

# FEDERAL REGISTER

VOLUME 31 • NUMBER 14

Friday, January 21, 1966 • Washington, D.C.

Pages 803-866

Agencies in this issue—

The President  
Agricultural Stabilization and  
Conservation Service  
Agriculture Department  
Atomic Energy Commission  
Automotive Agreement Adjustment  
Assistance Board  
Civil Aeronautics Board  
Civil Service Commission  
Coast Guard  
Commodity Credit Corporation  
Consumer and Marketing Service  
Defense Department  
Education Office  
Engineers Corps  
Federal Aviation Agency  
Federal Communications Commission  
Federal Contract Compliance Office  
Federal Housing Administration  
Federal Power Commission  
Housing and Urban Development  
Department  
Immigration and Naturalization  
Service  
Interstate Commerce Commission  
Labor Department  
Land Management Bureau  
Post Office Department  
Securities and Exchange Commission  
Treasury Department

Detailed list of Contents appears inside.





# 5-Year Compilations of Presidential Documents

## Supplements to Title 3

### of the

## Code of Federal Regulations

The Supplements to Title 3 of the Code of Federal Regulations contain the full text of proclamations, Executive orders, reorganization plans, trade agreement letters, and certain administrative orders issued by

the President and published in the Federal Register during the period June 2, 1938–December 31, 1963. Tabular finding aids and subject indexes are included. The individual volumes are priced as follows:

**1938–1943 Compilation—\$3.00**

**1949–1953 Compilation—\$7.00**

**1943–1948 Compilation—\$7.00**

**1954–1958 Compilation—\$4.00**

**1959–1963 Compilation—\$6.00**

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402



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, Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.



# Contents

## THE PRESIDENT

### EXECUTIVE ORDER

Implementation of Treaty of Friendship and General Relations between the United States and Spain.....	807
---	-----

## EXECUTIVE AGENCIES

### AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

#### Rules and Regulations

Wheat:	
Diversification program for 1964 and 1965; producer's failure to fully comply.....	811
Farm acreage allotments, small farm bases, and normal yields for 1964 and subsequent crop years; miscellaneous amendments.....	810

#### Proposed Rule Making

Marketing quota review regulations.....	830
---	-----

### AGRICULTURE DEPARTMENT

See also Agricultural Stabilization and Conservation Service; Commodity Credit Corporation; Consumer and Marketing Service.

#### Notices

Great Plains conservation program; designation of applicable counties in Oklahoma and South Dakota.....	852
---	-----

### ARMY DEPARTMENT

See Engineers Corps.

### ATOMIC ENERGY COMMISSION

#### Proposed Rule Making

Facility licensing procedure.....	832
Intra-agency communications in initial licensing proceedings.....	830
Termination of jurisdiction of presiding officers.....	831

#### Notices

General Dynamics Corp.; issuance of facility license.....	853
Luminous Products Corp.; filing of petition.....	852

### AUTOMOTIVE AGREEMENT AND ADJUSTMENT ASSISTANCE BOARD

#### Rules and Regulations

Organization, assistance and functions.....	827
---	-----

#### Notices

Automotive Assistance Committee; establishment and delegation of functions.....	853
---	-----

### CIVIL AERONAUTICS BOARD

#### Notices

Accident occurring at Salt Lake City, Utah; notice of investigation and hearing.....	853
--	-----

#### Hearings, etc.:

Balair AG.....	853
Motor carrier-air freight forwarder investigation.....	853

### CIVIL SERVICE COMMISSION

#### Rules and Regulations

Excepted service:	
Agriculture Department.....	809
Health, Education, and Welfare Department.....	809
Pay under the Classification Act System; work of an acceptable level of competence.....	809

### COAST GUARD

#### Rules and Regulations

Procurement regulations; miscellaneous amendments (2 documents).....	817
--	-----

### COMMODITY CREDIT CORPORATION

#### Rules and Regulations

Cotton; 1964-66 cotton equalization program—payment-in-kind regulations; termination of program.....	813
Honey; eligible producers and determination of quality; correction.....	815

### CONSUMER AND MARKETING SERVICE

#### Rules and Regulations

Olives grown in California; expenses and rate of assessment.....	811
Onions grown in south Texas: Expenses and rate of assessment.....	813
Shipment limitations.....	811

#### Notices

Market agencies at Fort Worth Stock Yards; petition for modification of rate order.....	852
---	-----

### DEFENSE DEPARTMENT

See also Engineers Corps.

#### Notices

Environmental pollution control.....	849
--------------------------------------	-----

### EDUCATION OFFICE

#### Rules and Regulations

Financial assistance for strengthening instruction in science, mathematics, modern foreign languages, other critical subjects, and the humanities and the arts in public schools.....	824
---	-----

Loans to private nonprofit schools for strengthening instruction in science, mathematics, modern foreign languages, other critical subjects, and the humanities and the arts.....	825
---	-----

### ENGINEERS CORPS

#### Rules and Regulations

Pacific Ocean, California; danger zone regulations.....	816
---	-----

### FEDERAL AVIATION AGENCY

#### Notices

Organization description.....	838
-------------------------------	-----

### FEDERAL COMMUNICATIONS COMMISSION

#### Notices

Hearings, etc.:	
American Telephone and Telegraph Co.....	853
Central Coast Television (KCOY-TV).....	854
ITT World Communications Inc.....	854
Overmyer, D. H., Communications Co., et al.....	856
Twin-State Radio, Inc., and Richland Broadcasting Co.....	856
Walker, Ernest L., and Mildred F.....	856

### FEDERAL CONTRACT COMPLIANCE OFFICE

#### Notices

Compliance reporting system; notice for filing.....	863
---	-----

### FEDERAL HOUSING ADMINISTRATION

#### Rules and Regulations

Introduction; origin and establishment; meaning of term "Commissioner".....	816
---	-----

### FEDERAL POWER COMMISSION

#### Notices

Hearings, etc.:	
Panhandle Eastern Pipe Line Co.....	857
Sinclair Oil & Gas Co.....	857
Transwestern Pipeline Co., and Northern Natural Gas Co.....	856
Trunkline Gas Co.....	858
Union Oil Company of California et al.....	858

### HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Education Office.

### HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See also Federal Housing Administration.

#### Rules and Regulations

Continuity of functions.....	815
Seal; establishment.....	816

(Continued on next page)



**IMMIGRATION AND  
NATURALIZATION SERVICE****Proposed Rule Making**

Powers and duties of service of-  
ficers; denials, appeals, and  
precedent decisions..... 830

**INTERIOR DEPARTMENT**

See Land Management Bureau.

**INTERSTATE COMMERCE  
COMMISSION****Rules and Regulations**

Baltimore, Md.; commercial  
zone..... 829

**Notices**

Fourth section applications for  
relief (2 documents)..... 864, 865  
Motor carrier: Temporary author-  
ity applications..... 863

**JUSTICE DEPARTMENT**

See Immigration and Naturaliza-  
tion Service.

**LABOR DEPARTMENT**

See also Federal Contract Compli-  
ance Office.

**Rules and Regulations**

Adjustment assistance for workers  
after certification under Auto-  
motive Products Trade Act of  
1965..... 826

**LAND MANAGEMENT BUREAU****Notices**

California; proposed withdrawal  
and reservation of lands..... 851  
Nevada; proposed land classifica-  
tion..... 851  
Oregon; amendment of proposed  
withdrawal and reservation of  
land..... 851

**POST OFFICE DEPARTMENT****Rules and Regulations**

Directory of international mail;  
individual country regulations... 810

**SECURITIES AND EXCHANGE  
COMMISSION****Notices****Hearings, etc.:**

American-Ideal Standard Inter-  
national, Inc..... 859  
Ampal-American Israel Corp.... 860  
Municipal Investment Trust  
Fund, First California Series... 862  
Municipal Investment Trust  
Fund, Series G..... 862  
Tax Exempt Income Fund, Se-  
ries 2..... 861

**TREASURY DEPARTMENT**

See also Coast Guard.

**Notices**

Titanium dioxide from West Ger-  
many; determination of sales at  
less than fair value..... 849

**List of CFR Parts Affected**

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.

**3 CFR**

EXECUTIVE ORDER:  
11267..... 807

**5 CFR**

213 (2 documents)..... 809  
531..... 809

**7 CFR**

728 (2 documents)..... 810, 811  
932..... 811  
959 (2 documents)..... 811, 813  
1427..... 813  
1434..... 815

**PROPOSED RULES:**

711..... 830

**8 CFR**

PROPOSED RULES:  
103..... 830

**10 CFR**

PROPOSED RULES:  
2 (3 documents)..... 830, 831, 832  
50..... 832  
55..... 832  
115..... 832

**24 CFR**

Subtitle A..... 815  
11..... 816  
200..... 816

**33 CFR**

204..... 816

**39 CFR**

168..... 810

**41 CFR**

11-1..... 817  
11-2..... 821  
11-3..... 821  
11-4..... 817  
11-5..... 822  
11-10..... 820

**45 CFR**

141..... 824  
142..... 825

**48 CFR**

412..... 826  
501..... 827

**49 CFR**

170..... 829



# Presidential Documents

## Title 3—THE PRESIDENT

### Executive Order 11267

#### RELATING TO THE IMPLEMENTATION OF THE TREATY OF FRIENDSHIP AND GENERAL RELATIONS BETWEEN THE UNITED STATES AND SPAIN

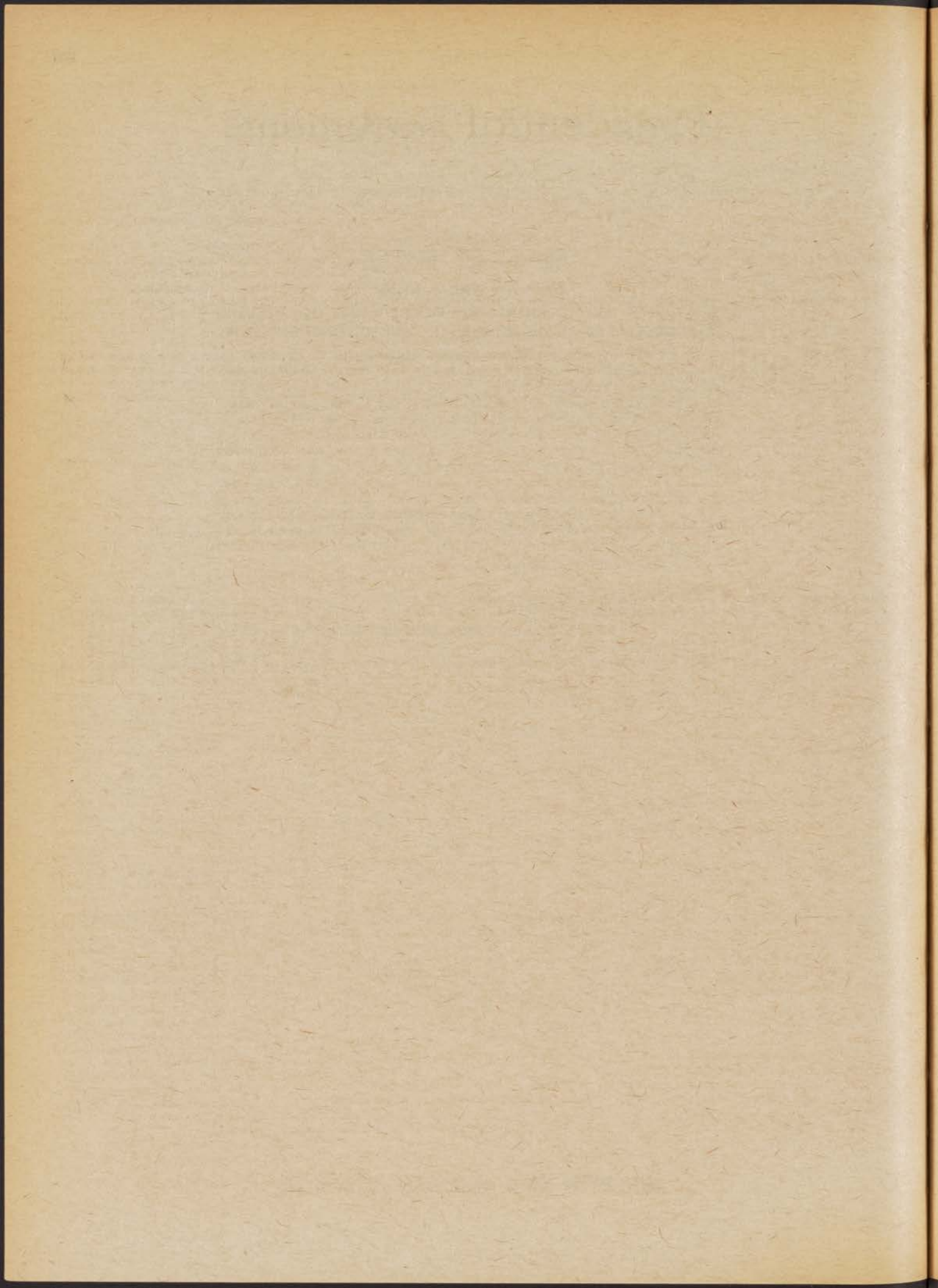
Under and by virtue of the authority vested in me as President of the United States of America, particularly with respect to the conduct of the foreign relations of this Nation, and in order to ensure that Article XXIV of the Treaty of Friendship and General Relations between the United States and Spain (33 Stat. 2105, 2117) can be observed and fulfilled with good faith by the United States, I hereby designate the Attorney General of the United States, and such other officers and employees of the Executive Branch of the Government as he may from time to time specify, to be the "competent national authorities" on the part of the United States within the meaning of Article XXIV of the Treaty. The Attorney General, and the designees specified by him, shall fulfill the obligations assumed by the United States pursuant to Article XXIV of the Treaty in the manner and form therein prescribed.

LYNDON B. JOHNSON

THE WHITE HOUSE,  
*January 19, 1966.*

[F.R. Doc. 66-806; Filed, Jan. 20, 1966; 9:55 a.m.]







# Rules and Regulations

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 213—EXCEPTED SERVICE

##### Department of Agriculture

Section 213.3313 is amended to show that the position of a second Deputy Administrator in the Rural Electrification Administration is excepted under Schedule C, and that the position of Assistant Administrator for Borrower Development in the Rural Electrification Administration also is excepted under Schedule C. Effective when published in the FEDERAL REGISTER, subparagraph (3) of paragraph (b) of § 213.3313 is amended, and subparagraph (5) is added as set out below.

##### § 213.3313 Department of Agriculture.

(b) *Rural Electrification Administration.* \* \* \*

(3) Three Assistant Administrators.

(5) One Deputy Administrator—Policy and Program Review.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

##### UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,  
*Executive Assistant to the Commissioners.*

[F.R. Doc. 66-669; Filed, Jan. 20, 1966; 8:45 a.m.]

#### PART 213—EXCEPTED SERVICE

##### Department of Health, Education, and Welfare

Section 213.3316 is amended to show that the positions of Deputy Special Assistant to the Secretary (for Civil Rights) and Confidential Assistant to the Special Assistant to the Secretary (for Civil Rights) are excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (29) and (30) are added to paragraph (a) of § 213.3316 as set out below.

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

(a) *Office of the Secretary.* \* \* \*

(29) One Deputy Special Assistant to the Secretary (for Civil Rights).

(30) One Confidential Assistant to the Special Assistant to the Secretary (for Civil Rights).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-1958 Comp., p. 218)

##### UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,  
*Executive Assistant to the Commissioners.*

[F.R. Doc. 66-707; Filed, Jan. 20, 1966; 8:48 a.m.]

#### PART 531—PAY UNDER THE CLASSIFICATION ACT SYSTEM

##### Work of an Acceptable Level of Competence

Section 531.407 is amended to provide the uniform procedures for reconsiderations and appeals concerning determinations that an employee's work is not of an acceptable level of competence. This section is effective for determinations made with respect to waiting periods completed on and after January 27, 1966, except that paragraph (b) and subparagraph (5) of paragraph (c) are effective for determinations made with respect to waiting periods completed on and after April 27, 1966. Section 531.407 as amended is set forth below:

##### § 531.407 Work of an acceptable level of competence.

(a) *Responsibility.* (1) The head of a department is responsible for determining what constitutes an acceptable level of competence and for determining which employees are performing at an acceptable level of competence.

(2) The head of a department may delegate this authority to the appropriate supervisory level in his department.

(b) *Communication.* A department shall establish procedures that ensure: (1) That supervisors keep their employees currently advised of their performance, and

(2) That at least 60 days in advance of the date on which an employee will complete his waiting period, his supervisor shall inform him of any factor that raises a question about the employee's work being of an acceptable level of competence. However, a failure to inform or timely inform an employee under this paragraph does not delay or otherwise affect the determination required to be made under the act and this section.

(c) *Determination.* (1) In making his determinations, the head of a department or his designee shall make effective use of this authority to stimulate optimum performance among his employees and:

(i) Shall not award within-grade increases to employees who do not clearly meet the statutory standard for such award, recognizing that for these in-

creases performance must be of sufficient level to merit a pay increase, not just adequate for retention on the job; and

(ii) Shall award within-grade increases to employees when they do clearly meet that standard and meet the other requirements of this subpart.

(2) The head of the department or his designee in determining whether an employee's work is of an acceptable level of competence shall:

(i) Base his determination on the essential requirements of the employee's position;

(ii) Make the determination as of the completion of the waiting period;

(iii) Base his determination on the employee's performance during the waiting period; and

(iv) Record the determination in writing.

(3) When the head of a department or his designee determines that an employee's work is not of an acceptable level of competence (hereinafter referred to as a "negative determination") under subparagraph (2) of this paragraph, he shall inform the employee in writing, not later than the completion of the waiting period:

(i) Of the basis for the negative determination; and

(ii) Of the employee's right to secure reconsideration of the negative determination as provided by paragraph (d) of this section and of the time limits within which the employee may request reconsideration.

(4) Failure to inform an employee of a negative determination as required by subparagraph (3) of this paragraph may not be the basis for changing a negative determination.

(5) When the head of a department or his designee makes a negative determination without informing the employee 60 days in advance as provided by paragraph (b) of this section, he shall make another determination not later than 60 days after the date on which the employee completed the waiting period.

(d) *Reconsideration.* (1) The department shall give the employee an opportunity to secure reconsideration of the negative determination when the employee makes a request in writing within 10 days of his receipt of the notice of the department's negative determination. The department shall extend this time limit when it finds that the employee:

(i) Was not notified of the time limit and was not otherwise aware of it, or

(ii) Was prevented by circumstances beyond his control from requesting reconsideration within the time limit.

(2) A department, in processing a request for reconsideration of a negative determination, shall use a uniform procedure that ensures



(i) A prompt decision in writing by a higher level in the organization, where that exists, which took no part, formally or informally, in the original decision;

(ii) The right of the employee to have a representative of his own choosing in presenting his request;

(iii) The opportunity for the employee to contest, personally and in writing, the basis for the negative determination;

(iv) The freedom of the employee and his representative from restraint, interference, coercion, discrimination, or reprisal in connection with the presentation of the request; and

(v) A reasonable amount of official time by the employee and his representative in presenting the request.

(3) When the decision on the employee's request for reconsideration sustains the original negative determination, the notice of decision shall inform the employee of his right to appeal that decision to the Commission and of the time limits within which he may file his appeal.

(4) When an employee files a request for reconsideration, the department shall establish an employee reconsideration file which shall contain all pertinent documents relating to the negative determination and the request for reconsideration, including copies of the written negative determination and the basis therefor; the employee's written request for reconsideration; the report of investigation when an investigation was made; the written summary or transcript of any personal presentation made; and the department's decision on the request for reconsideration. The file shall not contain any document that has not been made available to the employee or his representative with an opportunity to submit a written exception to any summary of the employee's personal presentation.

(e) *Appeal to the Commission.* (1) An employee may appeal to the Commission the decision by his department sustaining the negative determination by writing to the Board of Appeals and Review, U.S. Civil Service Commission, Washington, D.C. (hereinafter referred to as the "Board") not later than 10 days after his receipt of the decision. The Board may extend this time limit when it finds that the employee

(i) Was not notified of the time limit and was not otherwise aware of it, or

(ii) Was prevented by circumstances beyond his control from appealing within the time limit.

(2) The Board shall make its decision on the record established in the reconsideration proceedings in the department.

(3) The decision of the Board is final and compliance with its recommendations for corrective action is mandatory.

(4) The Commissioners may, in their discretion, when in their judgment such action appears warranted by the circumstances, reopen and reconsider any previous decision.

(f) *Effect of change of a negative determination.* When a negative determination is changed under this section either after reconsideration or appeal

to the Commission, the change supercedes the negative determination and the effective date of the within-grade increase for which he thus becomes eligible is the date on which the within-grade increase otherwise became due.

(g) *Subsequent determination.* When a determination is made that an employee's work is not of an acceptable level of competence and this determination is final, the head of the department, or his designee, shall make a new determination within 52 calendar weeks of the end of the waiting period to which the negative determination applied. If the new determination is favorable to the employee, the effective date of the within-grade increase for which he thus becomes eligible is the first day of the first pay period that begins on or after the date of the new determination. If the new determination is again negative, the employee is entitled to the notice and the right to reconsideration by his department and the right to appeal to the Commission from this determination as provided by this section.

(h) *Administrative oversight, error, or delay.* When a determination by a department prescribed by this section is not made on a timely basis through administrative oversight, error, or delay, the determination when made

(1) Shall be based on the employee's performance during the period that would have been covered had the determination been timely made; and

(2) Is considered to have been made as of the date it would have been made were it not for the administrative oversight, error, or delay.

(i) *Waiver of requirement for determination.* The requirement for a determination as prescribed by paragraph (a) of this section is waived for periods of service which are counted as creditable service toward a waiting period under § 531.404 (c), (d), (e), or (f).

(Sec. 1101, 63 Stat. 971; 5 U.S.C. 1072)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,  
Executive Assistant to  
the Commissioners.

[F.R. Doc. 66-727; Filed, Jan. 20, 1966;  
8:50 a.m.]

## Title 39—POSTAL SERVICE

### Chapter I—Post Office Department

#### PART 168—DIRECTORY OF INTERNATIONAL MAIL

##### Individual Country Regulations

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

In § 168.5 *Individual country regulations*, make the following change:

In Libya (United Kingdom of) (Tripolitania and Cyrenaica) under Parcel Post, the regulations under the item *Air parcel rates* are amended to increase parcel post weight limit to 44 pounds.

Parcel Post

*Air parcel rates.* \* \* \*

Weight limit: 44 pounds.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

HARVEY H. HANNAH,  
Acting General Counsel.

[F.R. Doc. 66-670; Filed, Jan. 20, 1966;  
8:45 a.m.]

## Title 7—AGRICULTURE

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

#### SUBCHAPTER B—FARM ACREAGE ALLOTMENTS AND MARKETING QUOTAS

[Amdt. 9]

##### PART 728—WHEAT

#### Subpart—Regulations Pertaining to Farm Acreage Allotments, Small Farm Bases, and Normal Yields for 1964 and Subsequent Crop Years

##### MISCELLANEOUS AMENDMENTS

On page 13828 of the FEDERAL REGISTER of October 30, 1965 (30 F.R. 13828), was published a notice of proposed rule making to issue amendments to the regulations pertaining to farm acreage allotments, small farm bases, and normal yields for 1964 and subsequent crop years. Interested persons were given 15 days after publication of such notice in which to submit written data, views, or recommendations with respect to the proposed amendments. No written data, views, or recommendations were received pursuant to such notice.

The proposed amendments are adopted as published in the notice except that the phrase "unless the parent farm was eligible for consideration before reconstitution" is added at the end of the text of the proposed amendment to § 728.29, special National acreage reserve.

*Basis and purpose.* The amendments herein are issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended.

The purpose of these amendments is to provide that (1) a farm which includes land for which no wheat allotment was established because the owner of a parent farm did not designate wheat allotment for such land in making a reconstitution pursuant to Part 719 of this chapter, shall not be eligible for a new farm wheat allotment for a period of 3 years beginning with the year in which the reconstitution becomes effective, and (2) if a farm received a wheat allotment of less than one-half of the county average ratio of allotment to cropland as the result of a reconstitution pursuant to Part 719 of this chapter where the allotment was divided in the manner designated by the owner of the parent farm, such reconstituted farm shall not be eligible for an increase in allotment under § 728.29 of the regulations for a period of 3 years beginning with the year in



which the reconstitution becomes effective unless the parent farm was eligible for consideration before reconstitution.

1. Paragraph (b) of § 728.19 is amended by adding at the end thereof a new subparagraph (8) to read:

§ 728.19 Determination of base acreages for new farms for 1964 and subsequent crops.

(b) \* \* \*  
(8) A farm which includes land for which no wheat allotment was established because the owner of a parent farm did not designate wheat allotment for such land in making a reconstitution pursuant to Part 719 of this chapter, shall not be eligible for a new farm wheat allotment for a period of three years beginning with the year in which the reconstitution becomes effective.

2. Section 728.29 is amended by adding at the end thereof a new paragraph (d) to read:

§ 728.29 Special national acreage reserve.

(d) Notwithstanding any other provisions of this section, if a farm received a wheat allotment of less than one-half of the county average ratio of allotment to cropland as the result of a reconstitution pursuant to Part 719 of this chapter where the allotment was divided in the manner designated by the owner of the parent farm, such reconstituted farm shall not be eligible for an increase in allotment under this section for a period of 3 years beginning with the year in which the reconstitution becomes effective unless the parent farm was eligible for consideration before reconstitution.

(Secs. 334, 375, 52 Stat. 53, as amended, 66, as amended; 7 U.S.C. 1334, 1375)

*Effective date.* 30 days after publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on January 17, 1966.

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

[F.R. Doc. 66-723; Filed, Jan. 20, 1966; 8:49 a.m.]

[Amdt. 6]

## PART 728—WHEAT

### Subpart—Wheat Diversion Program for 1964 and 1965

#### PRODUCER'S FAILURE TO FULLY COMPLY

The regulations governing the Wheat Diversion Program for 1964 and 1965, 28 F.R. 5133, as amended, are hereby further amended by adding a new paragraph (h) to § 728.64 to read as follows:

§ 728.64 Diversion payment.

(h) In any case in which the failure of a producer to comply fully with the terms and conditions of the regulations

in this subpart precludes the making of a diversion payment, the Deputy Administrator may, nevertheless, authorize the making of a diversion payment in such amount as he determines to be equitable in relation to the seriousness of the default. The provisions of this paragraph shall be applicable only to producers who made a good faith effort to comply fully with the terms and conditions of the program and rendered substantial performance. Any person who feels that he is entitled to consideration under the provisions of this paragraph may file a request therefor with the county committee.

(Sec. 339 (g), 76 Stat. 624)

*Effective date.* Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on January 17, 1966.

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

[F.R. Doc. 66-722; Filed, Jan. 20, 1966; 8:49 a.m.]

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

### PART 932—OLIVES GROWN IN CALIFORNIA

#### Expenses and Rate of Assessment

On January 6, 1966, notice of rule making was published in the FEDERAL REGISTER (31 F.R. 153) regarding proposed expenses and the related rate of assessment for the initial fiscal year ending August 31, 1966, pursuant to the marketing agreement and Order No. 932 (7 CFR Part 932; 30 F.R. 12629), regulating the handling of olives grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Olive Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

#### § 932.201 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Olive Administrative Committee during the initial fiscal year ending August 31, 1966, will amount to \$60,000.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each first handler in accordance with § 932.39, is fixed at \$1.50 per ton, or equivalent quantity, of olives.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the relevant provisions of said marketing agreement and

this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable olives from the beginning of such period; and (2) such initial period began on October 2, 1965, and the rate of assessment herein fixed will automatically apply to all assessable olives beginning with such date.

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

Dated: January 18, 1966.

