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

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

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

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

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

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

[Pear Reg. 1]

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

Minimum Standards

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

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

§ 917.404 Pear Regulation 1.

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

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

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

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

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

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

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

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

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

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

Dated: July 12, 1967.

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

[F.R. Doc. 67-8174; Filed, July 12, 1967; 11:38 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 67-CE-33]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

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

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

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

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

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

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

R-3602 MANHATTAN, KANS.

SUBAREA A

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

Designated altitudes: Surface to 29,000 feet MSL.

Time of designation: Continuous.

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

Using agency: Commanding General, Fort Riley, Kans.

SUBAREA B

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

Designated altitudes: Surface to 29,000 feet MSL.

Time of designation: Continuous.

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

Using agency: Commanding General, Fort Riley, Kans.

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

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

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

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

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Trade, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

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

EXPORTS OF NICKEL

Subject. Exports of Nickel.[1]

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

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

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

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

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

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

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

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

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

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

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

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959-63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959-63 Comp.)

Effective date: July 10, 1967.

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

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

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

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Agreement Among Members of Trade Association to Comply with Government Ruling

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

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

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

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

Issued: July 12, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

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

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Proposed Lease of Patented Industrial Machine

§ 15.134 Proposed lease of patented industrial machine.

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

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

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

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

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

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

Issued: July 12, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

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

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

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

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

Tetracycline Phosphate Complex

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

§ 141c.232 Tetracycline phosphate complex.

* * * * *

(b) * * *

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

* * * * *

§ 146c.232 Tetracycline phosphate complex.

(a) * * *

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

* * * * *

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

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

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

Dated: July 5, 1967.

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

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

Title 29—LABOR

Chapter XIV—Equal Employment Opportunity Commission

PART 1605—GUIDELINES ON DISCRIMINATION BECAUSE OF RELIGION

Observance of the Sabbath and Other Religious Holidays

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

§ 1605.1 Observation of the Sabbath and other religious holidays.

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

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

(c) Because of the particularly sensitive nature of discharging or refusing to hire an employee or applicant on account of his religious beliefs, the employer has the burden of proving that an undue hardship renders the required accommodations to the religious needs of the employee unreasonable.

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

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

[SEAL] LUTHER HOLCOMB, *Acting Chairman.*

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

Title 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1455—PERMISSIVE EXEMPTIONS FROM RENEGOTIATION

"Stock Item" Exemption

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

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

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

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

Dated: July 10, 1967.

LAWRENCE E. HARTWIG, *Chairman.*

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

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Severn River, Md.

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

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

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

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

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

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

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

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

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

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

Appeals; Correction

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

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

FRANK J. BARRY, *Solicitor.*

JULY 7, 1967.

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

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER B—ARCHIVES AND RECORDS

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

Deletion

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

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

Part 101-12—[Reserved]

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

PART 101-12—[RESERVED]

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

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

Dated: July 7, 1967.

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

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

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 17177; FCC 67-796]

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

PART 87—AVIATION SERVICES

Available Frequencies

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

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

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

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

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