (CBS), Kansas City, Mo.

3. KSN submits financial information to support its argument that KCKT has been only marginally profitable. Although KSN concedes that overall operation of its stations has been profitable, it urges that a proper accounting allocation of its revenues and expenses indicates that KCKT most recently has shown a profit at the rate of approximately $15,000 a year. Consequently, KSN opposes the importation of distant signals on the proposed CATV systems on the ground of economic impact.[2]

4. As is frequently the case in economic impact cases, KSN's underlying assumptions leave lingering doubts, such as: Whether only the "net KCKT Grade B area" is the proper measure of KCKT's circulation or profitability; whether KSN's accounting allocations are correct; and whether—in this market—KSN's estimates of the cost of CATV competition are realistic, particularly since KCKT is a semisatellite. But whatever our final decision, KSN's allegations and supporting documentation evoke sufficient concern to require evidentiary hearing as a precondition to the resolution, and the opposing arguments, largely devoid of similar documentation, must be rejected. Hearing will therefore be ordered.

5. The remaining question for decision is whether interim relief should be granted the CATV proponents. As KSN's proof indicates (paragraph 2 above, the communities involved do not receive either full network service or educational television service off-the-air. We are not persuaded that KCKT is in such fragile condition as to require insulation from any competition whatever, and we will therefore allow the proposed CATV systems to commence operation at once with a choice of network service and one educational signal.

Accordingly, it is ordered, This 8th day of February 1967, that United Transmission, Inc., is authorized to commence operation of its proposed CATV system at Russell, Kans., carrying the signals of only the following television broadcast stations: KAYS–TV, KCKT, KAKE–TV, and KTWU.

It is further ordered, That KAYS, Inc., is authorized to commence operation of its proposed CATV system at Hays, Kans., carrying the signals of only the following television broadcast stations: KAYS–TV, KCKT, KAKE–TV, and KTWU.

It is further ordered, That Cobb & Associates, Inc., is authorized to commence operation of its proposed CATV systems at Great Bend, Hoisington, and Larned, Kans., carrying the signals of only the following television broadcast stations: KAYS–TV, KTAH, KCKT, KAKE–TV, and KTWU.

It is further ordered, That, pursuant to sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended, and § 74.1109 of the Commission's rules, a hearing is ordered on the following issues:

[2] With the single exception that KSN does not oppose the carriage of KAKE–TV on the proposed Hays CATV system.

1. To determine the present economic situation of Television Broadcast Station KCKT.

2. To determine in view of the evidence introduced pursuant to Issue 1, above, whether full operation of the above-captioned CATV systems, as proposed in their § 74.1105 notifications, would have an adverse economic impact on Television Broadcast Station KCKT and, if so, whether such impact on Television Broadcast Station KCKT would have an adverse effect on the public interest.

3. In the event Issue 2 is resolved in the affirmative, to determine whether the public interest would be served by the full operation, or some portion thereof, as proposed in their § 74.1105 notifications, of any of the above-captioned CATV systems.

Kansas State Network, Inc., United Transmission, Inc., KAYS, Inc., and Cobb & Associates, Inc., are made parties to this proceeding, and to participate must comply with the applicable provisions of § 1.221 of the Commission's rules. Petitioner will be expected to go forward with Issues 1 and 2 and will have the burden of proof on these issues. Respondents will be expected to go forward with Issue 3 and will have the burden of proof on it. A time and place for the hearing will be specified in another order.

Accordingly, the documents entitled "Petition of Kansas State Network, Inc., for Temporary and Permanent Relief Against Importation of Distant Signals" are granted to the extent indicated above, but are otherwise denied.

Released: February 16, 1967.

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

[F.R. Doc. 67-1989; Filed, Feb. 20, 1967; 8:50 a.m.]

[Docket No. 16865; FCC 67M-251]

VIDEO SERVICE CO.