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

[F.R. Doc. 66-724; Filed, Jan. 20, 1966; 8:49 a.m.]

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

[959.306]

### PART 959—ONIONS GROWN IN SOUTH TEXAS

#### Limitation of Shipments

Notice of rule making with respect to a proposed limitation of shipments regulation to be made effective under Marketing Agreement No. 143 and Order No. 959 (7 CFR Part 959), both as amended, regulating the handling of onions grown in designated counties in South Texas, was published in the FEDERAL REGISTER, December 21, 1965 (30 F.R. 15741). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto not later than 14 days after publication. Within the period specified 11 statements were filed by interested parties. Nine supported the proposed regulations as published in the notice. Two filed exceptions to the notice and requested modification to allow shipments of consumer packs from the production area.

Seven of the nine expressed support for the notice, without offering any additional evidence. The other two supporting the notice offered opinions based on their experience. These contended, in substance, that it was not economically and physically feasible to pack South Texas onions in consumer packs within the production area and thereby maintain orderly marketing conditions consistent with the declared purposes of the act.

The views filed by parties requesting modification of the proposed regulations in the notice consisted of a formal statement, with supporting evidence, by one party in which the other concurred. In their opinion, based on experience, packing South Texas onions in consumer packs within the production area would tend to improve orderly marketing consistent with the declared purposes of the act. In addition, they presented evidence on returns to growers last season



of shipments in such packs. They cited also, prohibition of prepacking within the production area necessitates double packing costs for onions later repacked in consumer bags. In their view, such double packing costs result either in increasing prices to consumers or lower returns to South Texas onion producers.

To resolve these conflicting views and recommendations, careful and thorough consideration has been given to them and to additional information.

In promulgating this program, industry spokesmen testified in support of, and on the basis of such evidence it was found, that "the container authority should be used to correct or preclude any abuses which may develop, but it should not be used to discourage experimenting with new containers or to prevent the use of new or superior containers which may be developed." The report on last year's shipments in consumer packs indicates for that season onion producers received more for their commodity when packed in consumer size containers than otherwise. Evidence on this one season's experience is limited. Additional experience may show differing patterns. For the present, the evidence on growers' returns last season speaks for itself.

It is noted also that last season a similar division of opinion among certain producers and handlers was reflected in deliberations on this subject. The matter was resolved at that time following an administrative hearing in which interested parties, including repackers, were given opportunity to testify.

It is concluded, on the basis of evidence presented and the above considerations, that some shipments of onions packed within the production area in consumer size containers should be permitted.

Therefore, it is found and determined that the limitation of shipments regulation as hereinafter set forth will tend to effectuate the declared policy of the act and it should be issued.

#### § 959.306 Limitation of shipments.

During the period beginning March 1, 1966, through June 15, 1966, no handler may (1) package or load onions on Sundays, or (2) handle any lot of onions grown in the production area, except red onions, unless such onions meet the grade requirements of paragraph (a) of this section, one of the applicable size requirements of paragraph (b) of this section, the container requirements of paragraph (c) of this section, and the inspection requirements of paragraph (f) of this section, or unless such onions are handled in accordance with the provisions of paragraphs (d) or (e) of this section.

(a) *Minimum grade.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Application of tolerances in U.S. Grade Standards shall apply to in-grade lots.

(b) *Size requirements.* (1) "Small"—1 to 2¼ inches in diameter, and limited to whites only;

(2) "Repacker"—1¾ to 3 inches in diameter, with 60 percent or more 2 inches in diameter or larger;

(3) 2 to 3½ inches in diameter; or

(4) "Jumbo"—3 inches or larger in diameter.

(c) *Container requirements.* (1) 25 pound bags, with not to exceed in any lot an average net weight of 27½ pounds per bag, and with outside dimensions not larger than 29 inches by 31 inches; or

(2) 50 pound bags, with not to exceed in any lot an average net weight of 55 pounds per bag, and with outside dimensions not larger than 33 inches by 38½ inches.

(3) These container requirements shall not be applicable to onions sold to Federal agencies.

(d) *Minimum quantity exemption.* Any handler may handle, only as individual shipments and other than for resale, not more than 100 pounds of onions per day, in the aggregate, without regard to the requirements of this section or to the inspection and assessment requirements of this part.

(e) *Special purpose shipments and culls.* (1) *Experimental shipments.* Onions may be handled for experimental purposes as follows:

(i) Each handler desiring to make such shipments shall first apply to the committee for and obtain a Certificate of Privilege to make such shipments.

(ii) After obtaining an approved Certificate of Privilege, each handler may handle onions packed in 3- or 5-pound consumer size containers, if they meet the grade and size requirements of paragraphs (a) and (b) of this section and if they are handled in accordance with the reporting requirements established in paragraph (2) of this paragraph on such shipments: *Provided*, That no handler may handle such experimental shipments in excess of 10 percent of his total weekly shipments of all onions allowed to be marketed under this section.

(iii) The average gross weight of master containers per lot, as computed by multiplying the number of packages therein by their weight classification, plus the weight of the master container, may not exceed 15 percent over the designated net contents.

(2) *Reporting requirements for experimental shipments.* Each handler who handles such experimental shipments of onions shall report thereon to the committee on forms and at such times as the committee prescribes, as follows:

(i) The number of the inspection certificate showing the grade and size of onions so packed and the size container in which such onions were handled.

(ii) Prices received for each such shipment on a f.o.b. basis and prices paid to growers of such onions.

(iii) Any adjustments from the original sales price agreement for such onions on each shipment, with reasons therefor, and the final net prices paid to the grower of such onions.

(iv) Such other incidental and related information necessary to provide the foregoing data on prices received by growers, as requested by the committee.

(v) The time and location at which such shipment may be reinspected at destination.

Such reports, in accordance with § 959.80, shall be furnished to the committee in such manner or form and in such time as it may prescribe. Also, each handler of experimental shipments of onions in 3- or 5-pound containers shall maintain records of such marketings, pursuant to § 959.80(c). Such records shall be subject to review and audit by the committee to verify reports thereon.

(3) *Onions failing to meet requirements.* Onions failing to meet the grade, size, and container requirements of this section, and are not exempted under paragraph (d) of this section, may be handled only pursuant to § 959.126. Culls may be handled pursuant to § 959.126(a)(1). Shipments for relief or charity may be handled without regard to inspection and assessment requirements.

(f) *Inspection.* (1) No handler may handle any onions regulated hereunder (except pursuant to paragraphs (d) or (e) (3) of this section) unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment.

(2) No handler may transport or cause the transportation of any shipment of onions by motor vehicle for which an inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto or by documentary evidence on forms furnished by the committee identifying truck lots to which a valid inspection certificate is applicable and a copy of such inspection certificate or committee document, upon request, is surrendered to authorities designated by the committee.

(3) For purpose of operation under this part each inspection certificate or committee form required as evidence of inspection is hereby determined to be valid for a period not to exceed 72 hours following completion of inspection as shown on the certificate.

(g) *Definitions.* The term "U.S. No. 1" shall have the same meaning as set forth in the U.S. Standards for Bermuda-Granex-Grano Type Onions (§§ 51.3195-51.3209 of this title), or in the U.S. Standards for Grades of Onions (§§ 51.2830-51.2850 of this title), whichever is applicable to the particular variety. All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 143, as amended, and this part.

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

Dated January 17, 1966, to become effective March 1, 1966.

F. L. SOUTHERLAND,  
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-680; Filed, Jan. 20, 1966; 8:45 a.m.]



# PART 959—ONIONS GROWN IN SOUTH TEXAS

## Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment, to be effective under Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959), regulating the handling of onions grown in designated counties in South Texas, was published in the December 9, 1965, FEDERAL REGISTER (30 F.R. 15222). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 15 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice, which were recommended by the South Texas Onion Committee, established pursuant to the said marketing agreement and this part, it is hereby found and determined that:

## § 959.206 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning August 1, 1965, through July 31, 1966, by the South Texas Onion Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate, will amount to \$36,000.00.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be one cent (\$0.01) per 50-pound sack of onions, or equivalent quantity, handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that: (1) The relevant provisions of said marketing agreement and this part require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable onions from the beginning of such period, and (2) the current fiscal period began August 1, 1965, and the rate of assessment herein fixed will automatically apply to all assessable onions beginning with such date.

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

Dated: January 18, 1965.

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

[F.R. Doc. 66-725; Filed, Jan. 20, 1966; 8:50 a.m.]

# Chapter XIV—Commodity Credit Corporation, Department of Agriculture

## SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Announcement PS-CN-2, Amdt. 6]

## PART 1427—COTTON

## Subpart—1964-66 Cotton Equalization Program—Payment-in-Kind Regulations

### MISCELLANEOUS AMENDMENTS

The 1964-66 Cotton Equalization Program—Payment - In - Kind Regulations (Announcement PS-CN-2), dated July 1, 1964 (29 F.R. 8465), as amended, are further amended in order to take into account the authority contained in section 348 of the Agricultural Adjustment Act of 1938, as amended by Public Law 89-321, dated November 3, 1965, as follows:

### § 1427.1952 [Amended]

1. In order to comply with the statutory prohibition contained in section 348 of the Agricultural Adjustment Act of 1938, as amended by Public Law 89-321, against making payments on 1966-crop cotton under the subpart, paragraph (a) of § 1427.1952 is revised to read as follows:

(a) *Eligible cotton.* "Eligible cotton" means raw upland cotton which was grown in the United States, is of the 1965 or a previous crop, is of grades named in the Universal Standards for American Upland cotton, and has a staple length of  $\frac{13}{16}$ -inch or longer: *Provided, however,* That any cotton which is (1) reginned or repacked cotton, as defined in regulations of the Department of Agriculture under the United States Cotton Standards Act (Service and Regulatory Announcement No. A.M.S. 153, Title 7, Chapter I, Part 28, of the Code of Federal Regulations), or (2) cotton which the cotton handler has any reason to believe may have a staple length shorter than  $\frac{13}{16}$ -inch or may be below grade, shall be eligible cotton only if the cotton handler has obtained a Form A Classification Memorandum, an acceptable Form D Classification Memorandum, or other classification memorandum acceptable to CCC issued for each such bale of cotton by a board of cotton examiners of the U.S. Department of Agriculture showing such cotton to be  $\frac{13}{16}$ -inch or longer in staple length and of a grade named in the Universal Standards for American Upland Cotton. A Form D Classification Memorandum of the U.S. Department of Agriculture obtained by a domestic cotton user will be acceptable hereunder if a representative of an ASCS county committee supervises the drawing, handling, packaging, and shipping of samples in accordance with CCC instructions. (Bales of (i) 1966-crop cotton, (ii) foreign-grown cotton, (iii) cotton shorter in staple length than  $\frac{13}{16}$ -inch, (iv) below grade cotton, (v) byproducts of cotton such as cotton mill waste, motes, linters, and

sweepings, and (vi) any cotton that has been mixed with byproducts of cotton or any other ineligible fiber are not eligible under this subpart.) CCC's determination as to the eligibility of cotton hereunder shall be final.

2. In order to exclude from a cotton handler's inventory cotton previously reported as having been used in domestic consumption, paragraph (1) of § 1427.1952 is revised to read as follows:

(1) *Inventory.* "Inventory" means the quantity of eligible upland cotton in the United States to which a cotton handler has title at a particular time, except (1) any cotton which is required to be exported under the export market acreage program (29 F.R. 7865), as amended, (2) any cotton acquired from CCC under any program which provides that such cotton shall not be eligible for payment under this subpart, (3) any cotton acquired by the handler from CCC if the sales price reflects an export allowance, except to the extent that the resulting obligation to export has been satisfied as to such cotton, (4) any cotton acquired from CCC under any sales program which provides that the domestic consumption or exportation of such cotton shall not satisfy any domestic consumption or export obligation under this subpart, and (5) any cotton reported by the handler on Form 856 as having been used in domestic consumption. If cotton is pledged by a cotton handler as security for a loan, title shall for the purposes of this definition be deemed to be in the cotton handler: *Provided,* That a cotton handler's inventory shall not be deemed to include any cotton pledged to CCC as security for a price support loan.

3. In order to redefine "domestic consumption," paragraph (m) of § 1427.1952 is revised to read as follows:

(m) *Domestic consumption.* "Domestic consumption" means the opening of bales of eligible raw cotton by a cotton handler for use by the handler in his own plant in the United States in the manufacture of cotton products more advanced in processing than picker lap.

4. In order to specify some of the reasons why a transfer of obligation will not be approved by the New Orleans office and, therefore, will not be effective under this subpart, the following sentence is added at the end of § 1427.1966:

### § 1427.1966 Transfer of obligations.

\* \* \* A transfer of obligation will not be approved by the New Orleans office if it is executed by either party after July 31, 1966, if it is mailed to the New Orleans office in envelopes postmarked after August 19, 1966, or delivered to that office after August 19, 1966, or if it is not supported by certifications by the transferor and by the transferee that it was executed by him prior to August 1, 1966, in the case of any transfer mailed or delivered to the New Orleans office after July 31, 1966, and prior to August 20, 1966.

5. In order to provide that cotton reported as having been used in domestic



consumption shall not be disposed of prior to August 1, 1966, before being converted into products more advanced in processing than picker lap, a new paragraph (a) (6) is added to § 1427.1967 to read as follows:

**§ 1427.1967 Satisfactory evidence of domestic consumption or exportation.**

**(a) Domestic consumption. \* \* \***

(6) If the handler submits a Form 856 covering bales of cotton which the handler has opened in his plant and if such cotton is credited to the handler's account, such submission shall constitute an agreement by the handler that he will not, prior to August 1, 1966, dispose of any of such cotton to another person before it is used in the manufacture in his own plant in the United States of cotton products more advanced in processing than picker lap.

6. In order to specify the rate of liquidated damages to be paid by a handler on cotton sold by him prior to August 1, 1966, from bales which have previously been opened by the handler and reported on Form 856 as having been used in domestic consumption, § 1427.1969 is revised to read as follows:

**§ 1427.1969 Failure to comply.**

Payments under this subpart are made for the purpose of maintaining and expanding the market in the United States and in friendly countries for U.S.-produced upland cotton, reducing surplus stocks of such cotton, and reducing the quantity of such cotton which would otherwise be taken into CCC's stocks under its price support program. If a cotton handler fails to satisfy his domestic consumption or export obligations under this subpart or his inventory requirement under this subpart, or if he submits a Form 856 covering bales of cotton which he has opened in his plant and disposes of any of such cotton to another person prior to August 1, 1966, without using such cotton in his own plant in the United States in the manufacture of cotton products more advanced in processing than picker lap, such breach of his contract with CCC will result in damages to the program provided for in this subpart and to the price support and other CCC programs. Such damages include, but are not limited to, additional storage and administrative costs, interest, and other costs and expenditures. Inasmuch as it will be difficult, if not impossible, to prove the exact amount of such damages, the cotton handler shall pay to CCC liquidated damages (a) in an amount equal to the number of pounds of cotton by which he has failed to satisfy his domestic consumption or export obligations under this subpart multiplied by the sum of the rate of payment in effect on July 31, 1966, and one and one-half cents, (b) in an amount equal to the number of pounds of cotton which he has reported on Form 856 as having been used by him in domestic consumption and which he has disposed of to another person prior to August 1, 1966, without using such cotton in his own plant in the United States in

the manufacture of cotton products more advanced in processing than picker lap multiplied by the sum of the rate of payment in effect on the date on which he disposed of such cotton and one and one-half cents, and (c) in an amount equal to the number of pounds of cotton by which he was in breach of his inventory requirement under this subpart multiplied by one and one-half cents: *Provided*, That if CCC determines that the cotton handler's breach of his inventory requirement was unintentional, and if the cotton handler brings himself into compliance with this requirement within a reasonable time, as determined by CCC, after he becomes aware of such breach (and in any event during the performance period), no liquidated damages for breach of his inventory requirement shall be payable. Such amount shall be paid to CCC promptly upon demand. It is agreed by the cotton handler and CCC that the foregoing rates are reasonable estimates of the probable actual damages that would be incurred by CCC. Failure of the cotton handler to furnish satisfactory evidence of domestic consumption or exportation (as provided in § 1427.1967) in fulfillment of his outstanding domestic consumption or export obligations not later than September 30, 1966, shall constitute prima facie evidence of failure to consume domestically or export cotton in fulfillment of such outstanding domestic consumption or export obligations.

7. In order to specify more clearly the books and records to be maintained by each cotton handler, § 1427.1970 is revised to read as follows:

**§ 1427.1970 Records and reports.**

Each cotton handler shall maintain books and records covering all transactions relating to this subpart until July 31, 1969. The cotton handler shall make available to a duly authorized representative of the Department of Agriculture at all reasonable times, upon request, such information and reports, and such of the cotton handler's and such of his affiliates' and subsidiaries' books, records, and accounts and other documents and papers as such representative may deem pertinent to any transaction hereunder.

8. In order to provide for the orderly termination of the program provided for in this subpart through liquidation of outstanding obligations and payments on eligible cotton in inventory as of midnight, July 31, 1966, two new sections, §§ 1427.1975 and 1427.1976, are added to read as follows:

**§ 1427.1975 Termination of domestic consumption or export payments.**

(a) Applications for payment on cotton in inventory under paragraph (b) of § 1427.1956, to be acceptable under this subpart, must be received by the New Orleans office prior to July 26, 1966.

(b) If a cotton handler is entitled to a payment under paragraph (d) of § 1427.1956 subsequent to July 31, 1966, as a result of a credit remaining in his account established under § 1427.1959, the handler shall promptly submit an application for such payment.

(c) Each cotton handler shall prepare and submit to the New Orleans office, promptly after July 31, 1966, the following:

(1) Evidence of domestic consumption meeting the requirements of paragraph (a) of § 1427.1967 covering all eligible cotton used by such handler in domestic consumption prior to August 1, 1966, for which evidence of domestic consumption has not previously been submitted to the New Orleans office.

(2) Evidence of exportation meeting the requirements of paragraph (b) of § 1427.1967 covering all eligible cotton exported by or for such handler prior to August 1, 1966, for which evidence of exportation has not previously been submitted to the New Orleans office. (As provided in paragraph (c) of § 1427.1956, the documents referred to in subparagraph (1) and (2) of this paragraph may be accompanied by a Form 854 in which the handler applies for a payment on the cotton covered by such documents if all his outstanding domestic consumption or export obligations have been satisfied.)

(3) A properly prepared and executed Tag List of Cotton in Inventory, Form CCC-862, in duplicate, covering all eligible cotton in the handler's inventory as of midnight, July 31, 1966.

(d) In order to assist cotton handlers in the preparation of Forms 854 for amounts due handlers under paragraph (b) of this section and paragraph (a) of § 1427.1976, the New Orleans office will, as soon as practicable after receipt of the documents required to be submitted by the handler under this section, inform the handler of the status of his account as maintained by the New Orleans office pursuant to § 1427.1959, including a report of the quantity of cotton in the handler's inventory as of midnight, July 31, 1966, for which he has not received payment, as reflected in the records of the New Orleans office. If a handler does not submit the documentation provided for in this section by September 30, 1966, the New Orleans office may furnish the status report to the handler at any time thereafter upon the assumption that all eligible documentation has been submitted by such handler.

**§ 1427.1976 Payments on cotton in inventory on July 31, 1966.**

Payments will be made to cotton handlers on eligible cotton in their inventories as of midnight, July 31, 1966, under the following terms and conditions:

(a) If a cotton handler has eligible cotton in his inventory as of midnight, July 31, 1966, on which evidence of domestic consumption or exportation has not been and will not be furnished, he shall be entitled to a payment on the gross weight of such cotton (including cotton held to meet his inventory requirement) at the payment rate in effect under this subpart on such date, except as provided in paragraphs (b) and (c) of this section.

(b) No change in the current payment rate under this subpart is anticipated prior to August 1, 1966; however, if such a change in rate is made, notwithstanding the performance period specified in § 1427.1956, each cotton handler shall be



granted such additional time as CCC determines to be adequate in which to satisfy his domestic consumption or export obligations resulting from applications for payments under this subpart mailed or delivered to the New Orleans office after July 31, 1965, and prior to such change in rate and remaining unsatisfied after application (as provided in paragraph (d) of this section) of all transfers of obligations and all evidence of domestic consumption and exportation covering cotton consumed and exported prior to August 1, 1966, and no payments shall be made to such handler under paragraph (a) of this section on a quantity of eligible cotton in his inventory as of midnight, July 31, 1966, equal to the quantity of cotton represented by such unsatisfied obligations.

(c) If, after application (as provided in paragraph (d) of this section) of all transfers of obligations and all evidence of domestic consumption and exportation covering cotton consumed and exported prior to August 1, 1966, a cotton handler has unsatisfied domestic consumption or export obligations resulting from payments made by CCC to the handler at the same rate as the payment rate in effect as of midnight, July 31, 1966, under this subpart or unsatisfied domestic consumption or export obligations assumed from other handlers which resulted from payments at such rate, and if the handler has equal quantities of eligible cotton in his inventory as of midnight, July 31, 1966, such payments shall be considered as the inventory payment to which the handler is entitled on such equal quantities of cotton under paragraph (a) of this section and the handler's domestic consumption or export obligations shall be reduced by such quantities of cotton: *Provided, however*, That the payments received by the handler shall not be considered as an inventory payment and such reduction in obligations shall not be made if the handler fails to file an application for an inventory payment on such cotton in accordance with paragraph (e) of this section.

(d) In determining, after July 31, 1966, if the domestic consumption or export obligations incurred prior to a change in the rate of payment under this subpart have been satisfied by cotton handlers, applications of evidence of domestic consumption or exportation shall be made, and transfers of obligations shall be deemed to have been made, upon the following basis:

(1) The evidence of domestic consumption and exportation submitted by a handler shall be applied to satisfy his oldest outstanding obligations, including obligations acquired by transfers.

(2) Each transfer of obligation by a handler shall be deemed to have been a transfer of his oldest outstanding obligation, after application of all evidence of domestic consumption and exportation and all earlier transfers of obligations (in the order recorded in the handler's account).

(e) To obtain any inventory payment under paragraph (a) of this section on cotton in a cotton handler's inventory as

of midnight, July 31, 1966, the handler must submit to the New Orleans office a properly prepared and executed application prescribed by that office, together with two copies thereof. Payment of the amount due the handler will be made by CCC to the handler in accordance with the provisions of §§ 1427.1955 and 1427.1960.

(Secs. 4, 5, 62 Stat. 1070, as amended, sec. 101, 78 Stat. 173, sec. 203, 70 Stat. 188, sec. 401, 79 Stat. 1187; 15 U.S.C. 714b, 714c, 7 U.S.C. 1348, 7 U.S.C. 1853)

**Effective date.** This amendment shall be effective upon filing with the Office of the Federal Register and shall be applicable to all contracts now outstanding or hereafter entered into under this subpart.

Signed at Washington, D.C., on January 17, 1966.

H. D. GODFREY,  
Executive Vice President,  
Commodity Credit Corporation.

[F.R. Doc. 66-678; Filed, Jan. 20, 1966; 8:45 a.m.]

[CCC Honey Price Support Regs., Amdt. 3]

## PART 1434—HONEY

### Subpart—Honey Price Support Regulations

#### ELIGIBLE PRODUCERS AND DETERMINATION OF QUALITY; CORRECTION

In F.R. Doc. 66-37, appearing at page 7 of the issue for Tuesday, January 4, 1966, the following correction is made: The references to § 1434.56 should read § 1434.52.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b; Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, 1054; 15 U.S.C. 714c, 7 U.S.C. 1446, 1421)

**Effective date.** Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on January 17, 1966.

H. D. GODFREY,  
Executive Vice President,  
Commodity Credit Corporation.

[F.R. Doc. 66-679; Filed, Jan. 20, 1966; 8:45 a.m.]

## Title 24—HOUSING AND HOUSING CREDIT

### Subtitle A—Office of the Secretary, Department of Housing and Urban Development

[Dept. Interim Order II]

#### CONTINUITY OF FUNCTIONS

The heading of Subtitle A of Title 24 is amended to read as set forth above.

1. **Purpose.** This Department Interim Order II provides for continuity of performance of functions transferred under Public Law 89-174, the Department of Housing and Urban Development Act (herein called the Act), from and after the entrance on duty of a Secretary of

Housing and Urban Development (herein called the Secretary) and ratification of actions taken since the effective date of the Act (November 9, 1965).

2. **Nomenclature changes.** Wherever the title "Housing and Home Finance Administrator" or "Administrator" appears in a rule, regulation, order, authorization, delegation, or other action continued in effect under section 9(c) of the Act or hereunder, such title is hereby changed to "Secretary of Housing and Urban Development" or "Secretary" respectively; and wherever the words "Housing and Home Finance Agency" or "Agency" appear in such a document such words are changed to "Department of Housing and Urban Development" or "Department" respectively.

3. **Certain offices or positions and organizational units; delegation of authority.** The offices or positions and organizational units in the Department shall include, in addition to those otherwise prescribed:

Office or position	Respective organizational unit
Federal Housing Commissioner.	Federal Housing Administration.
Public Housing Commissioner.	Public Housing Administration.
Community Facilities Commissioner.	Community Facilities Administration.
Urban Renewal Commissioner.	Urban Renewal Administration.

Each officer or employee appointed to, or designated to act in, the office or position listed immediately above and each organizational unit so listed is hereby authorized to exercise the functions, powers, and duties vested in, or delegated or assigned to, the office or position or officer or employee or organizational unit having the same title immediately prior to the effective date of the Act, and to redelegate and authorize successful delegations of such authority to the extent empowered under authority vested, delegated, or assigned immediately prior to the effective date of the Act. Authority delegated herein or redelegated hereunder shall be exercised in the name of the Secretary except that authority delegated to the Federal Housing Commissioner or the Public Housing Commissioner may be exercised in the name of the Federal Housing Commissioner or the Federal Housing Administration, or the Public Housing Commissioner or the Public Housing Administration, respectively, and any action taken under this delegation or a redelegation hereunder by or in the name of the Federal Housing Commissioner, the Federal Housing Administration, the Public Housing Commissioner, or the Public Housing Administration shall be deemed to be the action of the Secretary.

4. **Applicability of rules, regulations, orders, authorizations, delegations, or other actions continued in effect.** Subject to paragraph 2, a reference in a rule, regulation, order, authorization, delegation, or other action continued in effect under section 9(c) of the Act or hereunder to an office or position, officer or employee, or organizational unit (including board or committee) shall be deemed to refer to the office or position, officer or



employee, or organizational unit having the same title in the Department or to its duly designated successor.

5. *Conclusive evidence of authority.* Any instrument purporting to transfer any right, title, or interest in or to real or personal property, executed by an officer or employee of the Department under the authority of this Order shall be conclusive evidence of the authority of such officer or employee to act for the Secretary in executing such instrument or document.

6. *Custody of and accountability for assets and liabilities.* The assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations or allotments, or other funds of the Department shall be in the custody and subject to the accountability of the office or position, officer or employee, or organizational unit responsible for such custody and accountability immediately prior to the effective date of the Act.

7. *Ratification of actions.* All actions taken since the effective date of the Act by the Housing and Home Finance Administrator as such officer or as Chairman of the Board of Directors of the Federal National Mortgage Association or by officers or employees of the Department pursuant to authorizations or delegations by the Administrator or otherwise pursuant to the terms of Department Interim Order I (published at 30 F.R. 14198, Nov. 11, 1965) are hereby ratified, adopted, and confirmed and shall be deemed to be of the same effect as if taken by the Secretary or with his express authorization.

Department Interim Order I is hereby superseded.

Effective as of the 18th day of January 1966.

ROBERT C. WEAVER,  
Secretary of Housing and  
Urban Development.

[F.R. Doc. 66-714; Filed, Jan. 20, 1966;  
8:48 a.m.]

