July 10, 1968 (33 F.R. 10108). All cooperatives and handlers who submitted views on the proposed suspension favored that it be made effective.

(4) This suspension action has been requested by cooperative associations representing a majority of producers on the market for the purpose of providing for efficient handling of reserve milk of the market.

(5) This suspension action is necessary to provide for the efficient handling of reserve milk of the market during the month of July 1968. The volume of milk needed to be moved to milk manufacturing plants exceeds the quantity which could be moved under the limitations of the diversion provision in the order. The most efficient method of handling is movement direct from producers' farms to milk manufacturing plants. This suspension order would allow such handling while the dairy farmers involved retain producer status.

Therefore, good cause exists for making this order effective July 1, 1968.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the month of July 1968.

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

Effective date: July 1, 1968.

Signed at Washington, D.C., on July 26, 1968.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 68-9151; Filed, July 30, 1968; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8600; Amdt. 77-6]

PART 77—OBJECTS AFFECTING NAVIGABLE AIRSPACE

Objects Interfering With Air Navigation Facilities

The purpose of this amendment to Part 77 of the Federal Aviation Regulations is to permit the Administrator to consider the effect a proposed construction or alteration would have upon the operation of an air navigation facility.

The substance of this amendment was published as a notice of proposed rule making in the FEDERAL REGISTER on December 21, 1967 (32 F.R. 20658), as NPRM 67-54. Many comments were received in response to the notice. Generally, the comments were favorable and recommended adoption of the amendment as proposed.

Part 77 of the Federal Aviation Regulations establishes standards for determining obstructions in navigable airspace, sets forth the notice requirements of certain proposed construction or alteration, provides for aeronautical studies of obstructions to determine their effect on the safe and efficient use of airspace and provides for public hearings on the hazardous effect of proposed construction or alteration. In accordance with previous interpretations and practice, this part applies to the physical effect of an obstruction on the flight of aircraft through the navigable airspace.

The Federal Aviation Administration is encountering with increasing frequency, situations where construction or alteration has a deleterious effect on the operation of air navigation facilities without being a physical hazard in the flight path of aircraft. These situations have ranged from construction which partially blocked the view from an airport air traffic control tower of runways, taxi, and parking areas, to obstructions which blocked or reflected electromagnetic radiation in the vicinity of navigational aids like radio or radar installations. In some instances, the navigational aid could be moved to an interference-free location. In other situations, however, no interference-free locations were available, or the cost of razing and relocating facilities, because of their size or number, was exorbitant.

It appears desirable that when an aeronautical study is made, the Administrator should include in that study the effect that construction or alteration may have on the operation of air navigation facilities. It would be an unreasonable burden on the public to require a proponent to consider this effect because the public may not be aware of the existence or operational characteristics of an air navigation facility, and any effect thereon may not easily be ascertained by the proponent. Accordingly, the Administrator should have the authority of including in an aeronautical study the physical or electromagnetic effect of proposed construction on air navigation facilities. The study may enable the Administrator to recommend changes in the design, location, or construction material that would eliminate or reduce interference with the operation of the air navigation facility. A reduction or elimination of interference may permit the retention of existing approach minimums, use of existing runways or facility structures or avoid costly relocation expenses to the airport or the FAA.

All of the parties that submitted comments concurred in or endorsed the proposed amendment, except the Airport Operators Council International, the Department of Aviation, City of Atlanta, Ga., and the Air Transport Association of America.

The Airport Operators Council International stated that it strongly opposed the proposed amendment primarily for the following reasons:

(1) The FAA already has sufficient authority to minimize critical encroachment upon airport control tower sight lines through its ability to NOTAM and therefore needs no additional authority.

(2) It is undesirable to use the proposed amendment to protect off-airport navaids from the deleterious effect on their operation by construction proposals over which the airport operation has no control.

Regarding the first comment, the FAA's present authority allows it to issue a Notice to Airmen to advise them concerning areas on an airport in which ground control of traffic cannot be maintained due to blocking of line-of-sight from the airport control tower. When such a condition exists, the derogation of air traffic control has already taken place and a NOTAM merely advises of that condition. The purpose of this rule is to prevent the condition from arising in the first place.

As far as the second comment is concerned, this amendment intends to include consideration of the physical or electromagnetic effect on the operation of air navigation facilities of any construction proposal for which a notice is required under § 77.13(a), and would exceed any standard of Subpart C, regardless of whether the facilities are located on or off an airport.