Order Continuing Prehearing Conference

In re applications of Video Service Co., Atlanta, Ga., Docket No. 16865, File Nos. 1816/17-C-1-P-66, CATV 100-101, for construction permits for new fixed (video) radio stations at Lafayette and Waynetown, Ind. (KSQ-36 and KSQ-37).

Pursuant to the unanimous request of the parties: *It is ordered*, This 15th day of February 1967, that the further prehearing conference scheduled for today's date is continued to March 15, 1967, at 2 p.m., in the Commission's offices in Washington, D.C.

Released: February 15, 1967.

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

[F.R. Doc. 67-1990; Filed, Feb. 20, 1967; 8:50 a.m.]

[1] The statements in which Commissioners Bartley and Loevinger concur in part and dissent in part filed as part of the original document; Commissioner Cox concurs in the result; Commissioner Lee absent.

FEDERAL MARITIME COMMISSION

NEDLLOYD LINES

Notice of Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the proposed contract form and of the petition at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed contract form and the petition 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 proposed contract form and of the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application to institute a dual rate system filed by:

Mr. Stanley O. Sher, Bebchick and Sher, 818 18th Street NW., Washington, D.C. 20006.

Notice of the application of the Nedlloyd Lines for permission to institute a contract rate system covering the movement of coffee from East African ports to U.S. Pacific Coast ports was published in the FEDERAL REGISTER on February 14, 1967, volume 32-30, page 2867.

By letter dated February 14, 1967, the filing party requested permission to include the port of Vancouver, British Columbia, in the contract rate system, and the proposed dual rate contract has been modified accordingly.

Dated: February 16, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-1965; Filed, Feb. 20, 1967; 8:48 a.m.]

UNITED STATES LINES, INC., AND NIPPON YUSEN KAISHA

Notice of Agreement Filed for Approval

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

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

Notice of agreement filed for approval by:

Mr. H. W. Conlan, Administrative Assistant to the Vice President, United States Lines, Inc., 1 Broadway, New York, N.Y. 10004.

Agreement 9619, between United States Lines, Inc. (USL) and Nippon Yusen Kaisha (NYK) provides for the transportation of cargo on through bills of lading from ports in Korea served by USL to ports on the Pacific Coast of the United States, Gulf Coast of the United States, and U.S. Great Lakes served by NYK with transshipment at Yokohama and/or Kobe, Japan, under terms and conditions set forth in the agreement.

Dated: February 16, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-1966; Filed, Feb. 20, 1967; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

FIRST VIRGINIA CORP.

Order Granting Determination Under Bank Holding Company Act

In the Matter of the application of The First Virginia Corp., Arlington, Va., pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956 for a determination re the expansion of the activities of First Virginia Life Insurance Agency, Inc. (formerly Mt. Vernon Insurance Agency, Inc.) (Docket No. BHC-80).

The First Virginia Corp., Arlington, Va., a bank holding company within the meaning of section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a) as amended by Public Law 89-485), filed a request for a determination by the Board of Governors of the Federal Reserve System that the proposed expanded activities of its subsidiary, First Virginia Life Insurance Agency, Inc., are of the kind described in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 222.5(b) of the Board's Regulation Y (12 CFR 222.5(b)) so as to make it unnecessary for the prohibitions of section

4(a) of the Act with respect to shares in nonbanking companies to apply in order to carry out the purpose of the Act.

Pursuant to the requirements of section 4(c)(8) of the Act and in accordance with the provisions of §§ 222.5(b) and 222.7(a) of the Board's Regulation Y (12 CFR 222.5(b), 222.7(a)), a hearing was held on this matter on November 1, 1966. The Hearing Examiner filed his report and recommended decision[1] on January 18, 1967, a copy of which is appended hereto, wherein he recommended that the request be granted. The filing of exceptions to the aforesaid report and recommended decision having been waived, the Board hereby adopts the findings of fact, conclusions of law, and recommendations embodied therein, and on the basis thereof and of the entire record,

It is hereby ordered, That the proposed expanded activities of First Virginia Life Insurance Agency, Inc., are determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4(a) of the Bank Holding Company Act to apply in order to carry out the purposes of the Act: *Provided, however*, That this determination is subject to revocation if the facts upon which it is based should cease to obtain in any material respect.