## PART 11—SEAL

Subtitle A of Title 24 is amended by adding a new Part 11.

Sec.  
11.1 Seal.

**AUTHORITY:** The provisions of this Part 11 issued under sec. 7(g) of P.L. 89-174, 5 U.S.C. 624d(g).

### § 11.1 Seal.

In accordance with section 7(g) of Public Law 89-174, 5 U.S.C. 624d(g), requiring the Secretary to cause a seal of office to be made for the Department of Housing and Urban Development of such device as the Secretary shall approve, which seal shall be judicially noticed, I have caused to be made a seal the design of which accompanies and is made a part of this document, and I hereby approve this seal as the official seal of the Department of Housing and Urban Development.



Effective as of the 18th day of January 1966.

ROBERT C. WEAVER,  
Secretary of Housing and  
Urban Development.

[F.R. Doc. 66-715; Filed, Jan. 20, 1966;  
8:49 a.m.]

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

### SUBCHAPTER A—GENERAL

## PART 200—INTRODUCTION

### Subpart A—Origin and Establishment

#### MEANING OF TERM "COMMISSIONER"

In Part 200 in the Table of Contents a new § 200.4 is added as follows:

Sec.  
200.4 Meaning of term "Commissioner."

In Part 200 a new § 200.4 is added to read as follows:

§ 200.4 Meaning of term "Commissioner".

Effective January 18, 1966, the term "Commissioner," as used in this chapter, shall have the following meaning:

(a) Where the term appears in connection with the conveyance or assignment of real or personal property, it shall be deemed to refer to the Secretary of Housing and Urban Development.

(b) Where the term appears in connection with instances other than set forth in paragraph (a) of this section, it shall be deemed to refer to the Federal Housing Commissioner acting on behalf of the Secretary of Housing and Urban Development.

(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., January 18, 1966.

PHILIP N. BROWNSTEIN,  
Federal Housing Commissioner.

[F.R. Doc. 66-713; Filed, Jan. 20, 1966;  
8:48 a.m.]

## Title 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter II—Corps of Engineers, Department of the Army

## PART 204—DANGER ZONE REGULATIONS

### Pacific Ocean, Calif.

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), and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3), § 204.203 is hereby prescribed establishing and governing the use and navigation of naval danger zone in the Pacific Ocean at San Miguel Island, Calif., effective upon publication in the FEDERAL REGISTER, as follows:

§ 204-203 Pacific Ocean at San Miguel Island, Calif.; naval danger zone.

(a) *The area.* The waters around San Miguel Island, extending about 3 miles seaward from the shoreline within the following points:

	Latitude (N)	Longitude (W)
A	34°01'32"	120°23'17"
B	33°58'48"	120°23'17"
C	33°58'48"	120°15'00"
D	34°02'50"	120°15'00"
E	34°05'45"	120°17'25"
F	34°07'00"	120°20'05"
G	34°09'18"	120°23'17"
H	34°03'09"	120°23'17"

(b) *Markers.* Range markers, as delineated below, are installed at points A and H for navigational purposes for both surface vessels and aircraft:

(1) At point A two triangular markers are installed facing southward, 10 feet in length on each side, with red and white diagonal stripes, each marker mounted atop 80-foot poles spaced 100 yards apart, each pole being placed on the line of longitude 120°23'17" W. and near the southerly shoreline at latitude 34°01'32" N. The southernmost marker is 20 feet below the other.

(2) At point H two triangular markers are installed facing true north 10 feet in length on each side, with red and white diagonal stripes, each marker mounted atop 80-foot poles spaced 100 yards apart, each pole being placed on the line of longitude 120°23'17" W. and near the northwesterly shoreline at latitude 34°03'09" N. The northernmost marker is 20 feet below the other.

(c) *The regulations.* (1) Except as prescribed in this section or in other regulations, the danger zone will be open to fishing and general navigation. Firing between designated hours is expected to be intermittent, and when safe to do so, commercial fishing boats and other small craft will be granted permission to proceed through the danger zone. All vessels permitted to enter the zone during a scheduled firing period, other than those owned or operated by the U.S. Government, shall proceed across the zone by the most direct route and clear the area



as soon as possible. When firing is not scheduled, the zone may be occupied without restriction.

(2) The anchoring, stopping, or loitering of any vessel, fishing boat, or recreational craft within the danger zone during scheduled firing hours is expressly prohibited.

(3) The firing of missiles will take place in the danger area at frequent and irregular intervals throughout the year. The Commander, PMR, will announce weekly missile firing schedules. Such notices will appear in the local newspapers and in "Notices to Mariners." Announcements will also be made on radio frequency 2638 kc., commencing 24 hours prior to and during firing operations. Status of the zone and/or permission to enter, may be requested by calling "Plead Control" on 2638 kc. or by calling the PMR on telephone number 488-3511, extension 7315. Additionally, firing notices for the zone will be published on bulletin boards located outside Port Control Offices at Santa Barbara, Port San Luis, Morro Bay, Port Hueneme, Santa Monica and at the Ventura and Channel Islands marinas.

(4) When a scheduled firing is about to be undertaken, surface craft in the zone will be informed by surface patrol boats or aircraft equipped with a loud-speaker system. All vessels shall leave the specified zone immediately by the shortest route.

(5) The Commander, PMR, will extend full cooperation relating to the public use of the danger zone area and will fully consider every reasonable request for its use in light of requirements for national security and safety of persons and property.

(6) No seaplanes, other than those approved for entry by the Commander, PMR, may enter the danger zone during firing periods.

(7) Landing or going ashore on San Miguel Island is specifically prohibited without prior permission of the Commander, PMR. Applications for such permission should be made to:

Commander, Pacific Missile Range, Attention: Code 127, Point Mugu, Calif., 93041.

(8) The regulations in this section shall be enforced by personnel attached to the Pacific Missile Range, Point Mugu, Calif., and by such other agencies as the Commandant, 11th Naval District, San Diego, Calif., may designate.

(9) The regulations in this section shall be in effect for a period of 3 years from the date they are established unless terminated by the Secretary of the Army at an earlier date. The regulations shall be reviewed and the continuing need for the zone shall be determined by a public hearing prior to the expiration date of the regulations.

[Regs., January 14, 1965, 1507-32 (Pacific Ocean, Calif.)-ENG-CW-ON] (Sec. 7, 40 Stat. 266, Ch. XIX, 40 Stat. 892; 33 U.S.C. 1, 3)

J. C. LAMBERT,  
Major General, U.S. Army,  
The Adjutant General.

[F.R. Doc. 66-732; Filed, Jan. 20, 1966; 8:50 a.m.]

## Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

### Chapter 11—Coast Guard, Department of the Treasury

[CGFR 65-49]

#### MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to authority vested in me as Commandant, U.S. Coast Guard, by Treasury Department Order 167-17 (20 F.R. 4976) and Treasury Department Order 167-50 (28 F.R. 530):

#### PART 11-1—GENERAL

##### Subpart 11-1.3—General Policies

1. Paragraph (a) of Section 11-1.315 is revised, paragraphs (b), (c), and (d) are redesignated as paragraphs (c), (d), and (e) respectively and new paragraph (b) *Rate of assessment* is added, reading as follows:

##### § 11-1.315 Use of liquidated damages provisions in procurement contracts.

(a) *Approval of use.* (1) Liquidated damages provisions which are determined appropriate and desirable in accordance with the policy set forth in § 11-1.315-2 of this title may be used upon approval by the respective district commander or commanding officer of Headquarters unit. Delegation of this authority is authorized to the controller of district offices and Headquarters units.

(2) The availability of authority for use of liquidated damages provisions should never be construed as relieving procurement officials from the obligation of establishing realistic delivery or performance schedules. Realistic delivery and performance schedules should be a prerequisite to the use of liquidated damages.

(b) *Rate of assessment.* Contracting officers and officials initiating procurement actions must assure that the rate of liquidated damages stipulated for a given contract must be a reasonable forecast of the Government's anticipated damages. To assure that the rate of assessment of liquidated damages is reasonable it is incumbent upon the procuring contracting officer to obtain the advice of the Coast Guard personnel concerned with the requirements; e.g., in construction contracts, the civil engineering officer. The minimum amount of liquidated damages should be based on the estimated cost of inspection and superintendence for each day of delay in completion. In addition, liquidated damages should include, depending upon the circumstances of the particular procurement, other specific losses which the Government will suffer because of untimely completion such as:

(1) Interest on the Government's investment;

(2) Cost of subsistence and quarters for personnel after completion date for constructing galley-mess-barracks building;

(3) Cost of rental facilities for berthing boats or other vessels at public docks after completion date for constructing mooring facilities;

(4) Any rental of facilities that would correspond to those whose construction completion date is delayed;

(5) Cost of operation of transportation facilities required to be used in lieu of those under construction;

(6) Cost of commercial transportation for items being fabricated for which timely completion would have enabled use of Government transportation if delivered on time;

(7) Cost of extra salary of inspectors;

(8) Cost of extra time of administrative personnel;

(9) Cost of additional maintenance required on structures being replaced by contract items, an amount for such items should also be included.

(c) *Documenting requirements.* Requests for approval of rates for liquidated damages provisions will be made in writing by the contracting officer after necessary consultation with technical personnel. Requests will be submitted to the approving authority specified in paragraph (a) of this section. The following information will be furnished and approved requests will substantiate the file copy of the contract:

(1) Identification number of the contemplated procurement (PR No., IFB No., and/or contract number);

(2) Type and form of contract contemplated and the required delivery schedule to be met;

(3) Data which will adequately substantiate the need for strict compliance with the delivery schedule by reflecting the damage that will result if the delivery schedule is not met;

(4) The estimated dollar amount of the contemplated procurement, whether or not competition is available, the amount of liquidated damages to be assessed, and the method of arriving at such figure.

(d) *Unauthorized use.* (1) The liquidated damages provision will not be used where the desired delivery date is not specified.

(2) If the supplies or services can be reprocedured readily from other sources in case of default and the difference in price would represent the full measure of damages to the Government, liquidated damages provisions will not be used.

(e) *Remissions.* Recommendations concerning remissions will be forwarded by the contracting officer with appropriate documentation to Commandant (F) for review and processing.

#### PART 11-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

1. Subpart 11-4.51 is revised to read as follows:

##### Subpart 11-4.51—Procurement of Mortuary Services

Sec.	
11-4.5100	Scope of subpart.
11-4.5101	General.
11-4.5102	Area of performance.



Sec.	
11-4.5103	Solicitation provision.
11-4.5104	Schedule.
11-4.5105	General provisions.
11-4.5105-1	Requirements.
11-4.5105-2	Contract period.
11-4.5105-3	Area of performance.
11-4.5105-4	Specifications.
11-4.5105-5	Using activities.
11-4.5105-6	Delivery orders and invoices.
11-4.5105-7	Delivery and performance.
11-4.5105-8	Subcontracting.
11-4.5105-9	Additional default provision.
11-4.5105-10	Inspection.
11-4.5105-11	Group interment.
11-4.5105-12	Professional requirements.
11-4.5105-13	Facility requirements.
11-4.5105-14	Preparation history.
11-4.5105-15	Changes.
11-4.5105-16	Inconsistent provisions.
11-4.5105-17	Coordination.
11-4.5105-18	Preparation of remains at other than contractor's establishment.
11-4.5105-19	Major restorative art.
11-4.5105-20	Passenger car.
11-4.5105-21	Definitions.
11-4.5105-22	Payments.
11-4.5105-23	Assignment of claims.
11-4.5105-24	Federal, State and local taxes.
11-4.5105-25	Termination for convenience of the Government.
11-4.5105-26	Default.
11-4.5105-27	Disputes.
11-4.5105-28	Convict labor.
11-4.5105-29	Contract Work Hours Standard Act—overtime compensation.
11-4.5105-30	Walsh-Healey Public Contracts Act.
11-4.5105-31	Nondiscrimination in employment.
11-4.5105-32	Officials not to benefit.
11-4.5105-33	Covenant against contingent fees.
11-4.5105-34	Gratuities.
11-4.5105-35	Equal opportunity.

**AUTHORITY:** The provisions of this Subpart 11-4.51 issued under 14 U.S.C. 633, 10 U.S.C. Ch. 137.

### Subpart 11-4.51—Procurement of Mortuary Services

#### § 11-4.5100 Scope of subpart.

Procurement procedures peculiar to contracts for mortuary services (the care of remains) of Coast Guard personnel are set forth in this Subpart.

#### § 11-4.5101 General.

(a) Where contracts of other Government agencies for the care of remains are not available for Coast Guard use, procurement of such services will be made by formal advertising except where time does not permit, or anticipated requirements do not justify a formally advertised contract, contracts may be negotiated when authorized (see Part 11-3.2 of this chapter), consistent with limitations and requirements set forth in Chapter 11 of the Coast Guard Personnel Manual.

(b) The contract format, terms and conditions set forth in this Subpart 11-4.51, supplemented or modified as deemed necessary and appropriate by the contracting officer, will be used in effecting procurement of mortuary services.

#### § 11-4.5102 Area of performance.

Each contract for care of remains shall clearly define the geographical area covered by the contract. The area shall be

determined by the activity entering into the contract in accordance with the following general guidelines. It shall be an area using political boundaries, streets, and other features as demarcation lines. Generally, this should be a size roughly equivalent to the contiguous metropolitan or municipal area enlarged to include the activities served. In the event the area of performance best suited to the needs of a particular contract is not large enough to include a carrier terminal commonly used by people within such area, the contract area of performance shall specifically state that it includes such terminal as a pickup or delivery point.

#### § 11-4.5103 Solicitation provision.

Invitations for bids for mortuary services contracts shall contain the provision set forth below. This provision shall be appropriately modified for use in requests for proposals or quotations.

Item No.	Supplies, services, and transportation	Estimated quantity	Unit	Unit price	Amount
1	For a Type I casket, standard size, shipping case, supplies and services in accordance with specifications.		Each.		
2	For a Type I casket, exceeding standard size, shipping case, supplies and services in accordance with specifications.		Each.		
3	For a Type II casket, standard size, shipping case, supplies and services in accordance with specifications.		Each.		
4	For a Type II casket, exceeding standard size, shipping case, supplies and services in accordance with specifications.		Each.		
5	For transportation of remains, in accordance with specifications and as provided for in paragraphs (b) and (c) of the "Area of Performance" clause of this contract.		Loaded mile.		

#### § 11-4.5105 General provisions.

The following general provisions will be included in contracts for mortuary services and will be entitled "Part II".

#### § 11-4.5105-1 Requirements.

##### REQUIREMENTS (OCTOBER 1965)

(a) This is a requirements contract for the supplies or services specified in the Schedule, and for the period set forth in this contract. Delivery of supplies or performance of services shall be made only as authorized by orders issued in accordance with the clause entitled "Delivery Orders and Invoices". The quantities of supplies or services specified herein are estimates only and are not purchased hereby. Except as may be otherwise provided herein, in the event the Government's requirements for supplies or services set forth in the Schedule do not result in orders in the amounts or quantities described as "estimated" or "maximum" in the Schedule, such event shall not constitute the basis for an equitable price adjustment under this contract.

(b) The Government shall order from the Contractor all the supplies, services, and transportation set forth in the Schedule which are required to be purchased by the Government activity named herein, and the Contractor shall furnish to the Government such supplies, services, and transportation as may be ordered by the Contracting Officer. The Government, however, reserves the right not to order supplies and services under this contract in instances where the body is removed from the area for medical, scientific, or other cogent reason. In the event of an epidemic or other emergency, the Contractor shall not be required to provide services in excess of the capacity of his facilities.

#### AWARD TO SINGLE BIDDER (OCTOBER 1965)

Subject to the provisions contained herein, award shall be made to a single bidder. Bids must include unit prices for each item listed in order that bids may be properly evaluated. Failure to do this shall be cause for rejection of the entire bid. Bids shall be evaluated on the basis of the estimated quantities shown and award shall be made to that responsive/responsible bidder whose total aggregate price is low.

#### § 11-4.5104 Schedule.

The following will be used as the schedule:

(Contract for Mortuary Services)

##### PART I

#### SUPPLIES, SERVICES AND TRANSPORTATION TO BE FURNISHED

The contractor shall furnish to the Government such supplies, services and transportation described in this schedule as may be called for by the contracting officer during the contract period.

#### § 11-4.5105-2 Contract period.

##### CONTRACT PERIOD (OCTOBER 1965)

Any contract awarded as a result of bids submitted under this Invitation for Bids shall extend from \_\_\_\_\_ through \_\_\_\_\_.

#### § 11-4.5105-3 Area of performance.

##### AREA OF PERFORMANCE (OCTOBER 1965)

(a) The area of performance is specified in Attachment 1 to this contract. This contract includes taking possession of the remains at the place where they are located, transporting them to the Contractor's place of preparation and transporting them thereafter to a place designated by the Contracting Officer. The Contractor shall not be entitled to reimbursement for transportation (see Item 5 of the Schedule) when both the place where the remains were located and the delivery point are within the area of performance.

(b) If remains are located outside the area of performance, the Government may call on the Contractor or obtain the services elsewhere. If the Government calls on the Contractor, the Contractor shall be paid the amount per mile indicated in the Schedule under Item 5 for the number of miles required to transport the remains by a reasonable route from the point where located to the boundary of the area of performance. If the Government elects to have the remains brought into the area of performance by some other means, it may require the Contractor to perform after the remains are within the area of performance.

(c) The Government may require the Contractor to deliver remains to any point within one hundred (100) miles of the area of performance. In this case the Contractor shall be paid the amount per mile indicated in



the Schedule under Item 5 for the number of miles required to transport the remains by a reasonable route from the boundary of the area of performance to the delivery point.

**§ 11-4.5105-4 Specifications.**

**SPECIFICATIONS (OCTOBER 1965)**

Armed Services Specifications Care of Remains of Deceased personnel, hereinafter referred to as "Specifications" are attached hereto and made a part of this contract.

**§ 11-4.5105-5 Using activities.**

**USING ACTIVITIES (OCTOBER 1965)**

Contracting Officers of the following activities may order services and supplies under this contract:

**§ 11-4.5105-6 Delivery orders and invoices.**

**DELIVERY ORDERS AND INVOICES (OCTOBER 1965)**

Delivery orders for supplies or services shall be issued by the Contracting Officer and shall set forth (i) the supplies or services being ordered, (ii) the quantities to be furnished, (iii) delivery or performance dates, (iv) place of delivery or performance, (v) packing and shipping instructions, and (vi) the address to which invoices for services rendered under this contract shall be sent. Amendments to delivery orders may be made by the Contracting Officer issuing the order. Each delivery order or change order shall cite the funds from which payment for the supplies or services ordered shall be made.

**§ 11-4.5105-7 Delivery and performance.**

**DELIVERY AND PERFORMANCE (OCTOBER 1965)**

(a) Except as otherwise herein provided the Contractor shall furnish the material ordered and perform the services specified in each case as promptly as possible but in no event later than thirty-six (36) hours after the Contractor has received notification to remove the remains, exclusive of the time necessary for the Government to inspect and check results of preparation. The Government may, at no additional charge, require the Contractor to hold the remains for an additional period not to exceed seventy-two (72) hours from the time the remains are casketed and final inspection completed.

(b) In no case will shipment be made until the Contractor certifies that the remains will be in an acceptable state of preservation upon final delivery. The Contractor shall not be responsible for notifying the consignee of time of arrival of shipped remains.

**§ 11-4.5105-8 Subcontracting.**

**SUBCONTRACTING (OCTOBER 1965)**

No contract shall be made by the Contractor with any other party for furnishing any of the work or services herein contracted for without the written approval of the Contracting Officer. This provision does not apply to contracts of employment between the Contractor and his personnel.

**§ 11-4.5105-9 Additional default provision.**

**ADDITIONAL DEFAULT PROVISION (OCTOBER 1965)**

(a) This clause supplements the "Default" clause of this contract.

(b) This contract may be terminated for default by written notice without the ten (10) day notice specified under paragraph (a) (i) of the "Default" clause if during the performance of this contract:

(i) the Contractor, through circumstances reasonably within his control or that of persons in his employ, performs any act or acts under or in connection with this contract, or falls in the performance of any service under this contract, and such acts or failures may reasonably be considered to reflect discredit upon the Coast Guard in fulfilling its responsibility for proper care of remains;

(ii) the Contractor, either by his own act or through persons in his employ, solicits relatives or friends of the deceased to purchase supplies or services not provided for under this contract (The Contractor may furnish supplies or arrange for services not provided for under this contract, only where such other supplies or services are voluntarily requested, selected and paid for by the representatives of the deceased);

(iii) The services, or any part thereof, to be performed under this contract are, without the written authorization of the Contracting Officer, performed by an individual, partnership, corporation, or other person or business association whatsoever, other than the Contractor to whom this contract is awarded, his employees and members of the firm;

(iv) The Contractor refuses to perform the services required for any particular remains; or

(v) The Contractor advertises in any way that he has a contract for mortuary services with the Government.

(c) All other provisions of the "Default" clause shall apply to a termination made pursuant to this "Additional Default Provision" clause.

**§ 11-4.5105-10 Inspection.**

**INSPECTION (OCTOBER 1965)**

All services, material, and workmanship shall be subject to inspection and test by representatives of the Government. For this purpose, the Contractor shall allow inspectors and other representatives of the Contracting Officer free access to the plant and operations at all reasonable times and shall furnish such facilities, supplies and services, as may be required.

**§ 11-4.5105-11 Group interment.**

**GROUP INTERMENT (OCTOBER 1965)**

Payments to the Contractor for supplies and services provided for remains to be interred as a group shall be made on the basis of the number of caskets furnished rather than on the basis of the number of persons in the group.

**§ 11-4.5105-12 Professional requirements.**

**PROFESSIONAL REQUIREMENTS (OCTOBER 1965)**

The Contractor shall meet all state and local licensing requirements and shall furnish the highest quality of professional services. Preparation and transportation of remains shall be performed in accordance with all applicable Federal, State, and local health laws, statutes, and regulations. The Contractor shall obtain and furnish all necessary health department and shipping permits at no additional cost to the Government and shall insure that all necessary health department permits are in order for disposition of the remains.

**§ 11-4.5105-13 Facility requirements.**

**FACILITY REQUIREMENTS (OCTOBER 1965)**

The Contractor's building shall have complete facilities for maintaining the highest standards of solemnity, reverence, and assistance to the family, and for prescribed ceremonial services. The preparation room shall be clean, sanitary, and adequately

equipped. The Contractor shall have, or be able to obtain, catafalques, church trucks and equipment for Protestant, Catholic, and Jewish services. The funeral home, furnishings, grounds and surrounding area shall be carefully maintained so as to present a clean and well-kept appearance.

**§ 11-4.5105-14 Preparation history.**

**PREPARATION HISTORY (OCTOBER 1965)**

For each body prepared, or in the case of group interment for each casket handled, the Contractor shall state briefly the results of the embalming process on a certificate furnished by the Contracting Officer.

**§ 11-4.5105-15 Changes.**

**CHANGES (OCTOBER 1965)**

The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes in or additions to specifications, issue additional instructions, require modified or additional work or services within the scope of the contract, and change the place of delivery, method of shipment, or the amount of Government-furnished property. If any such change causes an increase or decrease in the cost of, or in the time required for, the performance of this contract, an equitable adjustment shall be made in the contract price, or time of performance, or both, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within thirty (30) days from the date of receipt by the Contractor of the notification of change; provided, however, that the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract. However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

**§ 11-4.5105-16 Inconsistent provisions.**

**INCONSISTENT PROVISIONS**

In the event of any inconsistency in the provisions of any of the parts of this contract, the following order shall control: Schedule (Part I); General Provisions (Part II); and Military Specification MIL-C-9876 as in effect on the date of this contract.

**§ 11-4.5105-17 Coordination.**

**COORDINATION**

Necessary coordination shall be effected with the Contractor's funeral director on all funeral arrangements, which shall include the time remains will be ready for inspection, viewing and shipment, time and place of religious services, time and place of interment and shipping schedules and final disposition of remains.

**§ 11-4.5105-18 Preparation of remains at other than contractor's establishment.**

**PREPARATION OF REMAINS AT OTHER THAN CONTRACTOR'S ESTABLISHMENT**

Preparation of remains at a place other than the Contractor's establishment shall require the concurrence of the Contracting Officer.

**§ 11-4.5105-19 Major restorative art.**

**MAJOR RESTORATIVE ART**

The Contractor shall advise the Contracting Officer promptly of any need for Major Restorative Art technique (restoration of



facial contours, such as nose, ears, mouth, chin, etc.) required for any remains prepared under this contract to permit the viewing of remains at final destination, and upon the direction of the Contracting Officer, shall perform such restoration. The cost of such restoration shall be allowed as approved by the Contracting Officer.

#### § 11-4.5105-20 Passenger car.

##### PASSENGER CAR

When a passenger car is required to transport members of the immediate family to the funeral service and, if necessary, to the selected terminal and return, the cost shall be allowed as approved by the Contracting Officer.

#### § 11-4.5105-21 Definitions.

Insert the clause set forth in § 1-7.101-1 of this title under the conditions and in the manner prescribed therein.

#### § 11-4.5105-22 Payments.

Insert the clause set forth in § 1-7.101-7 of this title under the conditions and in the manner prescribed therein.

#### § 11-4.5105-23 Assignment of claims.

Insert the clause set forth in § 1-30.703 of this title under the conditions and in the manner prescribed therein.

#### § 11-4.5105-24 Federal, State and local taxes.

Insert the clause set forth in § 1-11.401 of this title under the conditions and in the manner prescribed therein.

#### § 11-4.5105-25 Termination for convenience of the Government.

Insert the clause set forth in § 1-8.705-1 of this title under the conditions and in the manner prescribed therein.

#### § 11-4.5105-26 Default.

Insert the clause set forth in § 1-8.707 of this title under the conditions and in the manner prescribed therein.

#### § 11-4.5105-27 Disputes.

Insert the clause set forth in § 1-7.101-12 of this title under the conditions and in the manner prescribed therein.

#### § 11-4.5105-28 Convict labor.

Insert the clause set forth in § 1-12.203 of this title under the conditions and in the manner prescribed therein.

#### § 11-4.5105-29 Contract Work Hours Standard Act—overtime compensation.

Insert the clause set forth in § 1-12.303 of this title under the conditions and in the manner prescribed therein.

#### § 11-4.5105-30 Walsh-Healey Public Contracts Act.

Insert the clause set forth in § 1-12.605 of this title under the conditions and in the manner prescribed therein.

#### § 11-4.5105-31 Nondiscrimination in employment.

Insert the clause set forth in § 1-12.803-2 of this title under the conditions and in the manner prescribed therein.

#### § 11-4.5105-32 Officials not to benefit.

Insert the clause set forth in § 1-7.101-19 of this title under the conditions and in the manner prescribed therein.

#### § 11-4.5105-33 Covenant against contingent fees.

Insert the clause set forth in § 1-1.503 of this title under the conditions and in the manner prescribed therein.

#### § 11-4.5105-34 Gratuities.

Insert the clause set forth in § 11-7.101-52 of this chapter under the conditions and in the manner prescribed therein.

#### § 11-4.5105-35 Equal opportunity.

Insert the clause set forth in § 1-12.803-2 of this title under the conditions and in the manner prescribed therein.

### PART 11-10—BONDS AND INSURANCE

#### Subpart 11-10.1—Bonds

1. In § 11-10.109 paragraph (a) is revised, retitled *Administration* and redesignated as (b); new paragraphs (a) *Execution*, (c) *Certificate as to corporate principal*, (d) *Name of principal*, (e) *Date of bond* and (f) *Continuation sheet* are added and paragraphs (b) and (c) are redesignated as (g) and (h), respectively.