The Department of Aviation, City of Atlanta, Georgia, opposed the proposed amendment primarily on the ground that it felt that this amendment would allow the location and functioning of an FAA air navigation facility to control all other airport development prospects. The Department also stated that it felt that the present Federal Aviation Regulations were adequate to handle obstructions to airport control towers and air navigation facilities.

The aeronautical study may enable the FAA to recommend changes in the design, location, or construction material that may eliminate or reduce interference with the operation of the air navigation facility. These recommendations would be made to the construction sponsor and not to the airport operator unless the construction proposal was one over which the airport operator exercised control. Proposed construction or alteration subject to an aeronautical study under the proposed amendment would be limited to those proposals for which notice to the Administrator is now required under § 77.13(a) of Part 77, FAR, and the proposal would exceed any standard of Subpart C. Proposed construction or alteration off airports that would not require notice under § 77.13(a) would not come within the scope of the proposed amendment even though there may be a possibility that the proposed construction or alteration might adversely affect the operation of a nearby air navigation facility.

It is not the purpose of the proposed amendment to institute control over any aspect of airport development but (1) to consider the physical and electromagnetic effects of any proposed construction or alteration on air navigation facilities, during an aeronautical study; (2) to inform the construction sponsor, if necessary, of possible interference and how to avoid it; and (3) where the construction proposal would have a substantial adverse effect upon the operation of any air navigation facility to issue a determination of hazard. Current Federal Aviation Regulations do not provide the FAA with authority to study proposed construction or alteration for the purpose of determining their physical and electromagnetic effect on the operation of air navigation facilities.

The Air Transport Association (ATA) did not oppose the proposed amendment, but made several suggestions. Among them ATA commented that FAA has published few guidelines for constructing facilities on or near airports and such guidelines should be published by FAA prior to amending Part 77 as proposed.

In addition, ATA felt it should be made clear that airport control towers are not air navigation facilities in the sense of the proposed rule. ATA comments are under careful consideration and the FAA at the present time is engaged in a project to develop new criteria to determine whether proposed construction would affect the operation of air navigation facilities. The intent of the amendment to Part 77, however, is not to revise or develop criteria but to provide the authority to consider possible interference with the operation of air navigation facilities during the aeronautical study of construction proposals. At such time as new criteria have been developed a determination will be made as to their adequacy and whether they should be incorporated in the regulation.

In consideration of the foregoing, Part 77 of the Federal Aviation Regulations is amended as follows, effective August 31, 1968:

1. In § 77.31, paragraph (a) is revised to read:

§ 77.31 Scope.

(a) This subpart applies to the conduct of aeronautical studies of the effect of proposed construction or alteration on the use of air navigation facilities or navigable airspace by aircraft. In the aeronautical studies, present and future IFR and VFR aeronautical operations and procedures are reviewed and any possible changes in those operations and procedures and in the construction proposal that would eliminate or alleviate the conflicting demands are ascertained.

* * * * *

2. In § 77.35, paragraph (a) is revised to read:

§ 77.35 Aeronautical studies.

(a) The Regional Director of the region in which the proposed construction or alteration would be located, or his designee, conducts the aeronautical study of the effect of the proposal upon the operation of air navigation facilities and the safe and efficient utilization of the navigable airspace. This study may include the physical and electromagnetic radiation effect the proposal may have on the operation of an air navigation facility.

* * * * *

(Secs. 307, 313, 1101, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354, 1501)

Issued in Washington, D.C., on July 25, 1968.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 68-9146; Filed, July 30, 1968; 8:50 a.m.]

[Docket No. 7594; Amdt. 121-43]

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

Pilot in Command Experience Requirements for IFR Landings

The purpose of this amendment to Part 121 of the Federal Aviation Regulations is to permit a reduction in the 100 hours of pilot in command experience required by §§ 121.651(e) and 121.653(d), based on the substitution of one landing in Part 121 operations for 1 hour of pilot in command experience up to 50 percent of the 100-hour requirement.

This amendment is based on a notice of proposed rule making (Notice 67-34), issued July 24, 1967, and published in the FEDERAL REGISTER on August 1, 1967 (32 F.R. 11169). The basis for this amendment is discussed in that notice.

The comments received in response to Notice 67-34 generally concurred with the proposal to reduce the 100-hour requirement by substituting landings for hours, inasmuch as pilots in command of aircraft operating over short routes acquire the desired level of experience sooner than pilots operating over long routes. However, several comments objected to the proposal insofar as it would allow the reduction in total hours to apply to pilots with less than 100 hours in command of any airplane in Part 121 operations and recommended that pilots qualifying for the first time under Part 121 should be required to have 100 hours as pilot in command, regardless of the number of landings, in order to become familiar not only with a new type airplane but also with the duties and responsibilities of a pilot in command. The FAA agrees that a pilot qualifying for the first time under Part 121 should have a minimum of 100 hours as pilot in command and the proposed rule is being changed to permit the reduction in hours only for pilots who have 100 or more hours as pilot in command of another type airplane under Part 121.