Dated at Washington, D.C., this 13th day of February 1967.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 67-1936; Filed, Feb. 20, 1967; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4457]

CENTRAL POWER AND LIGHT CO.

Notice of Proposed Issue and Sale of Principal Amount of Short-Term Notes to Banks

FEBRUARY 15, 1967.

Notice is hereby given that Central Power and Light Co. ("Central Power"), 120 North Chaparral Street, Corpus Christi, Tex. 78403, a public-utility subsidiary company of Central and South West Corp. ("Central"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof and Rule 50(a)(2) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Central Power proposes to issue and sell to the banks named below, from time to time beginning about March 10, 1967, its unsecured promissory notes in an aggregate maximum amount to be outstanding at any one time of $9 million as follows:

Banks	Maximum amounts
The First National Bank of Chicago, Ill.	$4,500,000
Bankers Trust Co., New York N.Y.	3,150,000
Harris Trust & Savings Bank, Chicago, Ill.	1,350,000
Total	9,000,000

The promissory notes will be dated when issued, will mature not later than 1 year from the date of the first borrowings, and will bear interest to maturity at the prime rate of interest in effect at The First National Bank of Chicago on the date of each such borrowing. Said notes may be prepaid, in whole or in part, at any time without premium or penalty.

The borrowings will be made and the proceeds used by Central Power from time to time as required to finance part of its construction expenditures, the total amount of which for 1967 is estimated at about $30 million. Central Power proposes to retire all of the short-term notes out of the net proceeds of securities to be issued as it may consider appropriate in the light of market conditions and as the Commission may authorize. In the event of such permanent financing, the maximum amount of authorized short-term note indebtedness to be outstanding at any one time with banks or with Central will be reduced by the net proceeds therefrom.

The expenses to be incurred by Central Power are estimated at approximately $400, not including the fee of counsel under a retainer agreement of which $1,000 is allocated to the proposed transactions. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 9, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 67-1938; Filed, Feb. 20, 1967; 8:45 a.m.]

[70-4456]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Notice of Proposed Issue and Sale of Principal Amount of Short-Term Notes to Banks

FEBRUARY 15, 1967.

Notice is hereby given that Public Service Company of Oklahoma ("Public Service"), 600 South Main Street, Tulsa, Okla. 74102, a public-utility subsidiary company of Central and South West Corp. ("Central"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof and Rule 50(a)(2) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Public Service proposes to issue and sell to the banks named below, from time to time beginning about March 10, 1967, its unsecured promissory notes in an aggregate maximum amount to be outstanding at any one time of $7 million as follows:

Banks	Maximum amounts
The First National Bank of Chicago, Ill.	$2,100,000
Bankers Trust Co., New York, N.Y.	1,400,000
The First National Bank & Trust Co. of Tulsa, Okla.	1,400,000
Harris Trust & Savings Bank, Chicago, Ill.	1,050,000
National Bank of Tulsa, Okla.	1,050,000
Total	7,000,000

The promissory notes will be dated when issued, will mature not later than 1 year from the date of the first borrowings, and will bear interest to maturity at the prime rate of interest in effect at The First National Bank of Chicago on the date of each such borrowing. Said notes may be prepaid, in whole or in part, at any time without premium or penalty.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Richmond.

[2] Voting for this action: Chairman Martin, and Governors Shepardson, Mitchell, Daane, Maisel, and Brimmer. Absent and not voting: Governor Robertson.

The borrowings will be made and the proceeds used by Public Service from time to time as required to finance part of its construction expenditures, the total amount of which for 1967 is estimated at about $19,400,000. Public Service proposes to retire all of the short-term notes out of the net proceeds of securities to be issued as it may consider appropriate in the light of market conditions and as the Commission may authorize. In the event of such permanent financing, the maximum amount of authorized short-term note indebtedness to be outstanding at any one time with banks or with Central will be reduced by the net proceeds therefrom.