#### § 11-10.109 Execution and administration of bonds.

(a) *Execution*. Several prescribed forms for bonds and related documents are listed and reproduced in Part 1-16 of this title. Bonds and related documents executed on such forms shall comply with the instructions accompanying each form. All bonds except fidelity and forgery bonds shall be executed in duplicate. When required by Instruction Number 2 of the standard bond forms, the evidence of authority of a principal's representatives shall be a duly executed power of attorney reciting that the individual executing the bond or consent of surety is authorized to do so. A corporation, in lieu of such power of attorney, may submit a "Certificate as to Corporate Principal" in the format prescribed in paragraph (c) of this section.

(b) *Administration*. All bonds will be reviewed by the contracting officer to ascertain that the bond is in the penal sum required and, when appropriate, properly describes the contract. Additional review, approval, and distribution of bonds and consents of surety will be accomplished as outlined in paragraph (g) of this section. When a contractor is performing his contract in such a manner as to lead to default, timely notification to the surety may result in action by the surety that will avoid a default. Therefore, on all such contracts, the surety shall be promptly notified of any failure by the contractor to perform (see § 1-8.602-4(a) of this title).

(c) *Certificate as to corporate principal*. When a Certificate As To Corporate Principal is to be furnished, the following format shall be used.

#### CERTIFICATE AS TO CORPORATE PRINCIPAL

I, \_\_\_\_\_, certify that I am the  
(Name printed)  
\_\_\_\_\_ of the corporation named as  
(Office held)  
principal in the (performance) (and) (payment) bond(s); that \_\_\_\_\_ who signed the said bond(s) on behalf of the principal was then \_\_\_\_\_  
(Capacity in which bond was executed)  
of said corporation; that I know his signature and that his signature thereto is genuine; and that said bond(s) was (were) duly signed, sealed, and attested for and in behalf of said corporation by authority of its governing body.

[AFFIX CORPORATE SEAL]

(d) *Name of principal*. When a partnership is a principal on a bond, the names of all the members of the firm shall be listed in the bond following the name of the firm and the phrase "a partnership composed of." If a principal is a corporation, the state of incorporation must appear.

(e) *Date of bond*. A performance or payment bond other than an annual bond shall not antedate the contract to which it pertains.

(f) *Continuation sheet*. The Standard Form 25-B (Continuation Sheet) is prescribed for use when there are more than seven sureties on a bid, performance, or payment bond. It shall also be used when there are cosureties on an annual bid or performance bond.

(g) *Approval*. (1) The original bonds together with a copy of the contract will be forwarded for review and approval by legal counsel assigned to the nearest geographically located Coast Guard unit.

(2) Legal review will consist of an examination of bonds as to form, the sufficiency of surety, and the authority of the agent executing the bond. Bonds will be returned to the office requesting approval, bonds not approved will set forth the reason(s) for disapproval.

(3) Treasury Department Circular No. 570 entitled "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies" is published annually as of June 1 by the Treasury Department. Interim changes in the circular are published in the FEDERAL REGISTER as they occur. This circular will be utilized to determine authorized surety companies, their underwriting limitations, geographical limitations, if any, and other pertinent information.

(h) *Recording and filing*. Bonds shall be filed with the related original contract or the contract file shall be cross-referenced to the file containing the applicable bonds. Bonds returned to unsuccessful bidders or upon completion of bond requirements will be appropriately recorded on the Abstract of Bids or retained in bid file to indicate disposition made of such bonds.



**Subpart 11-10.4—Insurance Under Fixed-Price Contracts**

1. Section 11-10.450 is revised to read as follows:

**§ 11-10.450 Work at a Government installation.**

(a) Any solicitation for a contract requiring performance of construction, repair, or utilities work on a Government installation shall state the minimum insurance coverage required and inform the bidder that the resulting contract shall require the contractor or subcontractor doing such work to furnish a Certificate of Insurance or a statement in writing to the contracting officer of any required insurance, including but not limited to, workman's compensation and employers' liability insurance, comprehensive general liability, and comprehensive automobile liability insurance. Such certificates or statements shall reflect at least the minimum limits of liability set forth in the solicitation. The minimum coverage set forth in ASPR, 32 CFR Part 10-501, shall ordinarily be considered to be the minimum requirement; however, contracting officers are permitted and encouraged to establish higher minimum limits when deemed necessary to cover special conditions such as erection of tall towers etc. If a contract requires repetitive or continuous performance on a Government installation, the contracting officer may also require the contractor to carry such insurance as may be applicable under the circumstances.

(b) Certificates of Insurance or statements, together with any renewals, shall cover the full period of contract performance.

(c) The foregoing requirements shall not apply to contracts of \$2,500 or less, or to work to be performed outside the United States, its possessions, and Puerto Rico, unless determined to be necessary by the contracting officer.

Dated: January 11, 1966.

[SEAL] E. J. ROLAND,  
Admiral, U.S. Coast Guard,  
Commandant.

[F.R. Doc. 66-674; Filed, Jan. 20, 1966;  
8:45 a.m.]

[CGFR 65-48]

**MISCELLANEOUS AMENDMENTS TO CHAPTER**

Pursuant to authority vested in me as Commandant, U.S. Coast Guard, by Treasury Department Order 167-17 (20 F.R. 4976) and Treasury Department Order 167-50 (28 F.R. 530):

**PART 11-1—GENERAL**

**Subpart 11-1.3—General Policies**

1. In § 11-1.317 the existing text is redesignated as paragraph (a) and paragraph (b) is added, reading as follows:

**§ 11-1.317 Noncollusive bids and proposals.**

\* \* \* \* \*

(b) Where a certification is suspected of being false or there is indication of collusion, the matter shall be processed in accordance with Subpart 1-1.9 FPR and § 11-1.901 CGPR. For rejection of bids which are suspected of being collusive and for the negotiation of procurements subsequent to such rejection, see §§ 1-2.404-1(b)(6) and 1-3.214 of this title and 11-3.214 of this chapter.

**Subpart 11-1.7—Small Business Concerns**

2. Section 11-1.708-2 is revised to read as follows:

**§ 11-1.708-2 Applicability and procedure.**

If the contracting officer has any doubt as to whether the unsatisfactory record of performance can reasonably be attributed solely to lack of capacity or credit, the matter shall be discussed with the local SBA representative. If the local SBA representative is of the opinion that the unsatisfactory record of performance is attributable solely to a lack of capacity or credit, and the contracting officer disagrees, the contracting officer shall forward the matter to Commandant (F) for resolution and final decision. The contracting officer will be informed of the final decision by Commandant (F).

3. Section 11-1.708-3 is added to read as follows:

**§ 11-1.708-3 Conclusiveness of certificate of competency.**

Contracting officers shall accept SBA certificates of competency as conclusive of a prospective contractor's responsibility as to capacity, unless the contracting officer has substantial doubts as to the firm's ability to perform, in which case he shall, prior to award, promptly refer the matter to Commandant (F), including all supporting facts and an indication of the degree of urgency of the proposed award. In such cases, the SBA may be requested to consider the withdrawal of the certificate and, in any event, the contracting officer will be informed by Commandant (F) of the final decision.

4. New Subpart 11-1.9 is added, reading as follows:

**Subpart 11-1.9—Reporting Possible Antitrust Violations**

**§ 11-1.901 General.**

Where bids or proposals are received and, in the opinion of the contracting officer, are indicative of possible antitrust violations, he shall report such circumstances to Commandant (CL), through Commandant (F). Such reports shall be submitted with conformed copies of bids or proposals, contract documents and other supporting data, as required by §§ 1-1.902 and 1-1.903 of this title. Evidence of noncompetitive bid practices which, in the opinion of Commandant (CL), may violate the antitrust laws shall be forwarded to the Attorney General of the United States. Reports of such bids or proposals should not be

submitted automatically, but only when there is some reason to believe that those bids or proposals may not have been arrived at independently.

**PART 11-2—PROCUREMENT BY FORMAL ADVERTISING**

**Subpart 11-2.2—Solicitation of Bids**

1. Subdivisions (ii) and (iv) of § 11-2.201(a) (51) are revised to read as follows:

**§ 11-2.201 Preparation of invitations for bids.**

(a) \* \* \*

(51) \* \* \*

(ii) Bidding instruction, terms and conditions of the Invitation for Bids;

\* \* \* \* \*

(iv) Other provisions of the contract, where incorporated by reference or otherwise; and

\* \* \* \* \*

**PART 11-3—PROCUREMENT BY NEGOTIATION**

**Subpart 11-3.6—Small Purchase**

1. Section 11-3.602 is added, reading as follows:

**§ 11-3.602 Policy.**

(a) All purchases covered by Subpart 1-3.6 of this title shall be accomplished by negotiation and shall cite the appropriate subparagraph of 10 U.S.C. 2304(a) in accordance with Subparts 1-3.2 of this title and 11-3.2 of this part. Such purchases shall be made only when requirements cannot be satisfied by procurement in accordance with Part 11-5 of this chapter. The contracting officer shall use the purchase method covered by Subpart 1-3.6 of this title which he determines to be most suitable to the immediate requirement and most efficient and economical. Simplified procedures may be used in procurements from Government established sources, if authorized by the basic contract or concurred in by the source.

(b) Installation or activity transportation facilities may be used for delivery from local suppliers to the purchasing installation only after consideration of the following methods:

- (1) Supplier delivery;
- (2) Common carrier;
- (3) Parcel post; and
- (4) Mail indicia.

(c) Inspection procedures for small purchases shall be in accordance with § 1-14.106 of this title.

2. Section 11-3.603-1 is added, reading as follows:

**§ 11-3.603-1 Solicitation.**

(a) Purchases not in excess of \$250. Small purchases not exceeding \$250 may be accomplished without securing competitive quotations where the prices are considered to be reasonable, but such purchases shall be distributed equitably among qualified suppliers. Records of purchases of \$250 or less need not include



justification for soliciting only a single source or a justification explaining how prices were determined to be reasonable.

(b) *Purchases in excess of \$250 but not in excess of \$2,500.* Reasonable solicitation of quotations from qualified sources of supply shall be made to assure that the procurement is to the advantage of the Government, price and other factors considered, including the administrative cost of the purchase. Generally, solicitation shall be limited to three suppliers and, to the maximum extent possible, shall be restricted to the local trade area. When prices are solicited from three suppliers dealing in the general category of items required and only one quotation is received, it is not necessary to solicit additional quotations if the price received is considered fair and reasonable. Quotations shall generally be solicited orally. Written solicitations shall be used only where (1) the suppliers are located outside the local area, (2) special specifications are involved, (3) a large number of items are included in a single proposed procurement, or (4) obtaining oral quotations is not considered economical. Reasonableness of proposed prices may be established by comparison with previous purchases, current price lists, catalogs, advertisements, or by any other appropriate method. Where these informational media are not available, reasonableness of price may be based on a comparison with similar items in a related industry or the contracting officer's personal knowledge of the item being procured. Although the contracting officer must determine that prices are fair and reasonable, written justification explaining how prices were determined to be fair and reasonable is not required. Written records of solicitation may be limited to notes or abstracts to show the vendor or vendors contacted, prices, delivery, and other informal historical data. When only one source is solicited, a brief written notation must be made a part of the file to explain the absence of competition. Notification to unsuccessful suppliers shall be given only if requested.

## PART 11-5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

### Subpart 11-5.50—Procurement Under Federal Supply Schedule Contracts

1. Section 11-5.5001 is divided into paragraph (a) *General*, which is amended, and a new (b) *Standard Form 149, U.S. Government National Credit Card*, is added to read as follows:

#### § 11-5.5001 Federal Supply Schedule Contracts.

(a) *General.* The Federal Supply Service, General Services Administration, establishes contracts for common use classes of supplies and services. These contracts are summarized in Federal Supply Schedules which list the contractors and the supplies or services that may be purchased from them. Purchasing activities shall order their requirements for supplies or services covered by these contracts as set forth in §§ 11-

5.5002 and 11-5.5003. Copies of Federal Supply Schedules and Federal Supply Schedule Check Lists and Guide (a quarterly publication indicating the status of all Federal Supply Schedules) are distributed by the General Services Administration to all purchasing activities. Copies of the Schedule and the Check List and Guide of the Federal Supply Schedule Contracts are available from the General Services Administration regional offices. Requests for them should be submitted on GSA Form 457, which is also available from the regional offices.

(b) *Standard Form 149, U.S. Government National Credit Card.* The U.S. Government National Credit Card (Standard Form 149) may be used in obtaining service station supplies and services under Federal Supply Schedule Contracts, FSC Group 91.

2. Paragraphs (a) and (b) of § 11-5.5002-2 are amended to read as follows:

#### § 11-5.5002-2 Exceptions to mandatory use.

(a) *Delivery requirements.* When the delivery period stated in a Federal Supply Schedule does not meet the delivery requirement of the purchasing activity, use of the Federal Supply Schedule is not mandatory. However, delivery dates shown in Federal Supply Schedules are based upon the average capability of the contractor and are usually conservative. In most instances, contractors are able to make delivery within a shorter period of time. Therefore, when delivery is required in a shorter time than the maximum shown in the Schedule, the contractor should be asked if the shorter delivery requirements can be met. If the contractor offers to meet the earlier delivery requirements, they should be specified in the order with a reference to such offer. If delivery is offered in a shorter time than the maximum stated in the Schedule, but later than that required by the purchase request, the contracting officer shall ascertain from the activity initiating the purchase request whether the offered delivery is acceptable. This procedure need not be followed when transportation time from the contractor's shipping point on time required for inquiry and reply make conformance impracticable. When multiple award schedules are involved, the purchasing activity need query only one contractor after considering the requirements of § 11-5.5005.

(b) *Similar items.* When specific supplies or services listed in a Federal Supply Schedule will not meet a special requirement, use of the Schedule is not mandatory. When supplies or services having the same general characteristics and intended use are to be procured from other sources, the head of the office initiating the purchase request or his designated representative shall furnish the purchasing office a signed statement identifying the supplies or services to be purchased, and explain why similar items listed in the applicable Federal Supply Schedule will not meet the specific requirements. The purchasing office shall, within 15 days of the date of purchase, furnish the statement to the General

Services Administration office issuing the Schedule.

3. Section 11-5.5004-1 is amended to read as follows:

#### § 11-5.5004-1 Completely optional Federal Supply Schedules.

In addition to the Federal Supply Schedule contracts described in §§ 11-5.5002 and 11-5.5003, there are Federal Supply Schedules which are completely optional for use by any Government purchasing activity and on which vendors are not required to accept orders. Except where precluded by administrative expense or urgency considerations, optional Federal Supply Schedules shall be considered equally with other sources by the contracting officer in assuring that purchases of items of the type contained in such schedules are made to the best advantage of the Government, price, delivery, service, and other factors considered. This paragraph shall in no way minimize the requirements for using formal advertising when the situation warrants. Where purchases are less than \$250, the procedure in § 11-3.603-1 of this chapter will apply.

4. Section 11-5.5005 is divided into paragraph (a) *General*, which is amended, and a new (b) *Procurement of articles of foreign origin for use in the United States*, is added to read as follows:

#### § 11-5.5005 Federal Supply Schedules with multiple source provisions.

(a) *General.* Certain of the Federal Supply Schedules provide several sources for certain requirements. Additionally, some such Schedules indicate that multiple sources are provided to make available a selection of supplies or services to meet a specific or an unusual requirement. When orders in excess of \$2,500 are placed at other than the lowest Schedule price, the purchasing office shall include in the contract file a memorandum containing the facts justifying the order. The justification may be based on considerations such as delivery time and administrative expense. When the order is to fulfill a specific or an unusual need, it shall, in addition to any other basis for justification, state the unusual or specific requirements such as differences in performance characteristics and compatibility with existing equipment or systems.

(b) *Procurement of articles of foreign origin for use in the United States.* When purchase of an item of foreign origin is specifically required, the using activity shall furnish the procuring activity sufficient information to permit the determinations required by Part 11-6 CGPR to be made.

5. Section 11-5.5007 is added, reading as follows:

#### § 11-5.5007 Oral orders under Federal Supply Schedule Contracts.

(a) *Oral orders not to exceed \$2,500—*

(1) *General.* Purchasing activities are authorized to make procurements not in excess of \$2,500 by oral order from Federal Supply Schedule contractors. Ordering activities shall obtain an agree-



ment from the contractor that for each shipment under an oral order he will furnish a delivery ticket, in the number of copies required by each purchasing activities, which shall contain the following information:

- (i) Contract number;
- (ii) Order number under the contract;
- (iii) Date of order;
- (iv) Name and title of the person placing order;
- (v) Itemized listing of supplies or services furnished; and
- (vi) Signature of person receiving the item.

(2) *Payment.* Optional methods of invoicing are permissible. An individual invoice accompanied by a receipted copy of the related delivery ticket may be submitted for payment. Alternatively, a summarized monthly invoice covering all oral orders made during the month, accompanied by a receipted copy of each delivery ticket, may be submitted for payment. The monthly billing procedure is preferred when numerous oral orders may be placed.

(b) *Imprest funds (petty cash method).* In buying commodities where cash payment is advantageous, the imprest funds method (see § 1-3.604 of this title) is authorized, provided the order does not exceed \$100 (\$250 under emergency conditions) and the contractor agrees to such a procedure.

6. Section 11-5.5008 is added, reading as follows:

**§ 11-5.5008 Administration of orders under Federal Supply Schedule Contracts.**

(a) *Responsibility of Coast Guard activities.* Coast Guard activities have primary responsibility for contract administration functions incident to the performance of orders under Federal Supply Schedule Contracts and, unless otherwise specified in this paragraph, shall deal directly with the contractor concerned. Such functions include:

- (1) Inspection and acceptance of supplies and services;
- (2) Modification of order;
- (3) Termination of orders for default and charging contractors with resulting excess costs; and
- (4) Termination of orders for the convenience of the Government.

In the administration of orders under Federal Supply Schedule Contracts, Coast Guard activities shall be governed by the terms of the related contract as evidenced by the applicable Federal Supply Schedule and by the General Provisions for Federal Supply Schedule Contracts.

(b) *Defective supplies or services.* If a Federal Supply Schedule contractor tenders delivery of defective supplies or services, the Coast Guard activity, pursuant to the inspection clause contained in the Federal Supply Schedule Contract, has the right to reject such defective supplies or services or to require their correction. If the contractor refuses to replace or correct within the required delivery schedule, the Coast Guard activity then may require delivery of such defective supplies or services at an equi-

table reduction in price or may terminate the order in whole or in part for default. The Coast Guard activity shall notify the General Services Administration regional office executing the contract of all significant incidents of delivery of defective supplies and services.

(c) *Termination for default.* (1) *General.* Purchasing activities may terminate for default orders under Federal Supply Schedule Contracts and repurchase the terminated items against the contractors' accounts in accordance with the terms of the Default clause in the contracts and pursuant to the procedures set forth in Subpart 1-8.6 FPR. Purchasing activities do not have the authority to terminate the Federal Supply Schedule Contract itself. Notices of termination for default shall be sent to all activities having copies of the order being terminated and to the GSA Regional Office which entered into the Federal Supply Schedule Contract.

(2) *Repurchase against contractor's account.* When orders are terminated for default, the items, if listed on a mandatory schedule and still required, shall be reordered against another current applicable Federal Supply Schedule Contract unless the repurchase can be made more economically from a source other than a supply schedule, price, delivery service and administrative expenses considered. If the item is not on a mandatory schedule, the repurchase shall be made at as reasonable a price as practicable considering the quality required by the Government and the time within which the supplies are required. Copies of all repurchased orders under a Federal Supply Schedule Contract, except those furnished to the contractor or any other commercial concern, shall bear the notation: "Repurchase against the account of \_\_\_\_\_ under Contract \_\_\_\_\_." A repurchase against the account of a defaulted contractor shall contain the same accounting data as the terminated order, unless the appropriation cited thereon has elapsed and will not be available for expenditure on the repurchase contract or order, in which case the repurchase must be supported by a new purchase request, citing M appropriation.

(3) *Excess costs.* If the repurchase price is higher than the price of the supplies terminated, the purchasing office shall make a written demand on the contractor for the difference, giving due consideration to any increases or decreases in other ascertainable costs such as transportation and discounts, and shall request payment thereof to the Treasurer of the United States. The purchasing activity shall forward the checks to the cognizant disbursing activity. If the defaulted contractor disputes his liability for excess costs, the purchasing activity may postpone the assessment of such costs until the decision of the GSA contracting officer has been rendered (see (e) below) and any appeal therefrom has been decided. Copies of all correspondence relating to excess costs shall be sent to the GSA Regional Office which entered into the Federal Supply Schedule Contract. Purchasing activities shall report unsuccessful at-

tempts to collect excess costs to the Deputy Regional Director of the Federal Supply Service, at the GSA Regional Office which executed the Federal Supply Schedule Contract involved, which office will, in the absence of available offset in that office, submit such data to the General Accounting Office for collection. Reports shall be made within 60 days from the date of final payment to the new contractor from whom the repurchase was made. Such reports, which may be in letter form, shall include the following:

- (i) Name of the defaulting contractor;
- (ii) Contract number;
- (iii) Order number;
- (iv) Item number and description;
- (v) Schedule price;
- (vi) Amount of excess costs to be collected;
- (vii) Name of the successor contractor;
- (viii) Purchase price under the new contract;
- (ix) Order number or numbers on which payment was made; and
- (x) New contract number, if any.

(4) *Termination for default by the General Services Administration.* When notified by the General Services Administration that it has partially or completely terminated a Federal Supply Schedule Contract for default, purchasing activities shall, as to the terminated items:

- (i) Refuse to accept further performance from the contractor;
- (ii) Place no further orders under the contract; and
- (iii) Repurchase in such manner as may be directed by the General Services Administration.

(d) *Termination for convenience of the Government.* While Federal Supply Schedule Contracts do not include a clause authorizing termination for convenience of the Government, contracting officers may terminate orders under such contracts when such action is in the best interests of the Government, as when the supplies are no longer needed. In contemplating such action, consideration should be given to the fact that the Government may be liable to the contractor for damages, particularly when the terminated supplies are not standard commercial items or "off-the-shelf" articles. Prior to terminating orders for the convenience of the Government, contracting officers shall consult legal counsel and shall endeavor to enter into a "no cost" cancellation agreement with the contractor. Notices of termination of orders for the convenience of the Government shall be in writing and be distributed to all activities having copies of the order and to the GSA Regional Office which entered into the Federal Supply Schedule Contract.

(e) *Disputes.* All disputes concerning questions of fact arising under Federal Supply Schedule Contracts which cannot be satisfactorily settled by the contracting officer and the contractor shall be decided, in accordance with the Disputes clause contained therein, by the cognizant General Services Administration contracting officer executing the contract.



### Subpart 11-5.51—Procurement of Supplies From General Services Administration Stores Depots and of Services for Repair and Refinishing From General Services Administration Sources

1. Section 11-5.5100, is amended, reading as follows:

#### § 11-5.5100 Scope of subpart.

This subpart applies to the procurement of supplies available from General Services Administration stores depots for delivery in the United States (exclusive of Alaska and Hawaii) including the satisfaction of overseas requirements when such requirements are routed to facilities in the United States for supply action. This subpart also applies to the use of General Services Administration services and contracts for the repair and refinishing of office furniture and machines, household and quarters furniture and certain hospital and institutional furniture in the United States, Puerto Rico, and the Virgin Islands. Services of this type which are available from Federal Prison Industries and agencies for the Blind will be procured under the provisions of Subparts 11-5.53 and 11-5.54 of this part.

2. Section 11-5.5108 is added, reading as follows:

#### § 11-5.5108 Additional services.

In addition to the items listed in § 11-5.5106, the General Services Administration regional offices have contracts, available to, but not mandatory on the Department of Defense, for the maintenance, repair, and rehabilitation of many categories of personal property such as fans, door closers, household appliances, water coolers, machine and hand tools, precision instruments, and radio equipment. General Services Administration regional offices will advise Coast Guard activities as to existing contracts covering these services. Such optional contracts should be used when the contracting officer considers them to be in the best interest of the Government. The provisions of §§ 11-5.5003 and 11-5.5004 do not apply to the services covered by this section.

### Subpart 11-5.54—Procurement of Blind-Made Supplies

1. Section 11-5.5402 is amended, reading as follows:

#### § 11-5.5402 Schedule of supplies which are blind-made products.

Supplies manufactured by agencies for the blind are listed in the Schedule of Blind-made Products, hereinafter referred to as the "Schedule," copies of which may be obtained from any of the General Services Administration regional offices or depots. Requests for the Schedule shall be submitted on GSA Form 457. Items available from stocks at General Services Administration Stores Depots are so identified in the Schedule.

2. Section 11-5.5404-1 is amended, reading as follows:

### § 11-5.5404-1 Through National Industries for the Blind.

When procurement of blind-made supplies is to be made through the National Industries for the Blind, a letter request for an allocation (i.e., the designation of an agency to manufacture the supplies) shall be submitted directly to the National Industries for the Blind, 50 West 44th Street, New York, N.Y., 10036. Upon receipt of the request, requirements will be allocated by the National Industries for the Blind, and the purchasing office shall be notified of the name and location of the agency designated to manufacture the requirements. Upon receipt of such notification, a delivery order (DD Form 1155) shall be issued to the designated agency for the blind and a copy thereof shall be forwarded to the National Industries for the Blind. Such orders may be issued without limitation as to dollar amount and shall be recorded as obligations upon issuance.

3. Section 11-5.5405 is amended, reading as follows:

#### § 11-5.5405 Clearances.

Except as provided in § 11-5.5403(c) a purchasing activity may procure supplies of the types listed in the Schedule from commercial concerns only to the extent that such procurement is specifically authorized in clearances issued by National Industries for the Blind, and then only if purchase action is initiated within 30 days from the date of authorization or such additional period as may be authorized by the National Industries for the Blind. Where specifically authorized clearances are issued by National Industries for the Blind, a copy of the clearance shall be attached to the voucher to assure approval by the General Accounting Office.

4. Section 11-5.5407 is added, reading as follows:

#### § 11-5.5407 Procurement of services from agencies for the blind.

(a) Services, as distinguished from supplies, shall not be procured pursuant to the procedure in § 11-5.5401 which does not apply to labor or services or anything other than tangible articles produced by the blind. The renovation of cotton felt mattresses is considered a tangible article of supply.

(b) Agencies for the blind may be solicited in connection with proposed procurements of services but contracts must be awarded pursuant to normal contracting procedures.

(c) When it is known that agencies for the blind are qualified to furnish services, requests for bids or proposals shall be forwarded to:

National Industries for the Blind,  
50 West 44th Street,  
New York, N.Y., 10036.  
Area Code: 212, Phone: TN 7-5252.

Dated: January 10, 1966.

[SEAL]

E. J. ROLAND,  
Admiral, U.S. Coast Guard,  
Commandant.

[F.R. Doc. 66-675; Filed, Jan. 20, 1966;  
8:45 a.m.]

## Title 45—PUBLIC WELFARE

### Chapter I—Office of Education, Department of Health, Education, and Welfare

### PART 141—FINANCIAL ASSISTANCE FOR STRENGTHENING INSTRUCTION IN SCIENCE, MATHEMATICS, MODERN FOREIGN LANGUAGES, OTHER CRITICAL SUBJECTS, AND THE HUMANITIES AND THE ARTS IN PUBLIC SCHOOLS

#### Subpart H—The Humanities and the Arts

Part 141 of Title 45 of the Code of Federal Regulations is amended as follows to reflect the addition by section 467 of Public Law 89-329 of economics to those subjects dealt with in section 303(a) of the National Defense Education Act of 1958 and to reflect the authorization in section 12 of Public Law 89-209 of financial assistance for strengthening instruction in the humanities and the arts.