Several comments suggested that qualifications for landings at the lowest minimums should be based on a number of instrument approaches rather than hours or landings. The problems associated with promulgation of a qualification requirement based on number and kind of landings are beyond the scope of Notice 67-34, which is intended only to reduce the present 100-hour requirement.

The FAA agrees with a comment by the Air Line Pilots Association that the regulation as proposed in Notice 67-34 should be changed to make it clear that until a pilot has qualified under subsection (a), his lowest MDA or DH and visibility landing minimum are 300 and 1, and Category II minimums do not apply.

At the time Notice 67-34 was issued, the Category II amendments had not been incorporated in the regulations and the lowest minimums contemplated in the notice were 300 and 1. The proposed amendment has been changed to make it clear that Category II minimums as well as the sliding scale minimums do not apply and the lowest minimums are 300 and 1 until the experience requirement is met.

The proposed regulation has also been changed in consideration of comments received to include RVR equivalents to landing visibility minimums.

In consideration of the foregoing, Part 121 of the Federal Aviation Regulations is amended effective July 31, 1968, as follows:

§ 121.651 [Amended]

1. By deleting paragraph (e) of § 121.651.

2. By adding the following new section immediately following § 121.651:

§ 121.652 Landing weather minimums: IFR: all certificate holders.

(a) If the pilot in command of an airplane has not served 100 hours as pilot in command in operations under this part in the type of airplane he is operating, the MDA or DH and visibility landing minimums in the certificate holder's operations specification for regular, provisional, or refueling airports are increased by 100 feet and one-half mile (or the RVR equivalent). The MDA or DH and visibility minimums need not be increased above those applicable to the airport when used as an alternate airport, but in no event may the landing minimums be less than 300 and 1.

(b) The 100 hours of pilot in command experience required by paragraph (a) of this section may be reduced (not to exceed 50 percent) by substituting one landing in operations under this part in the type of airplane for 1 required hour of pilot in command experience, if the pilot has at least 100 hours as pilot in command of another type airplane in operations under this part.

(c) Category II minimums and the sliding scale when authorized in the certificate holder's operations specifications do not apply until the pilot in command subject to paragraph (a) of this section meets the requirements of that paragraph in the type of airplane he is operating.

§ 121.653 [Amended]

3. By deleting paragraph (d) of § 121.653.

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

Issued in Washington, D.C., on July 24, 1968.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 68-9111; Filed, July 30, 1968; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart—Provisional Regulations

POSTPONEMENT OF CLOSING DATES OF PROVISIONAL LISTING

The color additive amendments of 1960 (Public Law 86–618; 74 Stat. 404; 21 U.S.C. 376, note) authorize the Secretary of Health, Education, and Welfare to postpone the closing date of a provisional listing of a color additive on his own initiative or upon application of an interested person. Requests have been received to postpone the closing dates of provisional listings of a number of color additives because scientific investigations necessary for listing these color additives under section 706 of the Federal Food, Drug, and Cosmetic Act have not been completed.

The Commissioner of Food and Drugs finds that postponement of the closing dates of the provisionally listed color additives in this order is consistent with the protection of the public health. These extensions are granted on condition that, where applicable, progress reports be supplied on or before December 31, 1968.

Scientific investigations of the safety of iron oxide in mink feed have been completed. The Commissioner concludes that the data available to him do not presently permit the establishment of a safe level of ingested use in mink feed of this color additives. Accordingly, the closing date of the provisional listing for iron oxide in mink feed is not postponed and its provisional listing for this use is terminated as of June 30, 1968. To permit an orderly change in mink feed formulations containing iron oxide, a grace period of 6 months is allowed for continued use.

Therefore, pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 203(a)(2), Public Law 86–618; 74 Stat. 404; 21 U.S.C. 376, note), delegated to the Commissioner (21 CFR 2.120), § 8.501 *Provisional lists of color additives* is amended as follows:

1. In paragraph (a) *Color additives previously and presently subject to certification and provisionally listed for food, drug, and cosmetic use*, the closing dates under "Drug and cosmetic use" for FD&C Green No. 3, FD&C Yellow No. 6, FD&C Red No. 2, FD&C Red No. 4, FD&C Blue No. 2, and FD&C Violet No. 1 are changed to "December 31, 1968."