The expenses to be incurred by Public Service are estimated at approximately $400, not including the fee of counsel under a retainer agreement of which $1,000 is allocated to the proposed transactions. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 9, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 67-1939; Filed, Feb. 20, 1967; 8:45 a.m.]

[70-4455]

SOUTHWESTERN ELECTRIC POWER CO.

Notice of Proposed Issue and Sale of Principal Amount of Short-Term Notes to Banks

FEBRUARY 15, 1967.

Notice is hereby given that Southwestern Electric Power Co. ("Southwestern"), 428 Travis Street, Shreveport, La. 71102, a public-utility subsidiary company of Central and South West Corp. ("Central"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof and Rule 50(a)(2) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Southwestern proposes to issue and sell to the banks named below, from time to time beginning about March 10, 1967, its unsecured promissory notes in an aggregate maximum amount to be outstanding at any one time of $8 million as follows:

Banks	*Maximum amounts*
The First National Bank of Chicago, Ill	$2,300,000
The First National Bank of Shreveport, La	1,400,000
Commercial National Bank in Shreveport, La	1,280,000
Bankers Trust Co., New York, N.Y	1,000,000
Continental Illinois National Bank & Trust Co. of Chicago, Ill	700,000
The State First National Bank of Texarkana, Ark	280,000
The Texarkana National Bank, Texarkana, Tex	200,000
First National Bank, Fayetteville, Ark	200,000
The First National Bank of Longview, Tex	200,000
Longview National Bank, Longview, Tex	200,000
Bossier Bank & Trust Co., Bossier City, La	80,000
The First National Bank, Marshall, Tex	80,000
Louisiana Bank & Trust Co., Shreveport, La	80,000
Total	8,000,000

The promissory notes will be dated when issued, will mature not later than 1 year from the date of the first borrowings, and will bear interest to maturity at the prime rate of interest in effect at The First National Bank of Chicago on the date of each such borrowing. Said notes may be prepaid, in whole or in part, at any time without premium or penalty.

The borrowings will be made and the proceeds used by Southwestern from time to time as required to finance part of its construction expenditures, the total amount of which for 1967 is estimated at about $18,400,000. Southwestern proposes to retire all of the short-term notes out of the net proceeds of securities to be issued as it may consider appropriate in the light of market conditions and as the Commission may authorize. In the event of such permanent financing, the maximum amount of authorized short-term note indebtedness to be outstanding at any one time with banks or with Central will be reduced by the net proceeds therefrom.

The expenses to be incurred by Southwestern are estimated at approximately $400, not including the fee of counsel under a retainer agreement of which $1,000 is allocated to the proposed transactions. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 9, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponents thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 67-1940; Filed, Feb. 20, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 339]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 16, 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 in Ex Parte No. MC 67 (49 CFR Part 240) 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 notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the application, or its authorized representative, if any, and the protest 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 21436 (Sub-No. 1 TA), filed February 14, 1967. Applicant: THOMAS F. WELSH, doing business as RELIANCE VAN COMPANY, 146 Crawford Hill, West Conshohocken, Pa. 19428. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Household goods*, as defined by the Commission, between points in Pennsylvania, restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments, over irregular routes, for 180 days. Supporting shippers: Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle, Wash. 98133; Trans Ocean Van Service, Post Office Box 7331, Long Beach, Calif. 90807; Higa Fast Pac Inc., 465 California Street, Suite 530, San Francisco, Calif. 94104; Jet Forwarding Inc., 2945 Columbi.. Street, Torrance, Calif. 94604. Send protests to: Ross A. Davis, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 900 U.S. Customhouse, Philadelphia, Pa. 19106.