1. The heading of Part 141 is amended to read as set forth above.

2. The Table of Contents to Part 141 is amended by adding at the end the following:

#### Subpart H—The Humanities and the Arts

##### Sec.

141.50 Acquisition of equipment and minor remodeling for instruction in the humanities and the arts.

141.51 Amendment of State plans to include the humanities and the arts.

141.52 Definitions.

3. The statement of authority is amended to read as follows:

AUTHORITY: Subparts A-F issued under sec. 1001, 72 Stat. 1602, 20 U.S.C. 581; interpret or apply secs. 301-304, 72 Stat. 1588-1589. Subpart H issued under R.S. 161, 5 U.S.C. 22; interprets or applies sec. 12, 79 Stat. 854.

4. The introductory text of paragraph (e) of § 141.1 is amended, and a new subparagraph (9) is added at the end of paragraph (e) to read as follows:

#### § 141.1 Definitions.

(e) Critical subjects means those subjects for which financial assistance may be provided under Title III of the Act; namely science, mathematics, history, civics, geography, economics, modern foreign language, English, and reading, as defined below:

(9) "Economics" means the study of the description and analysis of the means of production, distribution, and consumption of goods and services.

5. The following new Subpart H is added to Part 141 immediately following Subpart F:



# Subpart H—The Humanities and the Arts

## § 141.50 Acquisition of equipment and minor remodeling for instruction in the humanities and the arts.

(a) Funds appropriated pursuant to section 12 of the National Foundation on the Arts and the Humanities Act of 1965 (Public Law 89-209) will, after the reservation of an amount not in excess of 2 per centum thereof for allotment among Puerto Rico, Guam, American Samoa, and the Virgin Islands and after the reservation of 12 per centum for loans authorized by section 12(f) of that Act, be allotted and reallocated among the several States of the Union and the District of Columbia in the same manner as is provided for in subsections (a) and (c) of section 302 of the National Defense Education Act of 1958. The amount so reserved for allotment among Puerto Rico, Guam, American Samoa, and the Virgin Islands will be so allotted by the Commissioner according to their respective needs for the type of assistance authorized to be furnished. Payments pursuant to such allotments will be made in the same manner as is provided for in section 304 of said National Defense Education Act of 1958.

(b) Funds allotted under paragraph (a) of this section will be available for the acquisition of equipment and minor remodeling for strengthening instruction in the humanities and the arts in the same manner as funds appropriated pursuant to the first sentence of section 301 of the National Defense Education Act of 1958 are made available under Subparts A through E of this Part 141 for the acquisition of equipment and minor remodeling for strengthening instruction in the critical subjects.

(c) Funds allotted under paragraph (a) of this section shall not be available for the providing of supervisory and related services in the fields of the humanities and the arts.

## § 141.51 Amendment of State plans to include the humanities and the arts.

A State plan approved by the Commissioner as fulfilling the requirements of section 303 of the National Defense Education Act of 1958 may be amended by the State educational agency to provide for a program under section 12 of Public Law 89-209 for the acquisition of equipment and minor remodeling for strengthening instruction in the humanities and the arts. The Federal funds available for such a program will be those appropriated pursuant to section 12 of Public Law 89-209. Such a program will be subject to the regulations in Subparts A through E of this part in the same manner as those regulations are applicable to a program under section 303 of the National Defense Education Act of 1958 with respect to the acquisition of equipment and minor remodeling for strengthening instruction in the critical subjects. The regulations in this part relating to the administration of a State plan under section 303 of the National Defense Education Act of 1958 are applicable to the administration of a State plan as amend-

ed to provide for a program under section 12 of Public Law 89-209. The funds appropriated pursuant to the second sentence of section 301 of the National Defense Education Act of 1958 for the administration of such a State plan are available for the administration of the State plan as so amended. None of the provisions of the regulations in this part authorize the payment of Federal funds for supervisory and related services in the fields of the humanities and the arts.

## § 141.52 Definitions.

As used in this subpart:

(a) The term "the humanities" includes, but is not limited to, the study of the following: Language, both modern and classic; linguistics, literature; history, jurisprudence; philosophy; archeology; the history, criticism, theory, and practice of the arts; and those aspects of the social sciences which have humanistic content and employ humanistic methods.

(b) The term "the arts" includes, but is not limited to, music (instrumental and vocal), dance, drama, folk art, creative writing, architecture and allied fields, painting, sculpture, photography, graphic and craft arts, industrial design, costume and fashion design, motion pictures, television, radio, tape and sound recording, and the arts related to the presentation, performance, execution, and exhibition of such major art forms.

Dated: December 29, 1965.

[SEAL] FRANCIS KEPPEL,  
Commissioner of Education.

Approved: January 14, 1966.

JOHN W. GARDNER,  
Secretary of Health,  
Education, and Welfare.

[F.R. Doc. 66-708; Filed, Jan. 20, 1966;  
8:48 a.m.]

## PART 142—LOANS TO PRIVATE NON-PROFIT SCHOOLS FOR STRENGTHENING INSTRUCTION IN SCIENCE, MATHEMATICS, MODERN FOREIGN LANGUAGES, OTHER CRITICAL SUBJECTS, AND THE HUMANITIES AND THE ARTS

### Subpart G—The Humanities and the Arts

Part 142 of Title 45 of the Code of Federal Regulations, dealing with the administration of section 305 of Title III of the National Defense Education Act of 1958, as amended, 20 U.S.C. 445, is revised to reflect the addition by section 467 of P.L. 89-329 of economics to those subjects dealt within section 305 of that Act and to reflect the authorization in section 12(f) of P.L. 89-209 of the Commissioner to make loans to private non-profit elementary and secondary schools for strengthening instruction in the humanities and the arts.

1. The heading of Part 142 is amended to read as set forth above.

2. The Table of Contents to Part 142 is amended by adding at the end the following:

### Subpart G—The Humanities and the Arts

Sec.

142.20 Acquisition of equipment and minor remodeling for instruction in the humanities and the arts.

142.21 Definitions.

3. The statement of authority is amended to read as follows:

AUTHORITY: Subparts A through D issued under sec. 1001, 72 Stat. 1602, 20 U.S.C. 581; interpret or apply sec. 305, 72 Stat. 1602, 40 U.S.C. 445. Subpart G issued under R.S. sec. 161, 5 U.S.C. 22; interprets or applies sec. 12, 79 Stat. 854.

4. The introductory text of § 142.2(e) is amended and a new subparagraph (9) is added at the end of (e) to read as follows:

## § 142.2 Definitions.

(e) "Critical subjects" means those subjects for which financial assistance may be provided under Title III of the Act; namely science, mathematics, history, civics, geography, economics, modern foreign language, English, and reading, as defined below:

(9) "Economics" means the study of the description and analysis of the means of production, distribution, and consumption of goods and services.

5. The following new Subpart G is added to Part 142 immediately following Subpart D:

### Subpart G—The Humanities and the Arts

## § 142.20 Acquisition of equipment and minor remodeling for instruction in the humanities and the arts.

(a) The Commissioner will reserve 12 percentum of the funds appropriated pursuant to section 12 of the National Foundation on the Arts and the Humanities Act of 1965 (P.L. 89-209) and will allot the amount so reserved among the several States (other than the Canal Zone) in the same manner as is provided for in section 305(a) of the National Defense Education Act of 1958, and will reallocate such funds among such States in the same manner as is provided for in section 302(c) of said National Defense Education Act of 1958.

(b) Funds allotted or reallocated under paragraph (a) of this section will be available for the acquisition of equipment and minor remodeling for use in providing education in the humanities and the arts and administered in the same manner as funds similarly allotted or reallocated under sections 305(a) and 302(c) of the National Defense Education Act of 1958 for the acquisition of equipment and minor remodeling for use in providing education in the critical subjects are administered under Subparts A through D of this part.

## § 142.21 Definitions.

As used in this subpart:

(a) The term "The humanities" includes, but is not limited to, the study of the following: Language, both modern



and classic; linguistics; literature; history; jurisprudence; philosophy; archeology; the history, criticism, theory, and practice of the arts; and those aspects of the social sciences which have humanistic content and employ humanistic methods.

(b) The term "The arts" includes, but is not limited to, music (instrumental and vocal), dance, drama, folk art, creative writing, architecture and allied fields, painting, sculpture, photography, graphic and craft arts, industrial design, costume and fashion design, motion pictures, television, radio, tape and sound recording, and the arts related to presentation, performance, execution, and exhibition of such major art forms.

Dated: December 29, 1965.

[SEAL] FRANCIS KEPPEL,  
Commissioner of Education.

Approved: January 14, 1966.

JOHN W. GARDNER,  
Secretary of Health,  
Education, and Welfare.

[F.R. Doc. 66-709; Filed, Jan. 20, 1966;  
8:48 a.m.]

## Title 48—TRADE AGREEMENTS AND ADJUSTMENT ASSISTANCE PROGRAMS

### Chapter IV—Department of Labor

#### PART 412—ADJUSTMENT ASSISTANCE FOR WORKERS AFTER CERTIFICATION UNDER AUTOMOTIVE PRODUCTS TRADE ACT OF 1965

Pursuant to authority contained in section 501 of the Automotive Products Trade Act of 1965, Public Law 89-283, I hereby establish Part 412 of Title 48 of the Code of Federal Regulations to prescribe procedures for State employment security agencies in administering the program of adjustment assistance for workers established by this Act.

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. section 1003) which require notice of proposed rule making, public participation in their adoption, and delay in effective date are not applicable because these rules relate to public benefits. I do not believe such procedures will serve a useful purpose here. Accordingly these regulations shall become effective immediately.

1. The new 48 CFR Part 412 shall read as follows:

Sec.

412.1 Effective date of program.

412.2 Applicability of Part 411 to dislocated workers.

412.3 Definitions.

412.4 Qualifications.

412.5 Retroactive payment of trade readjustment allowances.

412.6 Relocation allowances.

AUTHORITY: The provisions of this Part 412 issued under Public Law 89-283.

#### § 412.1 Effective date of program.

(a) Trade readjustment allowances. Trade readjustment allowances shall be

payable to qualified dislocated workers for weeks of unemployment beginning after January 18, 1966, and shall be payable retroactively as provided in § 412.5 for weeks of unemployment beginning after January 17, 1965, and before January 19, 1966.

(b) Relocation allowances. Relocation allowances shall be payable to qualified dislocated workers for relocations occurring after January 18, 1966, and shall be payable retroactively as provided in § 412.6 for relocations occurring after January 17, 1965, and before January 19, 1966.

(c) Supplemental payments. Supplemental assistance—subsistence payments and supplemental assistance—transportation payments shall be payable to qualified dislocated workers for weeks of training beginning after January 18, 1966.

#### § 412.2 Applicability of Part 411 to dislocated workers.

Except where inconsistent with this part, the provisions of Part 411 of this chapter shall apply to a dislocated worker as if he were an adversely affected worker as defined in § 411.1(c) of this chapter. Dislocated employment shall be deemed adversely affected employment as defined in § 411.1(b) of this chapter.

#### § 412.3 Definitions.

As used in this part, except where the context clearly indicates otherwise, the term—

(a) "Adjustment assistance" means the worker assistance provided by title III, chapter 3, of the Trade Expansion Act of 1962.

(b) "Automotive Act" means the Automotive Products Trade Act of 1965, Public Law 89-283.

(c) "Board" means the Automotive Agreement Adjustment Assistance Board established by Executive Order 11254 of 1965 to carry out the functions conferred on the President by section 302 of the Automotive Act.

(d) "Certification" means a certification of a final determination by the Board under section 302 of the Automotive Act that a group of workers is eligible to apply for adjustment assistance.

(e) "Dislocated employment" means employment in a firm or appropriate subdivision of a firm if a certification has been made that workers of such firm or subdivision of a firm are eligible to apply for adjustment assistance.

(f) "Dislocated worker" means (1) an individual who has been partially or totally separated from dislocated employment because of lack of work in such employment or (2) an individual who has been totally separated from a firm because of lack of work which results from lack of work in dislocated employment in a subdivision of such firm other than that in which he was last employed.

(g) "Impact date" means the date on which a dislocation began or threatens to begin as specified in a certification with respect to a group of workers pursuant to section 302(g)(1) of the Automotive Act.

#### § 412.4 Qualifications.

To qualify for trade readjustment allowances under the Automotive Act, a worker must meet each of the following requirements:

(a) He must make an application for a trade readjustment allowance in accordance with instructions and on form furnished by the Secretary which shall be furnished to the worker by the State agency.

(b) He must be a dislocated worker.

(c) His partial or total separation must have occurred—

(1) After January 17, 1965, and

(2) After the impact date specified in the applicable certification; but

(3) Before the expiration of the 2-year period following the date on which the most recent applicable certification was made, and

(4) Before the termination date, if any, specified pursuant to section 302(g) of the Automotive Act.

(d) He must have been employed within the qualifying period specified in § 411.1(w) of this chapter—

(1) In at least 78 weeks at wages of at least \$15 in each of such weeks, and

(2) In at least 26 weeks out of the last 52 calendar weeks in such period at wages of at least \$15 in each of such weeks in a firm or firms with respect to which a certification of dislocation has been made under section 302 of the Automotive Act. For the purpose of meeting this requirement weeks in adversely affected employment may be combined with weeks in dislocated employment.

Evidence that a worker has met the requirements of this section shall be obtained in accordance with § 411.4 of this chapter.

#### § 412.5 Retroactive payment of trade readjustment allowances.

(a) Trade readjustment allowances are payable retroactively for weeks of unemployment beginning after January 17, 1965, and before January 19, 1966, to qualified dislocated workers as hereinbelow provided.

(1) The State agency shall pay such retroactive allowances for weeks with respect to which the dislocated worker received unemployment insurance or for weeks with respect to which he was denied unemployment insurance for the reason only that he was taking training approved by the State agency.

(2) The State agency shall pay such retroactive allowances for weeks other than those covered by subparagraph (1) of this paragraph if the dislocated worker submits a written statement certified to be true to the best of his knowledge and belief, and the State agency determines on the basis of the information contained in such statement, State agency records, or other reasonably available information that he is entitled to such allowances. In this connection, the statement shall include information with respect to each such week as to (i) his unemployment, and if he worked, for whom, how much he was paid, and the reason for the termination of his employment; and (ii) his ability to work,



availability for work, and what steps he took to obtain work. The statement shall include also any other information requested by the State agency necessary to determine whether the dislocated worker is otherwise entitled to such allowances. If the State agency finds that he took such steps to obtain work as a reasonable man would take in his circumstances, he shall be deemed to have been available for work.

(3) The State agency shall not apply State law provisions regarding claimant reporting, registration for work, or search for work for any week to which subparagraphs (1) and (2) of this paragraph are applicable.

(b) This section shall not be deemed to preclude payment to a dislocated worker to trade readjustment allowances on a retroactive basis for weeks of unemployment beginning after January 19, 1966, in cases where an adversely affected worker would be entitled to such payment.

#### § 412.6 Relocation allowances.

(a) Relocation allowances may be granted to qualified dislocated workers subject to the terms and conditions set forth in §§ 411.18-411.25 of this chapter, except that with respect to relocations occurring after January 17, 1965, and before January 19, 1966, §§ 411.18(d), (e), and (g), 411.19, 411.20, and 411.24 shall not apply.

(b) A relocation allowance shall be granted retroactively to a dislocated worker for a relocation occurring after January 17, 1965, and before January 19, 1966, if—

(1) He had at the time of relocation no reasonable prospect of obtaining suitable employment in the commuting area of his former place of residence. In determining whether a worker has met this requirement the opinion of the director of the employment service of the State in which the commuting area of the worker's former place of residence is located shall be taken into account.

(2) He relocated because he obtained suitable employment affording a reasonable expectation of long-term duration in the area in which he relocated, or relocated in reliance upon an adequately-substantiated bona fide offer of such employment and failed to obtain such employment by reason of circumstances outside of his control.

(3) The relocation was completed to the extent provided by § 411.25(d) of this chapter.

(4) He can present reasonable substantiation of the costs of the relocation.

(c) In determining the amount payable retroactively as a relocation allowance the limitations of §§ 411.21, 411.22, and 411.23 of this chapter shall apply.

Signed at Washington, D.C., this 14th day of January 1966.

W. WILLARD WIRTZ,  
Secretary of Labor.

[F.R. Doc. 66-695; Filed, Jan. 20, 1966; 8:47 a.m.]

### Chapter V—Automotive Agreement Adjustment Assistance Board

#### PART 501—ORGANIZATION, FUNCTIONS, AND PROCEDURES

Pursuant to authority contained in the Automotive Products Trade Act of 1965 (Pub. L. 89-283, 79 Stat. 1016) and Executive Order 11254 of October 21, 1965 (30 F.R. 13569), there is hereby established Chapter V and Part 501 of Title 48 of the Code of Federal Regulations to provide for carrying out the responsibilities of the Automotive Agreement Adjustment Assistance Board under this Act and Executive Order.

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) which require notice of proposed rulemaking, opportunity for public participation, and delay in effective date are not applicable because the regulations in this Part relate to public benefits. Accordingly, these regulations shall become effective upon publication in the FEDERAL REGISTER.

Part 501 of Title 48 of the CFR shall read as follows:

Sec.	Scope and purpose.
501.1	Definitions.
501.2	The Board.
501.3	Communications to the Board.
501.4	Who may file petitions.
501.5	Filing of petitions for determination of eligibility to apply for adjustment assistance.
501.6	Contents of petition.
501.7	Action on petitions.
501.8	Basis for certification.
501.9	Release of reports.
501.10	Written and oral submissions.
501.11	Material available to the public.
501.12	Material not available to the public.
501.13	Confidential business data.
501.14	Termination of certification.
501.15	Notices.
501.16	

**AUTHORITY:** The provisions of Part 501 are issued under sec. 302(k) of the Automotive Products Trade Act of 1965, 79 Stat. 1021, and E.O. 11254, 30 F.R. 13569.

#### § 501.1 Scope and purpose.

The purpose of this Part is to set forth regulations relating to the responsibilities vested in the President by Section 302 of the Automotive Products Trade Act of 1965 (79 Stat. 1018) and delegated to the Automotive Agreement Adjustment Assistance Board by Executive Order 11254, issued October 21, 1965 (30 F.R. 13569). Section 302 of the Automotive Act provides special transitional authority for determining eligibility of firms or groups of workers to apply for adjustment assistance in connection with the implementation of the Agreement Concerning Automotive Products Between the Government of the United States of America and the Government of Canada, signed on January 16, 1965. Such adjustment assistance is substantially the same as that for which provision is made in Chapters 2 and 3 of Title III of the Trade Expansion Act of 1962 (76 Stat. 883). Petitions for determinations under this special authority may be filed from January 20, 1966, through June 30, 1968.

#### § 501.2 Definitions.

As used in this Part and in the forms issued pursuant hereto, except where the context clearly indicates otherwise, the term:

(a) "Automotive Act" means the Automotive Products Trade Act of 1965 (Pub. L. 89-283, 79 Stat. 1016).

(b) "Operation of the Agreement" includes governmental or private actions in the United States or Canada, directly related to the conclusion or implementation of the Agreement Concerning Automotive Products Between the Government of the United States of America and the Government of Canada, signed on January 16, 1965.

(c) "Board" means the Automotive Agreement Adjustment Assistance Board consisting of the Secretaries of the Treasury, Commerce, and Labor as established by E.O. 11254.

(d) "Automotive Product" means a motor vehicle or a fabricated component to be used as original equipment in the manufacture of motor vehicles, as provided in the Automotive Act.

(e) "Like product or directly competitive product."

(1) A "like product" means a product which is the same as the automotive product in question.

(2) A "directly competitive product" is a different product which in most cases would perform the same function as the automotive product in question.

(f) "Firm" includes an individual proprietorship, partnership, joint venture, association, corporation (including a development corporation), business trust, cooperative, trustees in bankruptcy, and receivers under decree of any court. A firm, together with any predecessor, successor, or affiliated firm controlled or substantially beneficially owned by substantially the same persons, may be considered a single firm where necessary to prevent unjustifiable benefits.

(g) "Establishment" means a factory or plant including auxiliary facilities operated in conjunction with (whether or not physically separate from) production facilities.

(h) "Appropriate subdivision" means a single establishment in which the automotive product concerned is produced. Where such a product is produced in a distinct part or section of an establishment, such part or section may be considered an appropriate subdivision of the firm.

(i) "Dislocation" means—

(1) in the case of a firm, injury to the firm, which may be evidenced by such conditions as idling of productive facilities, inability to operate at a level of reasonable profit, or unemployment or underemployment, and which is of a serious nature; and

(2) in the case of a group of workers, unemployment or underemployment of a significant number or proportion of the workers of a firm or an appropriate subdivision thereof. Significant number or proportion of workers means in most cases 5 percent of the workers or 50 workers in a firm (or appropriate subdivision thereof), whichever is less. In



the event there are fewer than 50 workers in a firm (or appropriate subdivision) a significant number or proportion may mean as few as, but no fewer than three workers.

(j) "Primary factor" means a factor which is greater in importance than any other single factor present in a given case, but which does not have to be greater than any combination of other factors.

#### § 501.3 The Board.

(a) The Chairman is elected by the Board from among its members.

(b) The Board may from time to time establish appropriate subsidiary bodies to assist it in carrying out its functions.

(c) The Board may redelegate such of its functions as it considers appropriate, except the making of final determinations, certifications, and terminations of certifications under sections 302 (b), (c), (d), and (g) (2) of the Automotive Act.

(d) The Executive Secretary is selected by the Board.

(e) Any rule of practice or procedure of the Board may be waived, altered, suspended, or revoked by the Board if in its judgment there is good and sufficient reason therefor, provided the rule is not required by law.

#### § 501.4 Communications to the Board.

All communications to the Board should be addressed to: Chairman, Automotive Agreement Adjustment Assistance Board, % Department of Labor, 14th and Constitution Avenue NW., Washington, D.C., 20212.

#### § 501.5 Who may file petitions.

(a) Petitions for determinations of eligibility to apply for adjustment assistance under this Part may be filed by:

(1) a firm which produces an automotive product, or its representative; or  
(2) a group of three or more workers in a firm which produces an automotive product, or their certified or recognized union or other duly authorized representative.

(b) The signature of any person who signs a petition or other document related thereto constitutes a certification that he has read the document, that to the best of his knowledge and belief the statements contained therein are correct and complete, and that he is authorized by, and on behalf of, the petitioning firm or group of workers to sign it.

#### § 501.6 Filing of petitions for determination of eligibility to apply for adjustment assistance.

(a) How to file. Petitions under this part shall be filed on Form AAB-1 (Firm) or AAB-2 (Group of workers).<sup>1</sup>

(b) Availability of forms. Petition forms and information relating thereto may be obtained from the Executive Secretary of the Board, the Department of Commerce Field Offices, and local offices of the State employment security agencies affiliated with the U.S. Department of Labor.

<sup>1</sup> The Board will file sample copies of these forms with the Office of the Federal Register.

(c) Where to file. Petitions and documents relating thereto shall be filed with the Board at Washington, D.C. (see § 501.4).

(d) When to file. Petitions may be filed from January 20, 1966, through June 30, 1968.

(e) Date of filing. A petition will be deemed to be filed on the date on which the Board determines that it conforms with the requirements of this part.

(f) Number of copies. A signed original and three (3) true copies of each petition and related documents shall be filed. The name of the person signing the original shall be typewritten or otherwise reproduced on each copy.

(g) Conformity with requirements. Substantial compliance with the requirements of this section may be accepted by the Board for good and sufficient reason.

#### § 501.7 Contents of petition.

The petition forms are designed to elicit such information as will assist the Tariff Commission in its investigations and the Board in making the final determinations required under the Automotive Act. The questions contained in the petition relate to (a) whether the product which is the basis for the petition is an automotive product, (b) whether there is dislocation or threat thereof, and (c) the role of the operation of the Agreement in causing such dislocation or threat thereof.

#### § 501.8 Action on petitions.

(a) Transmittal to Tariff Commission. The Board shall promptly transmit a copy of each properly filed petition to the Tariff Commission. Either concurrently with such transmittal and in no event later than five (5) days after the filing of such a petition, the Board shall request the Tariff Commission to conduct an investigation in order to provide the Board with a factual record, including particular kinds of data as the Board may specify, on the basis of which the Board may make final determinations under sections 302 (b), (c), and (d) of the Automotive Act.

(b) When final determinations are made.

(1) The Board shall make each such final determination not later than fifteen (15) days after the date on which it receives the Tariff Commission's report<sup>2</sup> unless within such period the Board requests the Tariff Commission to furnish a supplemental report covering such additional factual information as the Board may specify.

(2) If the Board requests a supplemental report, it shall make its final determination not later than ten (10)

<sup>2</sup> Section 302(e) (3) of the Automotive Act provides: "Not later than 50 days after the date on which it receives the request of the President under paragraph (1), the Tariff Commission shall transmit to the President a report of the facts disclosed by its investigation, together with the transcript of the hearing and any briefs which may have been submitted in connection with such investigation."

days after receipt thereof from the Tariff Commission.<sup>3</sup>

(c) Advice from other agencies. The Board shall make each such final determination only after it has sought advice from the Departments of Commerce, Labor, and the Treasury, the Small Business Administration, and such other agencies as it may deem appropriate.

#### § 501.9 Basis for certification.

(a) The Board shall promptly certify, except as provided in (c) of this Section, that a petitioning firm or group of workers is eligible to apply for adjustment assistance if it determines that

(1) Dislocation of such firm or group of workers has occurred or threatens to occur;

(2) Production in the United States of the automotive product concerned produced by the firm, or an appropriate subdivision thereof, and of the like or directly competitive product, has decreased appreciably; and

(3) (i) Imports into the United States from Canada of the Canadian product like or directly competitive with that produced by the firm, or an appropriate subdivision thereof, have increased appreciably; or

(ii) Exports from the United States to Canada of the U.S. automotive product concerned produced by the firm, or an appropriate subdivision thereof, and of the like or directly competitive U.S. product, have decreased appreciably, and the decrease in such exports is greater than the decrease, if any, in production in Canada of the Canadian product like or directly competitive with the United States product being exported.

(b) The Board shall promptly certify that a petitioning firm or group of workers is eligible to apply for adjustment assistance if it determines that

(1) Dislocation of such firm or group of workers has occurred or threatens to occur; and that

(2) The operation of the Agreement has been the primary factor in causing or threatening to cause such dislocation.

(c) In no case shall the Board certify that a petitioning firm or group of workers is eligible to apply for adjustment assistance if it determines that the operation of the Agreement has not been the primary factor in causing or threatening to cause dislocation to such firm or group of workers.

#### § 501.10 Release of reports.

Tariff Commission reports concerning investigations made under section 302 (e) or 302(f) of the Automotive Act (except for confidential data) will be made public by the Commission at the time they are transmitted to the Board.

#### § 501.11 Written and oral submissions.

Interested persons may make written submissions to the Board concerning a report of the Tariff Commission no later than eight (8) days after the report has been made public. At its discretion the

<sup>3</sup> Section 302(f) (2) of the Automotive Act provides: " \* \* \* the Tariff Commission shall, not later than 25 days after the date on which it receives the President's request, furnish such additional factual information in a supplemental report \* \* \* "



Board may afford interested persons an opportunity to present their views orally if so requested within five (5) days after the Tariff Commission report has been made public.

**§ 501.12 Material available to the public.**

Petitions and related documents filed with the Board and materials issued for general distribution by the Board may be inspected by persons concerned on request to the Executive Secretary, except as set forth in §§ 501.13 and 501.14.

**§ 501.13 Material not available to the public.**

(a) Documents and other information transmitted in confidence by any Federal or State agency, the release of which has not been authorized by such agency, shall not be available to the public.

(b) Confidential business data qualifying under the provisions of § 501.14 shall not be available to the public.

**§ 501.14 Confidential business data.**

(a) Confidential business data consist of any information which concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association, the disclosure of which is not authorized by law or by the party furnishing such information.

(b) Business data which it is desired shall be treated as confidential shall be clearly marked "Business Confidential."