2. In paragraph (b) *Color additives previously and presently subject to certification and previsionally listed for drug and cosmetic use*, the closing dates of D&C Green No. 8, D&C Yellow No. 7, D&C Yellow No. 8, D&C Red No. 17, D&C Red No. 34, D&C Orange No. 4, D&C Blue No. 9, and D&C Violet No. 2 are changed to "December 31, 1968."

3. In paragraph (c) *Color additives previously and presently subject to certification and provisionally listed for use in externally applied drugs and cosmetics*, the closing date of Ext. D&C Yellow No. 7 is changed to "December 31, 1968."

4. In paragraph (e) *Color additives provisionally listed for food use on the basis of prior commercial sale but which have not been nor are now subject to certification*, the closing date of iron oxide is changed to "December 31, 1968" and the statement under "Restrictions" for iron oxide is changed to read "For dog and cat foods only."

5. In paragraph (f) *Color additives provisionally listed for drug use on the basis of prior commercial sale but which have not been nor are now subject to certification*, the closing dates for chromium-cobalt-aluminum oxide, ferric ammonium citrate, and pyrogallol are changed to "December 31, 1968" and the closing dates for fustic and logwood are changed to "June 30, 1970."

6. Paragraph (g) is revised to read as follows to change the closing dates for certain color additives:

(g) *Color additives provisionally listed for cosmetic use on the basis of prior commercial sale but which have not been nor are now subject to certification.* The color additives provisionally listed in this paragraph are so listed only for the uses and purposes commercially employed prior to July 12, 1960. Thus, a color additive previously used for coloring cosmetics to be applied to portions of the body other than the eye area (as defined in § 8.1(s)) is not provisionally listed for eye-area use.

Color additive	*Closing date*
Aluminum hydroxide	Dec. 31, 1968
Aluminum powder	Do.
Aluminum silicate (including hydrated aluminum silicate)	Do.
Aluminum stearate	Do.
Annato	Do.
Azulene	Do.
Barium sulfate (blanc fixe)	Do.
Bentonite	Do.
Bismuth oxychloride	Do.
Bronze powder	Do.
Calcium carbonate	Do.
Calcium silicate	Do.
Calcium stearate	Do.
Calcium sulfate	Do.
Caramel	Do.
Carbon black (prepared by the "impingement" or "channel" process)	Sept. 30, 1968
Carmine	Dec. 31, 1968
Carotene	Do.
Chlorophyll copper complex and chlorophyllin copper complex	Sept. 30, 1968
Chromium hydroxide green	Dec. 31, 1968
Chromium oxide greens	Do.
Copper, metallic powder	Do.
Copper versenate	Do.
Cornstarch	Do.
Dihydroxyacetone	Do.
Ferric ferrocyanide (iron blue)	Do.
Gold	Do.
Graphite	Do.
Guanine (pearl essence)	Do.
Iron oxides (including hydrated iron oxides)	Do.
Kaolin	Do.
Lithium stearate	Do.
Magnesium aluminum silicate	Dec. 31, 1968
Magnesium carbonate	Do.
Magnesium oxide	Do.
Magnesium stearate	Do.
Magnesium trisilicate	Do.
Manganese violet (probably $2(NH_4)_2Mn_2(P_2O_7)_2$)	Do.
Mica	Do.
Silicic acid	Do.
Silicon dioxide (silica)	Do.
Silk, powdered	Do.
Talc	Do.
Tin oxide	Do.
Titanium dioxide	Do.
Ultramarine blue	Do.
Ultramarine green	Do.
Ultramarine pink	Do.
Ultramarine red	Do.
Ultramarine violet	Do.
Zinc carbonate	Do.
Zinc oxide	Do.
Zinc stearate	Do.

In order to allow orderly withdrawal from the market of iron oxide for use in mink feed and in the absence of information that the continued use of this color additive for a short time at the level customarily used will adversely affect the health of minks, the Food and Drug Administration will not institute regulatory action against iron oxide, or the mink feed in which it has been permitted to be used, solely for the reason that it is not provisionally or permanently listed as a color additive for the period ending December 31, 1968.

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

Effective date. This order is effective as of June 30, 1968.

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

Dated: July 22, 1968.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 68-9142; Filed, July 30, 1968; 8:49 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

POLYETHYLENE GLYCOL (400) MONO- AND DI-OLEATE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 6C1882) filed by The C. P. Hall Co. of Illinois, 7300 South Central Avenue, Chicago, Ill. 60638, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of polyethylene glycol (400) mono- and di-oleate as a processing aid in the manufacture of animal feeds. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409