No. MC 66650 (Sub-No. 6 TA), filed February 14, 1967. Applicant: STUART M. SMITH, INC., 3511 East North Avenue, Baltimore, Md. 21213. Applicant's representative: Donald E. Freeman, Post Office Box 880, Westminster, Md. 21157. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Bakery products*, from Baltimore, Md., to Hanover and York, Pa.; and *empty bakery containers*, on return. This authority to be tacked at Baltimore, with its present permanent authority, for 150 days. Supporting shipper: Tasty Baking Co., 2801 Hunting Park Avenue, Philadelphia, Pa. 19129. Send protests to: William L. Hughes, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 312 Appraisers' Stores Building, Baltimore, Md. 21202.

No. MC 82808 (Sub-No. 9 TA), filed February 14, 1967. Applicant: LEWIS R. HUNT and C. L. HUNT, a partnership, doing business as Post Office Box 200, Warrensburg, Mo. 64093. Applicant's representative: Ivan E. Moody, 11th Floor Scarritt Building, 818 Grand, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Poultry processing equipment*, from the plantsite of Ralph Zebarth, Inc., Kansas City, Mo., to points in the United States (except the States of Hawaii and Alaska and except Chicago, Ill.; East St. Louis-St. Louis, Mo., commercial zone; Wichita, Kans.; Denver, Colo.; and Detroit, Mich.); and *used and damaged poultry processing equipment*, from the above-named destination points to the plantsite of Ralph Zebarth, Inc., at Kansas City, Mo., for 150 days. Supporting shipper: Ralph Zebarth, Inc., 1227 Montgall, Kansas City, Mo. 64127. Send protests to: John C. Barry, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 100666 (Sub-No. 93 TA), filed February 14, 1967. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7295, Shreveport, La. 71107. Applicant's representative: Max Morgan, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Plastic pipe, tubing, conduit, valves, and fittings, compound joint sealer, bonding cement, and accessories and hand tools used in the installation of such products*, from the plantsite of Ethyl Corp., Terre Haute, Ind., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, South Carolina, Tennessee, and Texas, for 180 days. Supporting shipper: Ethyl Corp., Purchasing and Traffic Department, Box 341, Baton Rouge, La. 70821 (Mr. Doss H. Berry, Jr.). Send protests to: W. R. Atkins, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, T-40009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 102567 (Sub-No. 118 TA), filed February 14, 1967. Applicant: EARL GIBBON TRANSPORT, INC., 235 Benton Road, Post Office Box 5357, Bossier City, La. 71010. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Phosphatic fertilizer solution*, in bulk, in tank vehicles, from Monroe, La., to points in Arkansas and Mississippi, for 180 days. Supporting shipper: Agrico Chemical Co., Division of Continental Oil Co., 5050 Poplar Avenue, Memphis, Tenn. 38101, Mr. James J. Kerr, Manager, Motor Carrier Service Transportation Department. Send protests to: William R. Atkins, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, T-4009 Federal Office Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 103498 (Sub-No. 15 TA), filed February 14, 1967. Applicant: W. D. SMITH, doing business as SMITH TRUCK LINE, Box 68, DeQueen, Ark. 71832. Applicant's representative: Wilburn L. Williamson, 443-54 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Asphalt or Composition Lumber*, from Briar, Ark., to points in Alabama, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Lousiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, and Texas, for 180 days. Supporting shipper: Dierks Forests, Inc., 810 Whittington Avenue, Hot Springs, Ark. 71901. Send protests to: D. R. Partney, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 105413 (Sub-No. 26 TA) filed February 14, 1967. Applicant: PETROLEUM TRANSPORT SERVICE, INC., Highway No. 275, Council Bluffs, Iowa 51501. Applicant's representative: Viren, Emmert and Epstein, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Anhydrous ammonia and fertilizer solutions*, in bulk, in tank vehicles, from the plantsite of Phillips Petroleum Co., located at or near Hoag, Nebr., to points in the State of Missouri, for 180 days. Supporting shipper: Phillips Petroleum Co., Bartlesville, Okla. (A. J. DeFrees, Rate Manager, Material and Chemical Products). Send protests to: Keith P. Kohrs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 109637 (Sub-No. 316 TA), filed February 14, 1967. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky. 40211. Applicant's representative: H. N. Nunnally (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Refined vegetable oil*, in bulk, in tank vehicles, from Louisville, Ky. to Irving, Tex., and Tulsa, Okla., for 180 days. Supporting shipper: D. J. Day, Division Traffic Manager, Durkee Famous Foods, 1303 South Shelby Street, Louisville, Ky. 40201. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 113828 (Sub-No. 120 TA), filed February 14, 1967. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington, D.C. 20014. Applicant's representative: John F. Grimm (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Peanut oil*, in bulk, in tank vehicles, from Suffolk, Va., to Exeter, Pa., for 180 days. Supporting shipper: Standard Brands, Inc., 625 Madison