(c) The Board may refuse to accept in confidence any information which it determines is not entitled to confidential treatment. In the event of such refusal, the person submitting such information shall be notified thereof with a statement of the reasons and shall be permitted to withdraw such information.

**§ 501.15 Termination of certification.**

(a) A certification of eligibility with respect to a group of workers shall be terminated whenever the Board determines that the operation of the Agreement is no longer the primary factor in causing separations from the firm or appropriate subdivision thereof. Whenever the Board has reason to believe that such certification should be terminated, it shall promptly make an investigation

and promptly inform the group of workers and firm concerned of that fact.

(b) Within ten (10) days of being so informed interested persons may make written submissions to show why termination of certification should not be effected. At its discretion the Board may afford interested persons an opportunity to present their views orally if so requested within the ten-day period.

**§ 501.16 Notices.**

(a) The Board shall cause to be published in the FEDERAL REGISTER.

(1) a notice of the establishment of subsidiary bodies and delegations of functions (where appropriate for the guidance of prospective petitioners and other interested persons);

(2) a summary of each final determination made by the Board with respect to a certification of eligibility or termination of such certification;

(3) a notice of each certification of eligibility issued by the Board;

(4) a notice that an investigation has been initiated by the Board with respect to termination of a certification of eligibility;

(5) a notice of each termination by the Board of a certification of eligibility;

(b) Following a certification, a refusal to certify, or a termination of a certification, the Board shall promptly transmit notice to such effect, with the basis for the action, to the petitioner concerned.

Signed at Washington, D.C., this 19th day of January 1966.

W. WILLARD WIRTZ,  
Chairman, Automotive Agreement  
Adjustment Assistance Board.

[F.R. Doc. 66-781; Filed, Jan. 20, 1966;  
8:50 a.m.]

## Title 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

#### SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC-37 (Sub-No. 9)]

#### PART 170—COMMERCIAL ZONES

##### Commercial Zones and Terminal Areas; Baltimore

At a session of the Interstate Commerce Commission, division 1, acting as

an appellate division, held at its offices in Washington, D.C., on the 14th day of January A.D. 1966.

Upon consideration of the record in the above-entitled proceeding, and of:

(1) Joint petition of Davidson Transfer & Storage Co., Motor Freight Express, Preston Trucking Co., Inc., W. T. Cowan, Inc., R. W. Bozel Transfer, Inc., and Tidewater Express Lines, Inc., protestants, filed November 12, 1965, seeking reopening of the proceeding for oral hearing, reconsideration of the decision therein, and stay of the effective date of the order of September 29, 1965, entered in accordance with such decision;

(2) Joint reply by Chamber of Commerce of Metropolitan Baltimore, Baltimore County, Md., Office of Industrial Development, Greater Towson Chamber of Commerce, Chamber of Commerce of Cockeysville, and Chamber of Commerce of Timonium, petitioners, filed November 26, 1965;

and good cause appearing therefor:

*It is ordered*, That the said petition be, and it is hereby, denied, for the reason that the findings of division 1, acting as an appellate division, in its report on reconsideration of September 29, 1965, are in accordance with the evidence and the applicable law, and that no sufficient or proper cause appears for reopening the proceeding for reconsideration, or for oral hearing;

*It is further ordered*, That the order of September 29, 1965 (30 F.R. 13263), as indefinitely postponed pursuant to section 17(8) of the Interstate Commerce Act be, and it is hereby, reinstated, and the effective date thereof is fixed as March 3, 1966.

By the Commission, division 1, acting as an appellate division.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-701; Filed, Jan. 20, 1966;  
8:47 a.m.]



# Proposed Rule Making

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

[ 8 CFR Part 103 ]

#### ORAL ARGUMENT AND APPEALS

##### Notice of Proposed Rule Making

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given of the proposed issuance of the following rules relating to oral argument and appeals. In accordance with subsection (b) of said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 757, 119 D Street NE., Washington, D.C., 20536, written data, views, or arguments relative to these proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the day of publication of this notice will be considered.

Section 103.3 is amended to read as follows:

#### § 103.3 Denials, appeals, and precedent decisions.

(a) *Denials and appeals.* Whenever a formal application or petition filed under § 103.2 is denied, the applicant shall be given written notice setting forth the specific reasons for such denial. When the applicant is entitled to appeal to another Service officer, the notice shall advise him that he may appeal from the decision, and that such appeal may be taken within 15 days after the mailing of the notification of decision, accompanied by a supporting brief if desired and a fee of \$10, by filing Notice of Appeal, Form I-290B, which shall be furnished with the written notice. For good cause shown, the time within which the brief may be submitted may be extended. The party taking the appeal may, prior to appellate decision, file a written withdrawal of such appeal.

(b) *Dismissal of appeals.* Notwithstanding the provisions of paragraph (c) of this section, the officer to whom an appeal is taken may deny oral argument and dismiss any appeal when (1) the party concerned fails to specify the reasons for his appeal, or (2) the appeal is patently frivolous.

(c) *Oral argument.* If an appeal is taken, request for oral argument, if desired, shall be included in the notice of appeal. The officer to whom the appeal is taken shall have the authority to designate the time, date, and place where oral argument may be heard. Oral argument may be heard by the officer to whom the appeal is taken or by an officer designated by him.

(d) *Decisions and precedent decisions.* The decision of the Service officer con-

sidering the appeal shall be in writing and a copy thereof shall be served upon the applicant, petitioner, or other party affected, or his attorney or representative of record. Those decisions of the Service, the Board of Immigration Appeals (§ 3.1(g) of this chapter), and the Attorney General which are of precedential value are published and may be purchased from the U.S. Government Printing Office, Washington, D.C., 20402, or examined at the principal field offices of the Service.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: January 17, 1966.

RAYMOND F. FARRELL,  
Commissioner of  
Immigration and Naturalization.

[F.R. Doc. 66-700; Filed, Jan. 20, 1966;  
8:47 a.m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Stabilization and Conservation Service

[ 7 CFR Part 711 ]

#### MARKETING QUOTA REVIEW

##### Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1363, 1375) the Department proposes to amend section 711.2 of the marketing quota review regulations.

The purpose of this amendment is to include projected farm yield in the definition of the term "quota." Public Law 89-321, approved November 3, 1965, provides for the establishment of projected yields for certain commodities.

Prior to the issuance of this amendment, any data, views, or recommendations pertaining thereto which are submitted in writing to the Director, Farmer Programs Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250, will be given consideration provided such submissions are postmarked not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

It is proposed that paragraph (d) of § 711.2 be amended to read:

#### § 711.2 Definitions.

(d) "Quota" means a farm marketing quota established under the act and includes one or more of the following fac-

tors: farm acreage allotment, farm normal yield or projected farm yield, as applicable, actual production for the farm, farm marketing excess, acreage of the commodity on the farm, determination by the county committee of the land constituting the farm, the small farm base of wheat, and with respect to the farm marketing quota for the 1962 crop of wheat the marketing quota exemption acreage.

Signed at Washington, D.C., on January 17, 1966.

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

[F.R. Doc. 66-677; Filed, Jan. 20, 1966;  
8:45 a.m.]

## ATOMIC ENERGY COMMISSION

[ 10 CFR Part 2 ]

#### INTRA-AGENCY COMMUNICATIONS IN INITIAL LICENSING PROCEEDINGS

##### Rules of Practice

The Commission has under consideration amendments of its Rules of Practice, 10 CFR Part 2, which would (a) relax the present restrictions, in proceedings involving initial licensing, on communications between Commissioners and members of the staff, including the regulatory staff, and (b) permit presiding officers conducting hearings in initial licensing proceedings to consult with members of the panel from which atomic safety and licensing boards are selected with respect to the matters before them, and, except in contested proceedings, with members of the staff, including the regulatory staff.

The Commission's present rules restrict communications between Commissioners and the staff regarding the merits of any proceeding before the Commission (§§ 2.719(c), 2.780). A restriction is likewise imposed on consultation by presiding officers with any persons other than members of their own staffs on any fact in issue before them, except on notice and opportunity for all parties to participate (§ 2.719(b)).

The amendments to §§ 2.4, 2.719(c) and 2.780 proposed below would permit consultation and communications between Commissioners and the staff, including the regulatory staff, in initial licensing proceedings, except that, if the case is contested, consultation would be permitted only at the initiative of the Commission and only with staff who had not participated in the hearing as witness or counsel. A contested proceeding would be defined as one in which there is a controversy between the regulatory



staff and the applicant concerning the issuance of the license or any of the terms or conditions thereof or in which a petition to intervene in opposition to the application has been granted or is pending before the Commission.

The Commission also proposes to amend § 2.719(b) of Part 2 to provide that presiding officers (hearing examiners and atomic safety and licensing boards) may, in initial licensing proceedings, consult members of the panel from which the Commission appoints atomic safety and licensing boards and, except in contested proceedings, the staff, including the regulatory staff.

The communications which would be permitted under the proposed amendments are permissible under subsection 5(c) of the Administrative Procedure Act (5 USC sec. 1004(c)), coming within the exception for initial licensing proceedings contained in that subsection. Relaxation of the present restrictions on communications between the Commissioners and presiding officers on the one hand, and staff on the other hand, is expected to facilitate Commission review of licensing proceedings and enable the Commission and its presiding officers to deal more effectively with the safety considerations involved in such cases, by permitting the Commission and presiding officers greater access to and use of the expertise of the staff.

The proposed changes would in no way lessen the fairness or objectivity which characterize the present decision-making process. If either a final or an initial decision rests on fact or opinion obtained as a result of any communication authorized by the proposed amendments, the substance of the communication will be required to be made a matter of public record in the proceeding and opportunity for rebuttal afforded to any party on timely request, thus assuring that decisions will be made on the basis of the public record in the proceeding.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, notice is hereby given that adoption of the following amendments to 10 CFR Part 2 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

1. Section 2.4 is amended by adding a new paragraph (n) to read as follows:

§ 2.4 Definitions.

(n) "Contested proceeding" means (1) a proceeding in which there is a controversy between the regulatory staff of the Commission and the applicant for a license concerning the issuance of the license or any of the terms or conditions

thereof or (2) a proceeding in which a petition for leave to intervene in opposition to an application for a license has been granted or is pending before the Commission.

2. Section 2.719 is amended by revising paragraphs (b) and (c) and adding a new paragraph (d) to read as follows:

§ 2.719 Separation of functions.

(b) In any adjudication, the presiding officer may not consult any person other than a member of his staff on any fact in issue unless on notice and opportunity for all parties to participate, except (1) as required for the disposition of ex parte matters as authorized by law and (2) as provided in paragraph (c) of this section.

(c) In any adjudication for the determination of an application for initial licensing, the presiding officer may consult (1) members of the panel appointed by the Commission from which members of atomic safety and licensing boards are drawn, and (2) except in a contested proceeding, the staff, including the regulatory staff.

(d) Except as provided in paragraph (c) of this section and § 2.780(e), in any case of adjudication, no officer or employee of the Commission who has engaged in the performance of any investigative or prosecuting function in the case or a factually related case may participate or advise in the initial or final decision, except as a witness or counsel in the proceeding. Where an initial or final decision is stated to rest in whole or in part on fact or opinion obtained as a result of a consultation or communication authorized by paragraph (c) of this section or § 2.780(e), the substance of the communication shall be specified in the record in the proceeding and every party shall be afforded an opportunity to controvert the fact or opinion. If the parties have not had an opportunity to controvert such fact or opinion prior to the filing of the decision, a party may controvert the fact or opinion by filing an exception to the initial decision, or a petition for reconsideration of a final decision, clearly and concisely setting forth the information or argument relied on to show the contrary.

3. Section 2.780 is amended by revising paragraph (d) and adding a new paragraph (e) to read as follows:

§ 2.780 Ex parte communications.

(d) This section does not apply to communications authorized by paragraph (e) of this section, to the disposition of ex parte matters authorized by law, or to communications requested by the Commission concerning:

- (1) Its proprietary functions;
- (2) General health and safety problems and responsibilities of the Commission; or
- (3) The status of proceedings.

(e) In any adjudication for the determination of an application for initial licensing, Commissioners, members of their immediate staffs and other AEC of-

ficials and employees who advise the Commissioners in the exercise of their quasi-judicial functions may consult the staff, including the regulatory staff, and the staff may communicate with Commissioners, members of their immediate staffs and other AEC officials and employees who advise the Commissioners in the exercise of their quasi-judicial functions: *Provided, however*, That in a contested proceeding, such communication or consultation shall be permitted only (1) upon the initiative of the Commissioners and (2) with members of the staff who have not participated in the hearing as witness or counsel.

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

Dated at Washington, D.C., this 17th day of January 1966.

For the Atomic Energy Commission.

W. B. McCool,  
Secretary.

[F.R. Doc. 66-658; Filed, Jan. 20, 1966; 8:45 a.m.]

[ 10 CFR Part 2 ]

TERMINATION OF JURISDICTION OF PRESIDING OFFICERS

Rules of Practice

The Commission has under consideration an amendment of § 2.717 of its Rules of Practice, 10 CFR Part 2, which would provide that the jurisdiction of presiding officers in adjudicatory proceedings shall terminate when the initial decision becomes the final action of the Commission in the absence of review, or when the Commission, after review, renders a final decision, or when the presiding officer withdraws from the case upon considering himself disqualified, whichever is earliest. The proposed amendment would make clear that presiding officers, who exercise quasi-judicial functions, would have no authority or responsibility to take any action after that time.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, notice is hereby given that adoption of the following amendment of 10 CFR Part 2 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendment should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance cannot be given except as to comments filed within the period specified.

Paragraph (a) of § 2.717 is revised to read as follows:

§ 2.717 Commencement and termination of jurisdiction of presiding officer.

(a) Unless otherwise ordered by the Commission, the jurisdiction of the presiding officer designated to conduct a hearing over the proceeding, including motions and procedural matters, com-



mences when the proceeding commences. If no presiding officer has been designated, the Chief Hearing Examiner has such jurisdiction or, if he is unavailable, another hearing examiner has such jurisdiction. A proceeding is deemed to commence when a notice of hearing is issued. When a notice of hearing provides that the presiding officer is to be a hearing examiner, the Chief Hearing Examiner will designate by order the hearing examiner who is to preside. The presiding officer's jurisdiction in each proceeding will terminate upon the expiration of the period within which the Commission may direct that the record be certified to it for final decision, or when the Commission renders a final decision, or when the presiding officer shall have withdrawn himself from the case upon considering himself disqualified, whichever is earliest.

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

Dated at Washington, D.C., this 17th day of January 1966.

For the Atomic Energy Commission,

W. B. McCool,  
Secretary.

[F.R. Doc. 66-659; Filed, Jan. 20, 1966;  
8:45 a.m.]

# **[ 10 CFR Parts 2, 50, 55, 115 ]**

## **FACILITY LICENSING PROCEDURE**

### **Notice of Proposed Rule Making**

The Commission has under consideration several amendments of its Rules of Practice, 10 CFR Part 2, the adoption of a statement of general policy to be appended to that part and miscellaneous amendments of Parts 2, 50, 55, and 115. It is expected that the amendments will expedite the Commission's facility licensing procedure and clarify certain provisions in existing regulations.

Licensing hearings involving the construction and operation of nuclear reactors and other production and utilization facilities are ordinarily conducted by atomic safety and licensing boards whose establishment by the Commission was authorized by section 191 of the Atomic Energy Act of 1954, as amended (the Act). The Commission has authorized such boards to conduct public hearings and make initial decisions in proceedings relating to the granting, suspending, revoking, or amending of licenses or authorizations issued by the Commission. Rules applicable to licensing proceedings conducted by boards (and by hearing examiners) are set forth in 10 CFR Part 2.

The amendments to Part 2 and policy statement under consideration reflect several of the recommendations made by a seven-member Regulatory Review Panel, appointed by the Commission to study (1) the programs and procedures for licensing and regulation of reactors and (2) the decision-making process in the Commission's regulatory program. The Panel's report included a number of recommendations in both areas, particularly in respect to the conduct of "uncontested" licensing proceedings at the construction permit stage.

*Proposed amendments to Part 2.* The proposed amendment of § 2.104 which follows would add a new paragraph (b) to set out the issues which will be specified in the notice of hearing on applications for a construction permit for a facility under section 103 or section 104 b. of the Act or for a testing facility under section 104 c. of the Act. If such a proceeding is not contested, a de novo review of the application would not be conducted, and the board would determine whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, both to support the findings proposed to be made by the Director of Regulation, which are necessary under the Act and the Commission's regulations for the issuance of a provisional construction permit, and the issuance of the provisional construction permit as proposed by the Director of Regulation. If such a proceeding is "contested," the board will decide all matters in controversy, and make the findings on the issues specified in the notice of hearing for a contested proceeding.

The proposed amendment of § 2.721 would set out the procedure followed by the Commission in designating a technically qualified alternate for an atomic safety and licensing board and the effect of such designation. The amendment would specify that if a technically qualified member of a board becomes unavailable before the hearing commences, the board may constitute the alternate as a member of the board by notifying the Commission and the alternate.

Amendment of § 2.764, *Expedited effectiveness of initial decision directing issuance or amendment of construction permit*, is also proposed. The present rule provides that initial decisions directing the issuance or amendment of construction permits and authorizations may, upon written motion and after specified findings are made by the presiding officer, be made effective 10 days after the date of issuance; the rule also provides that effectiveness may be stayed pending filing of a petition for review of the provision for expedited effectiveness. The Commission has concluded, however, that, except where good cause has been shown by a party why the initial decision should not become immediately effective, its licensing procedures can be expedited by providing for an initial decision which directs the issuance or amendment of a construction permit or authorization to become effective immediately without the necessity of filing a motion, subject, of course, to Commission review. The proposed amendment which follows would implement that conclusion and would also provide that the Director of Regulation must issue the permit authorized within 10 days from the effective date of the initial decision.

*Proposed Statement of General Policy—Appendix A to Part 2.* Certain

<sup>1</sup> A "contested proceeding" would be defined in the Commission's rules of practice by a proposed amendment to § 2.4 of 10 CFR Part 2, issued simultaneously herewith.

recommendations of the Regulatory Review Panel do not require or lend themselves, to inclusion as formal rules in the Commission's rules of practice. They have, however, been incorporated in a proposed statement of general policy (Appendix A to Part 2), which would explain the procedures to be followed in the conduct by atomic safety and licensing boards of proceedings involving applications for construction permits on which the Act requires a hearing. The Commission expects that the provisions of the proposed statement of General Policy, to the extent that they are not inconsistent with the Commission's rules and regulations, will be useful as interim guidance until such time as the Commission takes further action on them.

*Proposed amendments to Parts 50, 55, and 115.* The Commission is proposing minor or clarifying amendments of 10 CFR Parts 50 and 115 with respect to (1) the findings necessary to support the issuance of a provisional construction permit or authorization and (2) the terms used to designate the documents which are now termed (a) the "hazards report" submitted by applicants for permits or licenses under Part 50 or authorizations under Part 115 and (b) the "hazards analysis" prepared by the Commission's regulatory staff.

At present § 50.35(a) of Part 50 and 115.24(a) of Part 115 authorize issuance of a provisional construction permit or authorization if, among other things, the Commission finds that "the applicant \* \* \* has identified the major features or components on which technical information is required" (subparagraph (1)), that "the omitted technical information will be supplied" (subparagraph (2)), and that "the applicant has proposed, and there will be conducted, a research and development program reasonably designed to resolve the safety questions, if any, with respect to those features or components which require research and development" (subparagraph (3)). It is proposed that §§ 50.35(a) (1), (2), and (3) and 115.24(a) (1), (2), and (3) be amended to clarify the point that certain design and technical information need not be submitted until the operating license stage.

In addition, the Commission proposes to amend Parts 50 and 115 (and Parts 2 and 55), to substitute the term "safety analysis report" for "hazards summary report" and "safety analysis" for "hazards analysis" (or the equivalent) where they appear. It is believed that the terms "safety analysis report" and "safety analysis" are more accurate descriptions of those documents. All of these proposed amendments are clarifying in nature and have no substantive effect on existing construction permittees under Part 50 or holders of authorizations under Part 115.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, notice is hereby given that adoption of the following amendments of 10 CFR Parts 2, 50, 55, and 115 and of the proposed statement of general policy is contemplated. All interested persons who desire to submit written comments or suggestions for con-



sideration in connection with the proposed amendments and statement of general policy should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, within 60 days from publication of this notice in the FEDERAL REGISTER. Comments received after that time will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

1. Paragraph (b) of § 2.104 of 10 CFR Part 2 is redesignated paragraph (c) and a new paragraph (b) is added to § 2.104 to read as follows:

**§ 2.104 Notice of hearing.**

(b) In the case of an application for a construction permit for a facility on which the Act requires a hearing, the notice of hearing will, unless the Commission determines otherwise, state, in implementation of paragraph (a)(3) of this section:

(1) That, if the proceeding is a contested proceeding, the presiding officer will consider the following issues:

(i) Whether in accordance with the provisions of § 50.35(a) of this chapter:

(a) The applicant has described the proposed design of the facility, including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;<sup>2</sup>

(b) Such further technical or design information as may be required to complete the safety analysis, and which can reasonably be left for later consideration will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development, have been described by the applicant and the applicant has proposed, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components;

(d) On the basis of the foregoing, there is reasonable assurance that (1) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility and (2) taking into consideration the site criteria contained in Part 100 of this chapter, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public;

(ii) Whether the applicant is technically qualified to design and construct the proposed facility;

(iii) Whether the applicant is financially qualified to design and construct the proposed facility;

(iv) Whether the issuance of a permit for the construction of the facility will

be inimical to the common defense and security or to the health and safety of the public.

(2) That, if the proceeding is not a contested proceeding, the presiding officer will, without conducting a de novo review of the application, determine whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, to support affirmative findings on Issues (i)-(iii) specified in subparagraph (1) of this paragraph (b) and a negative finding on Issue (iv) specified in subparagraph (1) of this paragraph (b) proposed to be made and the issuance of the provisional construction permit proposed by the Director of Regulation.

**§§ 2.105, 2.106 [Amended]**

2. Sections 2.105(b)(2) and 2.106(b)(2) of 10 CFR Part 2 are amended by substituting the words "safety analysis" for "safeguards analysis" where they appear.

3. Section 2.721 of 10 CFR Part 2 is revised to read as follows:

**§ 2.721 Atomic safety and licensing boards.**

(a) The Commission may from time to time establish one or more atomic safety and licensing boards, each composed of three members, two of whom will be technically qualified and one of whom will be qualified in the conduct of administrative proceedings, to preside in such proceedings for granting, suspending, revoking, or amending licenses or authorizations as the Commission may designate.

(b) The Commission may designate a technically qualified alternate for an atomic safety and licensing board established pursuant to paragraph (a) of this section. If a technically qualified member of a board becomes unavailable before the hearing commences, the board may constitute the alternate as a member of the board by notifying the Commission and the alternate who will, as of the date of such notification, serve as a member of the board.

(c) An atomic safety and licensing board shall have the duties and may exercise the powers of a presiding officer as granted by § 2.718 and otherwise in this part. At any time when such a board is in existence but is not actually in session, any powers which could be exercised by a presiding officer or by the chief hearing examiner may be exercised with respect to such a proceeding by the chairman of the board having jurisdiction over it.

4. Section 2.764 of 10 CFR Part 2 is revised to read as follows:

**§ 2.764 Immediate effectiveness of initial decision directing issuance or amendment of construction permit.**

(a) An initial decision directing the issuance or amendment of a construction permit or construction authorization shall be effective immediately upon issuance unless the presiding officer finds

that good cause has been shown by a party why the initial decision should not become immediately effective, subject to the review thereof and further decision by the Commission upon exceptions<sup>3</sup> filed by any party pursuant to § 2.762 or upon its own motion.

(b) The Director of Regulation, notwithstanding the filing of exceptions, shall issue a construction permit or authorization, or amendments thereto, authorized by an initial decision, within ten (10) days from the date of issuance of the decision.

5. A statement of general policy is appended to 10 CFR Part 2 to read as follows:

**APPENDIX A—STATEMENT OF GENERAL POLICY: CONDUCT OF PROCEEDINGS FOR THE ISSUANCE OF CONSTRUCTION PERMITS FOR PRODUCTION AND UTILIZATION FACILITIES FOR WHICH A HEARING IS REQUIRED UNDER SECTION 189a OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED**

On December 8, 1962, the Atomic Energy Commission published amendments of its Rules of Practice (10 CFR Part 2) to describe the functions and procedures of its atomic safety and licensing boards (27 F.R. 12184). Those amendments implemented Public Law 87-615 of the 87th Congress, effective August 29, 1962, which was designed to permit greater flexibility and to encourage informality in the conduct of AEC licensing proceedings. The statement of considerations which was published with the amendments to Part 2 included recommendations for the conduct of proceedings by atomic safety and licensing boards, in order to carry out the purpose that hearings in which there are no substantial contested issues among the parties should be conducted more informally than had theretofore been the practice. On November 25, 1963, the Commission issued Press Release F-240 which covered in greater detail the same general subject matter as the statement of considerations and also emphasized the importance which the Commission attached to implementing the informal procedures to the fullest extent practicable in uncontested cases. In the statement of considerations the Commission, recognizing the need for continuing review of its procedures, specifically pointed out that it intended to adopt from time to time any further amendments of its regulations which experience in the operation of atomic safety and licensing boards might indicate as being necessary or desirable.

As a part of that continuing review the Commission announced the appointment of a seven-member Regulatory Review Panel on January 25, 1965 to study (1) the programs and procedures for the licensing and regulation of reactors and (2) the decision-making process in the Commission's regulatory program.

Several of the Panel's recommendations, which were submitted on July 14, 1965, are implemented in the amendments to Part 2 which have been issued simultaneously herewith. As a result of those amendments, the statement of considerations and press release referred to above no longer accurately reflect in detail current Commission rules and policy.

The following Statement of General Policy explains in detail the procedures which the

<sup>3</sup> While Part 2 now provides for review by petition which the Commission in its discretion may or may not grant (§ 2.762), the Commission has published for public comment proposed amendments to Part 2 which would provide for appeals from initial decisions as of right upon filing of exceptions.

<sup>2</sup> The Commission has issued for interim guidance "General Design Criteria for Nuclear Power Plant Construction Permits." See press release No. H-252, dated Nov. 22, 1965.



Atomic Energy Commission expects to be followed by atomic safety and licensing boards in the conduct of proceedings relating to the issuance of construction permits for nuclear power and test reactors and other production or utilization facilities for which a hearing is mandatory under section 189 a. of the Atomic Energy Act of 1954, as amended (the Act).<sup>1</sup> The Statement reflects the Commission's intent that such proceedings be conducted informally and expeditiously and its concern that its procedures maintain sufficient flexibility to accommodate that objective.

Such proceedings are frequently uncontested in that the application for a construction permit is not opposed by an intervenor nor are there any controversies between the Commission's regulatory staff and the applicant concerning the issuance of the permit or the terms and conditions thereof. The provisions of section I through V of the following Statement are, for the sake of convenience, set out in the framework of the uncontested proceeding. They are applicable also, however, to the contested proceeding except as the context would otherwise indicate, or except as indicated in section VI. Section VI sets out the procedures specifically applicable to the contested proceeding.

Atomic safety and licensing boards are appointed from time to time by the Atomic Energy Commission to conduct hearings in licensing cases under the authority of section 191. of the Act. Section 191. authorizes the Commission to establish one or more atomic safety and licensing boards to conduct public hearings and to make intermediate or final decisions in administrative proceedings relating to granting, suspending, revoking, or amending licenses or authorizations issued by the Commission. It requires that each board consist of two members who are technically qualified and one member who is qualified in the conduct of administrative proceedings. Members for each board may be appointed by the Commission from a panel selected from private life, the staff of the Commission or other Federal agencies.

This statement is intended as a guide to the conduct of public hearings under the mandatory hearing requirements of the Act for the information of the public and assistance of members of boards and parties to licensing proceedings. It is not all inclusive. It is intended to explain and summarize certain requirements of governing statutes, the Commission's Rules of Practice, 10 CFR Part 2, and some applicable principles of law and good practice.

#### I. PRELIMINARY MATTERS

(a) A public hearing is announced by the issuance of a notice of hearing signed by the Commission's Secretary, stating the nature of the hearing, its time and place and the issues to be considered. When a hearing is to be held before a Board, the notice of hearing will ordinarily designate the chairman and the other members. The notice of hearing is published in the *FEDERAL REGISTER* at least 30 days prior to the date of hearing. In addition, a public announcement is issued by the Commission regarding the date and place of the hearing.

<sup>1</sup> Except as the context may otherwise indicate, this Statement is also generally applicable to the conduct of proceedings for the issuance of operating licenses for such facilities, as well as to authorization proceedings conducted under Part 115, Procedures for Review of Certain Nuclear Reactors Exempted from Licensing Requirements, and to licensing proceedings of the type described in the Statement which may be conducted by a hearing examiner as the presiding officer.

(b) In fixing the time and place of any postponed hearing or of the prehearing conference the boards will take into consideration the convenience of board members, the AEC staff and other parties to the extent practicable.

(c) The notice of hearing will, unless the staff opposes the application, include the findings which the Director of Regulation proposes to make, that is, the findings which are necessary under the Act and the Commission's regulations to support the granting of an application, and the form of provisional construction permit which he proposes to issue. The Director of Regulation will, of course, be free to propose different findings on the basis of new information brought out at the hearing.

(d) The notice of hearing will state that the board will determine whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, to support the findings proposed to be made by the Director of Regulation and the issuance of the proposed provisional construction permit. The notice of hearing will also state that the board will not conduct a de novo review of the application.

(e) Prior to a hearing, board members should review and become familiar with: The record of any relevant prior proceedings in the case, including initial decisions and Commission orders.

The Advisory Committee on Reactor Safeguards (ACRS) report, the staff safety analysis, the application and all other papers filed in the proceeding.

The Commission's Rules of Practice, 10 CFR Part 2, and such other regulations or published statements of policy of the Commission as may be pertinent to the proceedings.

(f) At any time when a board is in existence but is not actually in session, the chairman has all the powers of the board to take action on procedural matters. The chairman may have occasion, when the board is not in session, to dispose of preliminary procedural requests including, among other things, motions by parties relating to the conduct of the hearing. He may wish to discuss such requests with the other members of the board before ruling on them. No interlocutory appeal<sup>2</sup> may be taken by a party as a matter of right from a ruling of the chairman or the board. The board should refer the challenged ruling to the Commission for a final decision if, in its judgment, a prompt decision is necessary to prevent detriment to the public interest or unusual delay or expense. This authority should be exercised sparingly, and only when deemed essential in fairness to the parties or the public.

#### II. PREHEARING CONFERENCE

(a) A prehearing conference, which is authorized in § 2.752 of 10 CFR Part 2, serves a vital function in defining substantive issues and in settling matters of procedure before the start of the hearing. A prehearing conference should be regarded as an informal meeting of the board with the parties to facilitate and expedite the conduct of the hearing where (a) the significant safety questions can be identified and discussed, (b) any matters in controversy between the parties can be clearly identified, and (c) any preliminary matters, such as identifying the witnesses to be presented by the parties or requested by the board; specifying

<sup>2</sup> An interlocutory appeal means an appeal to the Commission from a ruling made by the board during the time between the issuance of a notice of hearing and the issuance of the initial decision.

the order and method of presentation of their testimony; scheduling the exchange of prepared testimony and documentary evidence; determining the contents of the decisional record and the method of designating exhibits; discussing procedures to be followed at the hearing; and arriving at such agreements as will aid in the conduct and expeditious disposition of the proceeding, can be disposed of. The Commission strongly encourages their use and expects that a prehearing conference will ordinarily be held in each licensing proceeding before an atomic safety and licensing board.

(b) The timing of the prehearing conference will depend on the nature of the case, and should be decided after preliminary study of the case. When feasible, it will assist preparation for the hearing if the prehearing conference is held well in advance of the hearing. The prehearing conference will usually be held without prior public notice, but the board may issue a notice informing the public of the time and place. Prehearing conferences are open to the public except under exceptional circumstances involving matters such as those referred to in 10 CFR 2.810 (a) and (b) ("company confidential" information; classified information; and certain privileged information not normally a part of the hearing record).

(c) It is expected that a transcript of each prehearing conference will be prepared.

(d) Any agreements reached or decisions made at the conference will be incorporated promptly in the formal record of the hearing without prejudice to the rights of any subsequent intervenor. The board will be expected at the opening of the hearing to state on the record that such a conference has been held and the time and place of the meeting and the persons who attended.

(e) The applicant, the regulatory staff and other parties will ordinarily provide each other and the board with copies of prepared testimony in advance of the hearing. A schedule may be established at the prehearing conference for exchange of prepared testimony. The applicant ordinarily files a summary of his application, including a summary description of the reactor and his evaluation of the considerations important to safety, and the staff files a safety analysis prior to the hearing. These are adopted by the testimony of witnesses sworn at the hearing. All of these documents and prepared testimony are filed in the Commission's Public Document Room and are available for public inspection.

#### III. THE HEARING

The following procedures should be observed in the conduct of public hearings:

(a) *Preliminary.* (1) A verbatim transcript will be made of the hearing.

(2) The chairman should convene the hearing by stating the title of the proceeding and describing its nature.

(3) He should state the date, time and place at which the prehearing conference was held, and identify the persons participating in it. He should summarize the prehearing order, or, if there is no written prehearing order, the results of the prehearing conference.

(4) He should explain the procedures for the conduct of the hearing. He should request that counsel for the parties identify themselves on the record, and provide them with the opportunity to make opening statements of their respective positions.

(5) He should describe, for the benefit of members of the public who may be present, the respective roles of the board, the ACRS and the staff, and the Commission procedures for review of the decision. He should also describe the continuing review and inspection surveillance conducted by the Com-



mission after a construction permit or an operating license has been issued.

(b) *Intervention and limited appearances.* (1) The chairman should call attention to the provisions of 10 CFR 2.714 *Intervention* and 2.715 *Participation* by a person not a party (limited appearance). He should briefly explain these provisions and the rights of persons who may qualify as intervenors or as persons to be permitted to make limited appearances. He should call attention to the provision of 10 CFR 2.714(d) that the granting of a petition to intervene does not change or enlarge the issues specified in the notice of hearing unless expressly provided in the order allowing intervention.

(2) The chairman should inquire of those in attendance whether there are any who wish to participate in the hearing by intervention or by limited appearance.

(3) The board should rule on each request to participate in the hearing on either basis. The Commission's rules require that a petition for intervention be filed at least 7 days prior to the start of the hearing. A board has general authority to extend the time for good cause with respect to allowing intervention.

(4) As required by § 2.714 of 10 CFR Part 2, a person who wishes to intervene must set forth, in a petition for leave to intervene, his interest in the proceeding, how the interest may be affected by Commission action, and his contentions. After consideration of any answers, the board will rule on the petition. In any event, the board should not permit enlarging of the issues, or receive evidence from an intervenor, with respect to matters beyond the jurisdiction of the Commission.

(5) Those permitted to intervene become parties to the proceeding. Persons permitted to make limited appearances do not become parties, but should be permitted to make statements at such stage of the proceeding as the board may consider appropriate. A person making a limited appearance may only make an oral or written statement on the record, and may not participate in the proceeding in any other way. The board may wish to limit the length of oral statements. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance for the purpose of making a statement.

(6) It is important that the board make clear to the members of the public seeking to participate the difference between intervention and limited appearance. An intervenor, unlike a person making a limited appearance, has all the rights of the applicant and the staff to participate fully in the conduct of the hearing. For example, he may examine and cross-examine witnesses. A person making a limited appearance may want not only to state his position, but to raise questions which he would like to have answered. This should be permitted to the extent the questions are within the scope of the proceeding as defined by the issues set out in the notice of hearing, the prehearing conference report, and any later orders. Usually such persons should be asked to make their statements or raise their questions early in the proceeding so that the board will have an opportunity to be sure that relevant and meritorious questions are properly dealt with during the course of the hearing.

(7) It is the Commission's view that the rules governing intervention and limited appearances are necessary in the interest of orderly proceedings. The Commission also believes that through these two methods of public participation all members of the public are assured of the right to participate by a method appropriate to their interest in the matter. This should be fully explained at the beginning of the hearing. In some cases the

board may feel that it must deny an application to intervene but that it can still accommodate the desire of the person involved by allowing him to make a statement and raise questions under the limited appearance rule.

(8) Boards have considerable discretion as to the manner in which they accommodate their conduct of the hearing to local public interest and the desires of local citizens to be heard. Particularly in cases where it is evident that there is local concern as to the safety of the proposed plant, boards should so conduct the hearing as to give appropriate opportunity for local citizens to express their views, while at the same time protecting the legal interest of all parties and the public interest in an orderly and efficient licensing process. Boards should give full public recognition to the fact that utilization of such opportunity is one of the important reasons why public hearings are held by the Commission and are held in the locality of interest.

(c) *Opening statements and testimony.* (1) In order to facilitate public understanding of the proceeding it is anticipated that the applicant (who has the burden of proof in licensing proceedings), will, at an appropriate time early in the proceeding, make an oral statement describing in terms that will be readily understood by the public, the manner in which the safety of the public will be assured, by such provisions as siting, safety features of the reactor, including engineered safeguards, etc. It may be that the "summary description of the reactor and \* \* \* evaluation of the considerations important to safety" referred to at paragraph (e) of section II above, will satisfactorily serve as the basis for such oral statement.

(2) The staff will also, early in the proceeding but after the applicant has made the oral statement referred to in the preceding paragraph, make an oral statement describing the staff's evaluation of the application and the reasons for the conclusions reached by the staff, and summarizing the various steps taken by the staff and the ACRS in their review of the application.

(3) The testimony of all witnesses will be given under oath. These witnesses may be collectively sworn at the opening of the hearing or if additional witnesses are called upon to testify at a subsequent stage they may be sworn at the time of their appearance.

(4) There is ordinarily no need for oral recital of prepared testimony unless the board considers that some useful purpose will be served. Each witness presented by a party may be questioned by other parties and by the board. Unless testimony is being taken on a roundtable basis or there is some occasion for clarification of testimony as rendered, the board may wish to reserve its questions until the parties have completed questioning of the witnesses, since counsel for the respective parties will generally be prepared to develop the various lines of pertinent questions.

(5) Opportunity should be assured, on an orderly basis, for each party to comment on statements made by other parties.

(6) The proceedings should be conducted as expeditiously and informally as practicable, without impairing the development of a clear and adequate record. The order of presenting testimony may be freely varied in the conduct of the hearing. The board may find it helpful to take expert testimony from witnesses on a roundtable basis after the receipt in evidence of prepared written testimony.

(7) Objections may be made by counsel to any questions or any line of questioning, and should be ruled upon by the board. The board may admit the testimony, may sustain the objection, or may receive the testimony, reserving for later determination the ques-

tion of admissibility. In passing on objections, the board, while not bound to view proffered testimony according to its admissibility under strict application of the rules of evidence in judicial proceedings, should exclude testimony that is clearly irrelevant to issues in the case, or that pertains to matters outside the jurisdiction of the board or the Atomic Energy Commission. Examples of matters which are considered irrelevant to the issues in the case or outside the jurisdiction of the board or the Atomic Energy Commission include the thermal effects (as opposed to the radiological effects) of the facility operation on the environment; the effect of the construction of the facility on the recreational, economic or political activities of the area near the site; and matters of aesthetics with respect to the proposed construction.

(d) *Documentary evidence.* (1) Documentary evidence may be offered in evidence as provided in 10 CFR 2.743.

(2) Such evidence offered during the course of the hearing should be described by counsel, and furnished to the reporter for marking. Documents offered for marking should be numbered in order of receipt. On identification of a document, it may be offered in evidence.

(e) *Record.* (1) The transcript of testimony and the exhibits, together with all of the papers and requests filed in a proceeding, constitute the record for decision, except to the extent that official notice is taken pursuant to the following paragraph.

(f) *Official notice.* (1) "Official notice" is a legal term of art. Generally speaking, a decision by a board must be made on the basis of evidence which is in the record of the proceeding. A board, however, is expected to use its expert knowledge and experience in evaluating and drawing conclusions from the evidence that is in the record. The board may also take account of and rely on certain facts which do not have to be "proved" since they are "officially noticed"; these facts do not have to be "proved" since they are matters of common knowledge.

(2) Pursuant to 10 CFR 2.743(1) "official notice" may be taken of any fact of which judicial notice might be taken by the courts of the United States and of any technical or scientific fact within the knowledge of the Commission as an expert body, if (1) the fact is specified in the record or is brought to the attention of the parties before the final decision, and (2) every party adversely affected by the decision is afforded an opportunity to convert the fact. (For example, a board might take "official notice" of the fact that high level wastes are encountered mainly as liquid residue from fuel reprocessing plants.) Matters which are "officially noticed" by a board furnish the same basis for findings of fact as matters which have been placed in evidence and proved in the usual sense.

(g) *Participation by board members.* (1) Boards are neither required nor expected to duplicate the review already performed by the regulatory staff and the ACRS and they are authorized to rely upon the uncontested testimony of the regulatory staff and the applicant and the uncontested conclusions of the ACRS. The role of the board is to decide whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, to support the findings proposed to be made by the Director of Regulation and the issuance of the provisional construction permit proposed by the Director of Regulation. The board will not conduct a de novo review of the application, but rather, will test the adequacy of the staff's review upon which are based the findings and form of provisional construction permit which the Director of Regulation pro-



poses to issue. If the board believes that additional information is required in the technical presentation in such a case, it would be expected to request the applicant or staff to supplement the presentation. If a recess should prove necessary to obtain such additional evidence, the recess should ordinarily be postponed until available evidence on all issues has been received.

(2) A question may be certified to the Commission for its determination when the question is beyond the board's authority, or when a major question of policy or procedure is involved which cannot be resolved except by the Commission and when the prompt and final decision of the question is important for the protection of the public interest or to avoid undue delay or serious prejudice to the interests of a party. For example, a board may find it appropriate to certify novel questions to the Commission as to the regulatory jurisdiction of the Commission or the right of persons to intervene.

(h) *Close of hearing.* (1) A board should give each party the opportunity to make a brief closing statement.

(2) A schedule should be set by the board and recorded, either in the transcript or by written order, of the dates upon which the parties are directed by the board to file proposed findings of fact and conclusions of law. Proposed transcript corrections and proposed findings and conclusions are ordinarily filed in the first instance by the applicant, with opportunity for response by the regulatory staff and any intervenor. The atomic safety and licensing board need allow only a minimum time for the filing of proposed findings of fact and conclusions of law, briefs, and proposed form of order or decision, as permitted by § 2.754 of 10 CFR Part 2. It is expected that the proposed findings will ordinarily be extremely brief. Since there will be no significant issues in controversy, there will be no need for extensive findings.

(3) The board should dispose of any additional procedural requests.

(4) The chairman should formally close the hearing.

#### IV. POST-HEARING PROCEEDINGS, INCLUDING THE INITIAL DECISION

(a) A board, acting through the chairman, should dispose of procedural requests made after the close of the hearing, including motions of the parties for correction of the transcript. Responses to requests and motions of the parties are made part of the record by issuance of written orders.

(b) On receipt of proposed findings and conclusions from the parties, the board should prepare the initial decision. Under the Administrative Procedure Act and the Commission's regulations, the decision should include:

(1) Findings, conclusions, and rulings, with the reasons or basis for them, on all material issues of fact, law or discretion presented on the record;

(2) All facts officially noticed and relied on, if any, in making the decision;

(3) The appropriate ruling, order or denial of relief, with the effective date and time within which exceptions to the initial decision may be filed;

(4) The time when the decision becomes final.

(c) A board will not ordinarily be expected to make formal recital of findings in greater detail than general or ultimate findings on the issues specified in the notice of hearing, namely, whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, to support the findings proposed to be made by the Director of Regulation and the issuance of the proposed provisional construction permit. The board

will, of course, rule on findings of fact and conclusions of law proposed by the parties. To the extent that there may be disagreements between any of the parties on any particular matters, the board will be expected to make such detailed findings of fact as are appropriate to support the decisions reached on those matters. If the board finds affirmatively on the issues referred to above the Director of Regulation will, upon his making the proposed findings, issue the permit. If the board finds negatively on those issues, the Director of Regulation will deny the application.

(d) A board will be expected to discuss concisely, in its decision, the principal safety matters involved in the issuance or denial of the proposed provisional construction permit. A board's initial decision should be prepared with the objective of familiarizing the public and the Commission with the reasons for the board's conclusions as to the sufficiency of the application and the record of the proceeding and the adequacy of the review of the application by the Commission's regulatory staff to support both the findings proposed by the Director of Regulation and the issuance of the provisional construction permit.

(e) It is expected that ordinarily a board will render its initial decision in an uncontested case within 15 days after its receipt of proposed findings of fact and conclusions of law filed by the parties.

(f) The initial decision will be transmitted to the Chief, Public Proceedings Branch, Office of the Secretary, for issuance.

(g) After a board's initial decision is issued, the entire record of the hearing, including the board's initial decision, will be sent to the Commission for review. In the course of this review, the Commission may allow a board's decision to become the final decision of the Commission, may modify a board's decision, or may send the case back to the board for additional testimony on particular points or for further consideration of particular issues.

(h) After completion of construction, the applicant must obtain an operating license; but a hearing on the operating license will not be held unless demanded by a party or ordered by the Commission. Where a hearing is held at the operating stage, it would be the practice of the Commission to attempt to use the same board which conducted the construction permit hearing.

#### V. GENERAL

(a) Two members, being a majority of the board, constitute a quorum. The vote of a majority controls in any decision by a board including rulings during the course of a hearing as well as formal orders and the initial decision. A dissenting member is, of course, free to express his dissent and the reasons for it in a separate opinion for the record.

(b) The Commission may designate a technically qualified alternate for a board. The alternate will receive copies and become familiar with the application and other documents filed by the parties prior to the start of the hearing. It is expected that the alternate will be constituted by the board as a member of the board in situations where a technically qualified member of the board becomes unavailable for further service prior to the start of the hearing.

#### VI. PROCEDURES APPLICABLE TO CONTESTED PROCEEDINGS

(a) This section sets out certain differences in procedure from those described in sections I-V above, which are required by the fact that the proceeding is a "contested proceeding." Otherwise, the provisions of sections I through V of this Statement of General Policy also apply to a "contested proceeding."

(b) Issues to be decided by Board:

The board will, if the proceeding becomes a contested proceeding, make findings on the issues specified in the notice. In a contested proceeding, the board will determine:

(1) Whether in accordance with the provisions of 10 CFR 50.35(a)

(a) The applicant has described the proposed design of the facility, including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has proposed, and there will be conducted, a research and development program reasonably designed to resolve any safety questions; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public;

(2) Whether the applicant is technically qualified to design and construct the proposed facility;

(3) Whether the applicant is financially qualified to design and construct the proposed facility;

(4) Whether the issuance of a permit for the construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

In considering those issues, however, the board will, as to matters not in controversy, be neither required nor expected to duplicate the review already performed by the Commission's regulatory staff and the ACRS; the board is authorized to rely upon the uncontested testimony of the regulatory staff and the applicant and the uncontested conclusions of the ACRS.

(c) Prehearing conference:

In contested proceedings, the use of the prehearing conference to identify what matters are in controversy and to clarify their relationship to the issues before the board is of primary importance.

(d) Participation by board members:

In contested proceedings the board will determine controverted matters as well as decide whether the findings required by the Act and the Commission's regulations should be made. Thus, in such proceedings, the board will determine the matters in controversy and may be called upon to make technical judgments of its own on those matters. As to matters which are not in controversy, boards are neither required nor expected to duplicate the review already performed by the regulatory staff and the ACRS and they are authorized to rely upon the uncontested testimony of the regulatory staff and the applicant and the uncontested conclusions of the ACRS. Thus, the board need not review those matters already evaluated by the staff which are not in controversy.

(e) Close of hearing:

In contested proceedings, proposed findings of fact and conclusions of law submitted by the parties may be more detailed than in uncontested proceedings. While brevity in such submissions is encouraged, the proposed findings and conclusions should be such as to reflect the positions of the parties



submitting them, and the technical and factual bases therefor.

(f) Post-hearing proceedings, including the initial decision:

(1) In contrast to an uncontested proceeding, the board will itself make the findings on the issues specified in § 2.104(b)(1) of Part 2 and the reasons or basis for its findings. On the basis of those findings, the initial decision will state the board's determination whether or not a construction permit should be issued and, if so, in what form.

(2) In a contested case, it is expected that a board will ordinarily render its initial decision within 45 days after its receipt of proposed findings of fact and conclusions of law filed by the parties.

6. The section heading of § 50.34 of 10 CFR Part 50 is amended to read as follows:

§ 50.34 Contents of applications; technical information safety analysis report.

7. Section 50.35(a) of 10 CFR Part 50 is revised by amending subparagraphs (1), (2), and (3) to read as follows:

§ 50.35 Issuance of provisional construction permits.

(a) When an applicant has not supplied initially all of the technical information required to complete the application and support the issuance of a construction permit which approves all proposed design features, the Commission may issue a provisional construction permit if the Commission finds that (1) the applicant has described the proposed design of the facility, including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public; (2) such further technical or design information as may be required to complete the safety analysis, and which can reasonably be left for later consideration, will be supplied in the final

safety analysis report; (3) safety features or components, if any, which require research and development have been described by the applicant and the applicant has proposed, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and \* \* \*

§§ 50.30, 50.35, 50.36, 50.59 [Amended]

8. Sections 50.30(c), 50.35(c)(1), 50.36(a) and (c), 50.59(a), (b), (c), and (e) of 10 CFR Part 50 are amended by substituting the words "safety analysis report" for the words "hazards summary report" where they appear.

9. Section 50.59(d) of 10 CFR Part 50 is amended by substituting the words "safety analysis report" for "hazards analysis" in the second sentence.

§ 55.20 [Amended]

10. Section 55.20 of 10 CFR Part 55 is amended by substituting the words "safety analysis report" for "hazards summary report" in the second sentence.

11. The section heading of § 115.23 of 10 CFR Part 115 is amended to read as follows:

§ 115.23 Contents of applications; technical information safety analysis report.

12. Section 115.24(a) of 10 CFR Part 115 is revised by amending subparagraphs (1), (2), and (3) to read as follows:

§ 115.24 Issuance of provisional construction authorizations.

(a) When an applicant has not supplied initially all of the technical information required to complete the application and support the issuance of a construction authorization which approves all proposed design features, the Com-

mission may issue a provisional construction authorization if the Commission finds that (1) the applicant has described the proposed design of the facility, including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public; (2) such further technical or design information as may be required to complete the safety analysis, and which can reasonably be left for later consideration, will be supplied in the final safety analysis report; (3) safety features or components, if any, which require research and development have been described by the applicant and the applicant has proposed, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and \* \* \*

§§ 115.20, 115.24, 115.25, 115.45 [Amended]

13. Sections 115.20(c), 115.24(c)(1), 115.25(a) and (c), 115.45(a), (b), (c), and (e) of 10 CFR Part 115 are amended by substituting the words "safety analysis report" for the words "hazards summary report" where they appear.

§ 115.47 [Amended]

14. Section 115.47(d) of 10 CFR Part 115 is amended by substituting the words "safety analysis report" for "hazards analysis" in the second sentence.

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

Dated at Washington, D.C., this 17th day of January 1966.

For the Atomic Energy Commission.

W. B. McCool,  
Secretary to the Commission.

[F.R. Doc. 66-660; Filed, Jan. 20, 1966; 8:45 a.m.]



# Notices

## FEDERAL AVIATION AGENCY

[Amdt. No. 2]

### ORGANIZATION

#### Description

The Organization Statement of the Federal Aviation Agency (30 F.R. 3395), as amended (30 F.R. 8728), is hereby further amended—

1. By changing the designations "Subpart A", "Subpart B", and "Subpart D" to "Part I", "Part II", and "Part IV", respectively;

2. By amending paragraph (b) (2) of section 4 of Part I to read as follows:

(2) Geographic regions and areas are responsible for conducting the Agency's operations in the field. Each regional organization is comprised of a regional office, which is headquarters of the regional director; of area offices which are the headquarters of the area managers; and of operating offices subordinate to the area offices.

3. By amending the second paragraph of section 5 of Part I to read as follows:

Submittals and requests that are not required to be made at a place established in a regulation, in this Statement, or by a communication to the interested person, may be addressed in writing to the nearest regional or area office of FAA. The addresses of these offices are listed in Part III of this Statement.

4. By amending section 6 of Part II to read as follows:

6. The Regions and their subdivisions. The regional offices plan, direct and control operating programs conducted by the area offices and the operating offices and provide administrative support to them. The regional directors report directly to the Administrator and execute the programs of the Federal Aviation Agency, including assigned international operations, as they apply within the regions. The area offices manage the major operating programs of the Agency with which the public is concerned: Air Traffic, Flight Standards, Airway Facilities, and Airports. The area managers report directly to the regional directors and direct the functions of the field activities through the area branch chiefs. The field activities or operating offices provide service to the public within their functional areas of responsibility (e.g., airport traffic control, flight service, flight inspection, etc.). The functions, geographic jurisdictions, and addresses of the operating offices to which the public is required to resort are stated in Part III of this Statement. Airport Traffic Control Towers, Air Route Traffic Control Centers, and Flight Service Stations transmit and receive information on radio frequencies published in section

IV A, Airport/Facility Director, Airman's Information Manual. The Airman's Information Manual is available from the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402. The geographical jurisdictions of Air Route Traffic Control Centers are depicted on En Route Low Altitude Charts—U.S. Series L-1 through L-28 and En Route High Altitude Charts—U.S. Series H-1 through H-4. These Flight Information Publications are available from the Director, U.S. Coast and Geodetic Survey, Washington, D.C., 20235.

5. By redesignating Subpart C as Part III and amending it to read as follows:

#### PART III. LOCATION AND GEOGRAPHIC SCOPE OF AUTHORITY OF PRINCIPAL OFFICES

##### 1. Agency Headquarters.

Address: 800 Independence Avenue SW., Washington, D.C., 20553.

##### 2. Aeronautical Center.

Mailing Address: Post Office Box 1082, Oklahoma City, Okla., 73101. Street Address: Will Rogers Field, Oklahoma City, Okla.

##### 3. National Aviation Facilities Experimental Center (NAFEC).

Mailing Address: Atlantic City, N.J., 08405. Street Address: Atlantic City Airport, Pleasantville, N.J.

4. Regional Headquarters. The locations, geographic scope of authority, and addresses of the regional headquarters are as follows:

(a) *Eastern Region.* Regional Office at Jamaica, Long Island, N.Y. Address: Federal Building, John F. Kennedy International Airport, Jamaica, Long Island, N.Y., 11430. Geographic Area: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Delaware, New Jersey, Pennsylvania, Ohio, Maryland, Virginia, West Virginia, Kentucky, and the District of Columbia.

(b) *Southern Region.* Regional Office at Atlanta, Ga. Mailing Address: Post Office Box 20636, Atlanta, Ga., 30320. Street Address: 3400 Whipple Street, East Point, Ga. Geographic Area: Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi; the Caribbean Area, Central America (excluding Mexico), Panama, the Canal Zone, and South America.