Avenue, New York, N.Y. 10022. Attention: H. L. Barrett, GTM. Send protests to: Robert D. Caldwell, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1220, Washington, D.C.

No. MC 113828 (Sub-No. 121 TA), filed February 14, 1967. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue NW., Washington, D.C. 20014. Applicant's representative: John F. Grimm (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Fly ash*, in bulk, in tank vehicles, from Chalk Point, Dickerson, and Morgantown, Md., to points in the District of Columbia and Virginia, for 150 days. Supporting shipper: G. & W. H. Corson, Inc., Plymouth Meeting, Pa. 19462. Attention: Allan R. Wycoff, GTM. Send protests to: Robert D. Caldwell, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1220, Washington, D.C. 20423.

No. MC 117815 (Sub-No. 119 TA), filed February 14, 1967. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: John W. Burroughs (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Meat, meat products, and meat byproducts and articles distributed by meat packinghouses*, as shown in appendix I to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles), from Marshalltown, Iowa, and Rochelle, Ill., to points in Michigan, for 180 days. Supporting shipper: Swift & Co., 115 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 126102 (Sub-No. 1 TA), filed February 14, 1967. Applicant: ANDERSON MOTOR LINES, INC., 37 Woodruff Road, Walpole, Mass. 02081. Applicant's representative: Sanford A. Kowal (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Such commodities* as are sold in drugstores, chain, discount, and department stores, excluding commodities in bulk, in tank vehicles for the shipper, Carter Overton, Inc., a Massachusetts corporation with its usual place of business at Rowe Street, Newton, Mass., from points in Massachusetts to points in Minnesota, Oklahoma, Missouri, Ohio, Michigan, Texas, Louisiana, Tennessee, Arkansas, Alabama, Indiana, Iowa, Illinois, Colorado, Kansas, Wisconsin, Virginia, Pennsylvania, North Carolina, New York, New Jersey, Maine, South Carolina, Georgia, Delaware, New Hampshire, Vermont, Connecticut, Florida, Mississippi, West Virginia, and return from Minnesota, Oklahoma, Missouri, Ohio, Michigan, Texas, Louisiana, Tennessee, Arkansas, Alabama, Indiana, Iowa, Illinois, Colorado, Kansas, Wisconsin, Virginia, Pennsylvania, North Carolina, New York, New Jersey, Maine, South Carolina, Georgia, Delaware, New Hampshire, Vermont, Connecticut, Florida, Mississippi, West Virginia, to points in Massachusetts, for 180 days. Supporting shipper: Carter Overton, Inc., Rowe Street, Newton, Mass. Send protests to: Richard D. Mansfield, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2211 John F. Kennedy Building, Government Center, Boston, Mass. 02203.

No. MC 127253 (Sub-No. 36 TA), filed February 14, 1967. Applicant: R. A. CORBETT TRANSPORTATION, INC., 111 West Laurel Street, Post Office Box 86, Lufkin, Tex. 75901. Applicant's representative: C. Wade Shemwell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Glue stock*, in bulk, in tank vehicles, from Winnfield, La., to Crossett, Ark., for 180 days. Supporting shipper: Chembond Corp. (Mr. Michael Chestnut, Plant Manager), Post Office Box 648, Winnfield, La. 71483. Send protests to: District Supervisor John C. Redus, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 61212, Houston, Tex. 77061.

No. MC 128449 (Sub-No. 1 TA), filed February 14, 1967. Applicant: JAMES A. TUCKER, doing business as JIMMIE TUCKER TRUCKING, Route 1, Box 40–B, Broken Bow, Okla. 74728. Applicant's representative: James A. Tucker (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Asphalt or composition lumber, treated and untreated lumber*, from points in McCurtain County, Okla., to points in Oklahoma, Kansas, and Nebraska, for 180 days. Supporting shipper: Dierks Forests, Inc., 810 Whittington Avenue, Hot Springs, Ark. 71901. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 128874 TA, filed February 14, 1967. Applicant: NEW YORK EXPRESS, INC., 135–30 Rockaway Boulevard, South Ozone Park, N.Y. 11417. Applicant's representative: Douglas Miller, Meadow Brook Bank Building, Malverne, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, as follows: *Aircraft engines and parts thereof, and aircraft parts and commodities used or useful in the repair and maintenance of aircraft*, between Eastern Airlines, Inc., facilities at airports in or near: Newark, N.J.; New York, N.Y.; Boston, Mass.; Washington, D.C.; Baltimore, Md.; Dulles Airport, Va.; Philadelphia, Pa., and Pratt and Whitney plant at East Hartford, Conn., for 180 days. Restriction: Under contract with Eastern Airlines, Inc., John F. Kennedy Airport, N.Y. Supporting shipper: Eastern Airlines, Inc., John F. Kennedy International Airport, Jamaica, N.Y. 11430. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 128875 TA, filed February 14, 1967. Applicant: GERMA ENTERPRISES, INC., doing business as ARROW WAREHOUSE & TRANSFER, Post Office Box 1032, Tahoe Valley, Calif. 95731. Applicant's representative: Richard R. Hanna, Plaza Building, Carson City, Nev. 89701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *New and used furniture, household furnishings, and household goods*, uncrated, from Sacramento, Stockton, Vallejo, Oakland, Emeryville, San Francisco, San Jose, San Carlos, Walnut Creek, Los Altos, and Campbell, Calif., to points in Douglas, Churchill, Ormsby, and Washoe Counties, Nev., and *returned or traded-in articles of similar nature*, from named Nevada Counties to named origin points, for 150 days. Supporting shipper: The John Breuner Co., 2201 Broadway, Oakland, Calif. 94612. Send protests to: Daniel Augustine, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 11 West Telegraph Street, Carson City, Nev. 89701.

MOTOR CARRIER OF PASSENGERS

No. MC 102676 (Sub-No. 9 TA), filed February 14, 1967. Applicant: WORCESTER BUS CO., INC., 287 Grove Street, Worcester, Mass. 01605. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, as follows: *Passengers and their baggage in special operations*, in round trip sightseeing and pleasure tours, beginning and ending at Worcester, Clinton, Marlboro, Southbridge, and Whitinsville, Mass., and extending to the ports of entry on the international boundary line between the United States and Canada located in New York and Vermont, for 180 days. Supporting shippers: Marie B. Knowlton, Vice President and Trip Manager, Worcester Area Chapter A.A.R.P. Inc. #209, 19 Brattle Street, Worcester, Mass. 01606; Arthur H. Johnson, Chairman, Adult Advisory Committee, Catholic Youth Council, Diocese of Worcester, 21 Elm Street, Worcester, Mass. 01608; George Guilmette, 210 South Street, Southbridge, Mass.; Armand O. DeGrenier, Chairman, Board of Selectman, Southbridge, Mass. 01550; George S. Wallace, 10 Mercury Drive, Worcester, Mass. representing Men's Club, Women's Club, Boy Scouts of America Troop No. 66, and CYO, all affiliated with St. George's Church, Brattle Street, Worcester, Mass. Send protests to: Joseph W. Balin, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 338 Federal Building, Springfield, Mass. 01103.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-1992; Filed, Feb. 20, 1967; 8:51 a.m.]

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