(c) *Southwest Region.* Regional Office at Fort Worth, Tex. Mailing Address: Post Office Box 1689, Fort Worth, Tex., 76101. Street Address: Haslet Road, Fort Worth, Tex. Geographic Area: Arkansas, Louisiana, Texas, Oklahoma, and New Mexico; Mexico.

(d) *Central Region.* Regional Office at Kansas City, Mo. Address: 4825 Troost Avenue, Kansas City, Mo., 64110. Geographic Area: Michigan, Indiana, Wisconsin, Illinois, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Montana, Iowa, and Missouri.

(e) *Western Region.* Regional Office at Los Angeles, Calif. Address: 5651 West Manchester Avenue, Los Angeles, Calif.,

90009. Geographic Area: Wyoming, Colorado, Arizona, Utah, Idaho, Washington, Oregon, Nevada, and California.

(f) *Alaskan Region.* Regional Office at Anchorage, Alaska. Address: 632 Sixth Avenue, Anchorage, Alaska, 99501. Geographic Area: Alaska.

(g) *Pacific Region.* Regional Office at Honolulu, Hawaii. Mailing Address: Post Office Box 4009, Honolulu, Hawaii, 96812. Street Address: 1833 Kalakaua Avenue, Honolulu, Hawaii. Geographic Area: Hawaii, Pacific Ocean Area west of continental United States and east of East Pakistan and India, including all free nations south and east of China.

(h) *Europe, Africa, and Middle East Region.* Regional Office at Brussels, Belgium. Street Address: Tour Madou Building, 1 Place Madou, Brussels, Belgium. APO mail address: Federal Aviation Agency, EU-1, c/o American Embassy, APO New York, N.Y., 09667. International mail address: Federal Aviation Agency, EU-1, c/o American Embassy, 27 Boulevard du Regent, Brussels, Belgium. Geographic Area: Europe, Africa, and Middle East, including all the free nations west of Burma; Iceland, Bermuda, Greenland, and the Azores.

5. Area Offices. The locations, geographic scope of authority, and addresses of the area offices are as follows:

(a) *Eastern Region.*  
(1) *The Boston Area Office.* Federal Aviation Agency, serves the geographic area consisting of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York (except the counties of Bronx, Queens, New York, Kings, Richmond, Nassau, Suffolk, Westchester, Rockland, Orange, Putnam, Dutchess, Ulster, Sullivan). Address: Building No. 3, Northwest Industrial Park, Burlington, Mass., 01804.

(2) *The Cleveland Area Office.* Federal Aviation Agency, serves the geographic area consisting of the States of Ohio, Kentucky, Pennsylvania (counties of Potter, Cameron, Blair, Clearfield, Bedford, Fulton, and all counties west thereof). Address: 21010 Center Ridge Road, Cleveland, Ohio, 44116.

(3) *The New York Area Office.* Federal Aviation Agency, serves the geographic area consisting of New York (counties of Bronx, New York, Kings, Queens, Richmond, Nassau, Suffolk, Westchester, Rockland, Orange, Putnam, Dutchess, Ulster, Sullivan), New Jersey, Delaware, Pennsylvania (counties of Tioga, Clinton, Centre, Huntington, Franklin, and all counties east thereof). Address: J. F. Kennedy International Airport, Hangar 11, Jamaica, N.Y., 11430.

(4) *The Washington Area Office.* Federal Aviation Agency, serves the geographic area consisting of the States of Maryland, Virginia, West Virginia, and the District of Columbia. Address: Federal Office Building 10A, 800 Independence Avenue SW., Washington, D.C., 20553.

(b) *Southern Region.*  
(1) *The Atlanta Area Office.* Federal Aviation Agency, serves the geographic area consisting of the States of Georgia, North Carolina, and South Carolina. Address: Post Office Box 20636, Atlanta, Ga., 30320.

(2) *The Balboa Area Office.* Federal Aviation Agency, serves the Canal Zone. Address: Drawer H, Balboa Heights, C.Z.

(3) *The Memphis Area Office.* Federal Aviation Agency, serves the geographic area consisting of the States of Tennessee, Alabama,



and Mississippi. Address: Post Office Box 18097, Memphis, Tenn., 38118.

(4) *The Miami Area Office*, Federal Aviation Agency, serves the geographic area consisting of the State of Florida, and provides flight standards international field office services to the Bahamas, Cuba, Jamaica, Guatemala, El Salvador, Honduras, British Honduras, Panama, Nicaragua, and Costa Rica. It also provides Air Carrier District Office services to the Caribbean (excluding Puerto Rico and the Virgin Islands), Central America (excluding Mexico), Panama, and the Canal Zone. Address: Post Office Box 59-2014, Miami, Fla., 33159.

(5) *The San Juan Area Office*, Federal Aviation Agency, serves Puerto Rico and the Virgin Islands. Address: International Airport, Puerto Rico/Virgin Islands, San Juan, P.R., 00913.

(c) *Southwest Region.*

(1) *The Albuquerque Area Office*, Federal Aviation Agency, serves the State of New Mexico and counties of the State of Texas as follows: El Paso, Hudspeth, Culberson, Jeff Davis, Presidio, Brewster, Reeves, Pecos, Terrell, Dallam, Sherman, Hansford, Carson, Ochiltree, Lipscomb, Hartley, Moore, Roberts, Hemphill, Hutchinson, Oldham, Potter, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Farmer, Castro, Swisher, Briscoe, Hall, Childress, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Cochran, Hockley, Lubbock, Crosby, Dickens, King, Terry Lynn, Yoakum, Garza, Kent, Stonewall, Gaines, Dawson, Borden, Scurry, Fisher, Andrews, Martin, Howard, Mitchell, Nolan, Loving, Winkler, Ector, Midland, Glasscock, Sterling, Coke, Ward, Crane, Upton, Reagan, Irion, Tom Green, Crockett, Sutton, and Schleicher. Address: Post Office Box 8502, Albuquerque, N. Mex., 87108.

(2) *The Fort Worth Area Office*, Federal Aviation Agency, serves the States of Oklahoma and Arkansas and the counties of the State of Texas as follows: Hardeman, Foard, Knox, Haskell, Jones, Taylor, Runnels, Wilbarger, Baylor, Throckmorton, Shackelford, Callahan, Coleman, Wichita, Archer, Young, Stephens, Eastland, Brown, Clay, Jack, Palo Pinto, Erath, Comanche, Mills, Hamilton, Montague, Wise, Parker, Hood, Somervell, Bosque, Cooke, Denton, Johnson, Tarrant, Hill, Coryell, McLennan, Grayson, Collin, Dallas, Rockwall, Ellis, Navarro, Limestone, Falls, Fannin, Hunt, Kaufman, Van Zandt, Henderson, Anderson, Freestone, Lamar, Delta, Hopkins, Rains, Wood, Smith, Red River, Franklin, Titus, Camp, Upshur, Gregg, Bowie, Cass, Morris, Marion, and Harrison. Address: Post Office Box 1689, Fort Worth, Tex., 76101.

(3) *The Houston Area Office*, Federal Aviation Agency, serves the State of Louisiana and the counties of the State of Texas as follows: Concho, Menard, Kimble, Edwards, Val Verde, Kinney, Maverick, McCulloch, San Saba, Mason, Llano, Gillespie, Kerr, Kendall, Real, Bandera, Uvalde, Medina, Zavala, Frio, Dimmit, La Salle, Webb, Zapata, Jim Hogg, Starr, Lampasas, Burnet, Blanco, Comal, Bexar, Atascosa, McMullen, Duval, Brooks, Bell, Hidalgo, Williamson, Travis, Hays, Caldwell, Guadalupe, Wilson, Karnes, Live Oak, Jim Wells, Milam, Lee, Fayette, Lavaca, Bastrop, Gonzales, De Witt, Goliad, Bee, Victoria, Calhoun, Refugio, San Patricio, Nueces, Kleberg, Kenedy, Willacy, Cameron, Robertson, Brazos, Washington, Aransas, Burleson, Austin, Colorado, Wharton, Jackson, Matagorda, Leon, Madison, Grimes, Waller, Fort Bend, Brazoria, Houston, Trinity, Walker, San Jacinto, Montgomery, Harris, Galveston, Cherokee, Rusk, Panola, Nacogdoches, Shelby, Angelina, Sabine, San Augustine, Polk, Tyler, Jasper, Newton, Orange, Hardin, Jefferson, Liberty, and Chambers. Address: Post Office Box 60470, Houston, Tex., 77060.

(d) *Central Region.*

(1) *The Chicago Area Office*, Federal Aviation Agency, serves the geographic area comprising the States of Illinois, Indiana, and Michigan. Address: 6600 North Mannheim Road, Post Office Box 8868, Des Plaines, Ill., 60018.

(2) *The Kansas City Area Office*, Federal Aviation Agency, serves the geographic area comprising the States of Missouri, Kansas, Iowa, and Nebraska. Address: 4747 Troost Avenue, Kansas City, Mo., 64110.

(3) *The Minneapolis Area Office*, Federal Aviation Agency, serves the geographic area comprising the States of Montana, North Dakota, South Dakota, Minnesota, and Wisconsin. Address: Wold-Chamberlain Airport, 6301 34th Avenue South, Minneapolis, Minn., 55450.

(e) *Western Region.*

(1) *The Denver Area Office*, Federal Aviation Agency, serves the geographic area consisting of the States of Colorado and Wyoming. Address: Stapleton Field, 8055 East 32d Avenue, Denver, Colo., 80207.

(2) *The Los Angeles Area Office*, Federal Aviation Agency, serves the geographic area consisting of the State of Arizona and the following 10 counties in the State of California: Inyo, Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara and Ventura. Address: Post Office Box 45018, Los Angeles, Calif., 90045.

(3) *The Salt Lake City Area Office*, Federal Aviation Agency, serves the geographic area consisting of the States of Idaho, Nevada, and Utah. Address: 116 North 23d West, Salt Lake City, Utah, 84116.

(4) *The Seattle Area Office*, Federal Aviation Agency, serves the geographic area consisting of the States of Washington and Oregon. Address: Boeing Field, FAA Building, Seattle, Wash., 98108.

(5) *The San Francisco Area Office*, Federal Aviation Agency, serves the geographic area consisting of the following 48 counties of the State of California: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba. Address: Post Office Box 8144, Airport Station, San Francisco, Calif., 94128.

(f) *Pacific Region.*

(1) *The Guam Area Office*, Federal Aviation Agency, serves the geographic area bounded by a line starting at coordinates 18°30' North 155°00' East proceeding south to 03°30' North 155°00' East; thence west to 03°30' North 132°00' East; thence north to 06°00' North 132°00' East; thence west to 06°00' North 130°00' East; thence north to 21°00' North 130°00' East; thence east to 21°00' North 132°00' East; thence north to 23°00' North 132°00' East; thence northeasterly to 29°00' North 143°15' East; thence southeasterly to 25°00' North 148°00' East; thence south to 22°00' North 148°00' East; thence southeasterly to starting point 18°30' North 155°00' East; together with the ground aviation activities operated by the Trust Territory of the Pacific on the islands of Ponape and Majuro. Address: Finegayan, Route 008, Agaña, Guam, 96910.

(2) *The Hawaii Area Office*, Federal Aviation Agency, serves the island of Hawaii. Address: General Lyman Field, Systems Maintenance Sector, Post Office Box 1416, Hilo, Hawaii, 96720.

(3) *The Kauai Area Office*, Federal Aviation Agency, serves the island of Kauai. Address: Lihue Airport, Flight Service Station, R.R. 1, Lihue, Kauai, Hawaii, 96766.

(4) *The Maui Area Office*, Federal Aviation Agency, serves the island of Maui. Address: Kahului Airport, combined Station/Tower, Kahului, Maui, Hawaii, 96732.

(5) *The Molokai Area Office*, Federal Aviation Agency, serves the island of Molokai. Address: Systems Maintenance Sector, Post Office Box 318, Hoolehua, Molokai, Hawaii, 96729.

(6) *The Oahu Area Office*, Federal Aviation Agency, serves the islands of Oahu and Lanai, and the Honolulu Flight Information Region, excluding the land areas of the islands of Maui, Kauai, Hawaii, and Molokai. Address: Post Office Box 4009, 1833 Kalaheua Avenue, Honolulu, Hawaii, 96812.

(7) *The Samoa Area Office*, Federal Aviation Agency, serves the geographic area bounded by a line starting at 10°00' South 167°00' West proceeding south to 17°00' South 167°00' West; thence west to 17°00' South 171°00' West; thence north to 13°00' South 171°00' West; thence northwesterly to 10°00' South 172°30' West; thence east to starting point 10°00' South 167°00' West. Address: Post Office Box 8, Pago Pago, American Samoa, 96920.

(8) *The Wake Area Office*, Federal Aviation Agency, serves the geographic area bounded by a line starting at coordinates 25°10' North 180°00' East and proceeding south to 03°30' North 180°00' East; thence west to 03°30' North 155°00' East; thence north to 18°30' North 155°00' East; thence northwesterly to 22°00' North 148°00' East; thence north to 25°00' North 148°00' East; thence northeasterly to 30°00' North 152°00' East; thence southeasterly to 23°00' North 176°00' East; thence northeasterly to starting point 25°10' North 180°00' East; with the exception of ground activities operated by the Trust Territory of the Pacific on the islands of Ponape and Majuro. Address: Post Office Box 127, Wake Island, Central Pacific, 96930.

(g) *Alaskan Region.* The Alaskan Region Area Offices serve the Flight Service Station, Flight Plan Areas of the same name.

(1) *The Anchorage Area Office*, Federal Aviation Agency, Address: Merrill Field, Building 20, 2016 East Fifth Avenue, Anchorage, Alaska, 99501.

(2) *The Annette Area Office*, Federal Aviation Agency, Address: Annette, Alaska, 99920.

(3) *The Bethel Area Office*, Federal Aviation Agency, Address: Post Office Box 326, Bethel, Alaska, 99559.

(4) *The Big Delta Area Office*, Federal Aviation Agency, Address: Big Delta Airport, Delta Junction, Alaska, 99737.

(5) *The Cold Bay Area Office*, Federal Aviation Agency, Address: Post Office Box 38, Cold Bay, Alaska, 99571.

(6) *The Cordova Area Office*, Federal Aviation Agency, Address: Post Office Box 80, Cordova, Alaska, 99574.

(7) *The Fairbanks Area Office*, Federal Aviation Agency, Address: 5640 Airport Way, Fairbanks, Alaska, 99701.

(8) *The Galena Area Office*, Federal Aviation Agency, Address: Galena, Alaska, 99741.

(9) *The Juneau Area Office*, Federal Aviation Agency, Address: Juneau Municipal Airport, Administration Building, Star Route 1, Juneau, Alaska, 99801.

(10) *The Kenai Area Office*, Federal Aviation Agency, Address: Drawer B, Kenai, Alaska, 99611.

(11) *The King Salmon Area Office*, Federal Aviation Agency, Address: King Salmon, Alaska, 99613.

(12) *The Kodiak Area Office*, Federal Aviation Agency, Address: Post Office Box 805, Kodiak, Alaska, 99615.



## NOTICES

(13) *The Kotzebue Area Office*, Federal Aviation Agency. Address: Post Office Box 42, Kotzebue, Alaska, 99752.

(14) *The McGrath Area Office*, Federal Aviation Agency. Address: Post Office Box 107, McGrath, Alaska, 99627.

(15) *The Nome Area Office*, Federal Aviation Agency. Address: Post Office Box 340, Nome, Alaska, 99762.

(16) *The Northway Area Office*, Federal Aviation Agency. Address: Northway, Alaska, 99764.

(17) *The Sitka Area Office*, Federal Aviation Agency. Address: Post Office Box 507, Mt. Edgecumbe, Alaska, 99835.

(18) *The Yakutat Area Office*, Federal Aviation Agency. Address: Yakutat, Alaska, 99689.

6. *Air Carrier District Offices*. ACDO's administer the FAA regulations for certification of air carriers, commercial operators, and related airmen; and maintain surveillance of and conduct inspections of air carrier operations and maintenance to assure compliance with the safety requirements.

## AIR CARRIER DISTRICT OFFICES

## CALIFORNIA

Los Angeles: 5885 West Imperial Highway, Los Angeles, Calif., 90045.

San Francisco: 831 Mitten Road, Room 106, Burlingame, Calif., 94010. Mail Address: Box 8144, Airport Station, San Francisco, Calif., 94128.

Sun Valley: 7200 North Vineland Avenue, Sun Valley, Calif., 91352.

## COLORADO

Denver: Second Floor, 9635 Montview Boulevard, Aurora, Colo., 80011.

## FLORIDA

Miami: International Airport, Building T-148 MIAD, Post Office Box 59-2014, AMF Branch, Miami, Fla., 33159.

## GEORGIA

Atlanta: Room 212, 3400 Whipple Avenue, East Point, Ga. Mail Address: Atlanta Airport, Box 20-738, Atlanta, Ga., 30320.

## HAWAII

Honolulu: Honolulu International Airport, John Rodgers Terminal Building, Room 714, Honolulu, Hawaii, 96819.

## ILLINOIS

Des Plaines: 6600 North Mannheim Road, Des Plaines, Ill., 60018.

## INDIANA

Indianapolis: Indianapolis Municipal Airport, Building 1, Indianapolis, Ind., 46241.

## MASSACHUSETTS

Boston: 161 Prescott Street, East Boston, Mass., 02128.

## MICHIGAN

Ypsilanti: Willow Run Airport, Flight Standards Building, Ypsilanti, Mich., 48197.

## MINNESOTA

Minneapolis: Fort Snelling, Building 212, Bloomington Road, St. Paul, Minn., 55111.

## MISSOURI

Kansas City: Municipal Airport, Second Floor, North Terminal Building, Kansas City, Mo., 64116.

St. Louis: Post Office Box 6127, Lambert Field, Mo., 63145.

## NEW JERSEY

Newark: Newark Airport, Airmail & Express Terminal, Room 221, Newark, N.J., 07114.

## NEW YORK

New York: J. F. Kennedy International Airport, POYNA Building No. 141, Jamaica, N.Y., 11430.

Utica: Oneida County Airport, R.F.D., Oriskany, N.Y., 13424.

## NORTH CAROLINA

Winston-Salem: Smith Reynolds Airport, Terminal Building, Winston-Salem, N.C., 27105.

## OKLAHOMA

Oklahoma City: Will Rogers World Airport, Room 305, Terminal Building, Post Office Box 19007, Oklahoma City, Okla., 73119.

Tulsa: 7809 East Admiral Place, Tulsa, Okla., 74115.

## PENNSYLVANIA

Pittsburgh: Greater Pittsburgh Airport, Administration Building, Room M-142, Pittsburgh, Pa.

## TENNESSEE

Nashville: Nashville Metropolitan Airport, Room 207, Terminal Building, Nashville, Tenn., 37217.

## TEXAS

Dallas: 3323 Grove Street, Off Love Field Entrance Road, Dallas, Tex., 75235.

Fort Worth: Greater Southwest International Airport, Dallas-Fort Worth Field, Terminal Building, Post Office Box 2506, Fort Worth, Tex., 76152.

Houston: William P. Hobby Airport, Post Office Box 60158, Houston, Tex., 77060.

San Antonio: International Airport, Executive Aircraft Terminal, Room 204, Executive Terminal Drive, San Antonio, Tex., 78216.

## WASHINGTON

Seattle: Boeing Field, FAA Building, Room 202, Seattle, Wash., 98108.

7. *Airport district offices*. ADO's plan, advise on, and facilitate the establishing, improving, equipping, maintaining, and financing of airports under the Federal-Aid Airports Program or by other means, including the airport surplus property disposal program. The listed ADO's provide program coverage only for the states in which they are located.

## AIRPORT DISTRICT OFFICES

## ARIZONA

Phoenix: 2873 Sky Harbor Boulevard, Room 6, Phoenix, Ariz. Mail Address: Sky Harbor Municipal Airport, 2800 Sky Harbor Boulevard, Phoenix, Ariz., 85034.

## LOUISIANA

Shreveport: Post Office Box 9000, Shreveport, La., 71109.

## MICHIGAN

Lansing: Room 526, Mutual Building, 208 North Capitol Avenue, Lansing, Mich., 48933.

## MISSISSIPPI

Jackson: Municipal Airport, Allen C. Thompson Field, FAA Building, Jackson, Miss. Mail Address: Post Office Box 1727, Jackson, Miss., 39205.

## MONTANA

Helena: Helena Airport, Helena, Mont., 59601.

## NEBRASKA

Lincoln: Lincoln Municipal Airport, General Aviation Building, Lincoln, Nebr., 68524.

## NEVADA

Reno: Reno Municipal Airport, Second Floor, Terminal Building, Room 220, Reno, Nev., 89502.

## NORTH CAROLINA

Charlotte: Municipal Airport, Branch Post Office, Charlotte, N.C., 28204.

## OHIO

Columbus: Columbus Municipal Airport, Room 215, New Terminal Building, 4600 East 17th Avenue, Columbus, Ohio, 43219.

## OKLAHOMA

Oklahoma City: Post Office Drawer F, Bethany, Okla., 73008.

## PENNSYLVANIA

Harrisburg: Harrisburg-York State Airport, Room 205, Terminal Building, New Cumberland, Pa., 17070.

8. *Airport Traffic Control Towers*. The ATCT is a central operations facility in the terminal air traffic control system, consisting of a tower cab structure, including an associated IFR room if radar equipped, using air/ground communications and/or radar, visual signaling and other devices, to provide safe and expeditious movement of terminal air and ground traffic.

## AIRPORT TRAFFIC CONTROL TOWERS

## ALABAMA

Birmingham: Birmingham Municipal Airport.

## ALASKA

Anchorage: Anchorage International Airport, Lake Hood International Airport, Merrill Field, King Salmon: King Salmon Airport.

## ARIZONA

Phoenix: Sky Harbor Municipal Airport, Tucson: Tucson International Airport.

## ARKANSAS

Hot Springs: Memorial Field, Little Rock: Adams Field.

## CALIFORNIA

Bakersfield: Meadows Field, Burbank: Lockheed Air Terminal, Concord: Buchanan Field, Fresno: Fresno-Chandler Airport, Fresno Air Terminal, Fullerton: Fullerton Municipal Airport, Hawthorne: Hawthorne Municipal Airport, Hayward: Hayward Air Terminal, LaVerne: Brackett Field, Long Beach: Long Beach Municipal Airport, Los Angeles: Los Angeles International Airport, Van Nuys Airport, Modesto: Modesto City-County Airport, Monterey: Monterey Peninsula Airport, Napa: Napa County Airport, Oakland: Metropolitan-Oakland International Airport, Oxnard: Ventura County Airport, Palmdale: USAF Plant No. 42, Riverside: Riverside Municipal Airport, Sacramento: Sacramento Municipal Airport, San Diego: Montgomery Field, San Diego County Airport, San Diego International Airport, San Francisco: San Francisco International Airport, San Jose: San Jose Municipal Airport, Santa Ana: Orange County Airport, Santa Barbara: Santa Barbara Municipal Airport, Santa Monica: Santa Monica Municipal Airport, Santa Rosa: Sonoma County Airport, Stockton: Stockton Metropolitan Airport, Tahoe Valley: Lake Tahoe Airport, Torrance: Torrance Municipal Airport.



## COLORADO

Colorado Springs: Peterson Field.  
Denver: Stapleton Field.  
Grand Junction: Walker Field.

## CONNECTICUT

Stratford: Bridgeport Municipal Airport.  
Windsor Locks: Bradley Field.

## DELAWARE

New Castle: Greater Wilmington Airport.

## DISTRICT OF COLUMBIA

Washington, D.C.:  
Dulles International Airport.  
Washington National Airport.

## FLORIDA

Fort Lauderdale: Fort Lauderdale-Hollywood International Airport.  
Jacksonville: Thomas Cole Imeson Airport.  
Key West: Key West International Airport.  
Miami:  
Miami International Airport.  
Tampa: Tampa International Airport.  
Opa Locka Airport.  
Orlando: Herndon Airport.  
St. Petersburg: St. Petersburg-Clearwater Airport.  
Sarasota: Sarasota-Bradenton Airport.  
Tallahassee: Tallahassee Municipal Airport.

## GEORGIA

Atlanta:  
Atlanta Municipal Airport.  
De Kalb-Peachtree Airport.  
Fulton County Airport.

## HAWAII

Honolulu: Honolulu International Airport.

## IDAHO

Boise: Boise Air Terminal.  
Idaho Falls: Panning Field.

## ILLINOIS

Chicago:  
Du Page County Airport.  
Merrill C. Meigs Field.  
Midway Airport.  
O'Hare International Airport.  
Rockford: Greater Rockford Airport.

## INDIANA

Fort Wayne: Baer Field.  
Indianapolis: Indianapolis Municipal Airport.  
Muncie: Delaware County Airport.  
South Bend: St. Joseph County Airport.  
Terre Haute: Hulman Field.

## IOWA

Cedar Rapids: Cedar Rapids Municipal Airport.  
Des Moines: Des Moines Municipal Airport.

## KANSAS

Kansas City: Fairfax Airport.

## KENTUCKY

Louisville:  
Bowman Field.  
Standiford Field.

## LOUISIANA

Lafayette: Lafayette Airport.  
Lake Charles: Lake Charles Municipal Airport.  
Monroe: Selman Airport.  
New Orleans:  
New Orleans-Lakefront Airport.  
New Orleans International Airport.  
Shreveport: Downtown Airport.

## MARYLAND

Baltimore: Friendship International Airport.

## MASSACHUSETTS

Bedford: Laurance G. Hanscom Field.  
Boston: Logan International Airport.

Hyannis: Barnstable Municipal Airport.  
Nantucket: Nantucket Memorial Airport.  
New Bedford: New Bedford Municipal Airport.  
Westfield: Barnes Municipal Airport.

## MICHIGAN

Detroit:  
Detroit City Airport.  
Detroit Metropolitan-Wayne County Airport.  
Detroit Willow Run Airport.  
Jackson: Reynolds Municipal Airport.  
Kalamazoo: Kalamazoo Municipal Airport.  
Lansing: Capital City Airport.  
Pontiac: Pontiac Municipal Airport.

## MINNESOTA

Duluth: Duluth International Airport.  
Minneapolis:  
Crystal Airport.  
Flying Cloud Airport.  
Minneapolis-St. Paul International Airport.  
Rochester: Rochester Municipal Airport.  
St. Paul: St. Paul Downtown Airport.

## MISSISSIPPI

Gulfport: Gulfport Municipal Airport.  
Jackson: Allen C. Thompson Field.

## MISSOURI

Kansas City:  
Kansas City Municipal Airport.  
Mid-Continent International Airport.  
St. Louis: Lambert-St. Louis Municipal Airport.  
Springfield: Springfield Municipal Airport.

## MONTANA

Billings: Logan Field.  
Great Falls: Great Falls International Airport.  
Missoula: Missoula County Airport.

## NEBRASKA

Lincoln: Lincoln Municipal Airport/Air Force Base.  
Omaha: Eppley Airfield.

## NEVADA

Las Vegas: McCarran Field.

## NEW JERSEY

Atlantic City: NAFC/Atlantic City (Pomona) Airport.  
Morristown: Morristown Municipal Airport.  
Newark: Newark Airport.  
Teterboro: Teterboro Air Terminal.  
Trenton: Mercer County Airport.

## NEW MEXICO

Albuquerque: Albuquerque Sunport Municipal Airport/Kirtland Air Force Base.  
Farmington: Farmington Municipal Airport.  
Roswell: Roswell Municipal Airport.

## NEW YORK

Albany: Albany County Airport.  
Buffalo: Greater Buffalo International Airport.  
Elmira: Chemung County Airport.  
Islip: Long Island Airport (MacArthur).  
New York:  
J. F. Kennedy International Airport.  
La Guardia Airport.  
Niagara Falls: Niagara Falls Municipal Airport.  
Utica: Onondaga County Airport.  
White Plains: Westchester County Airport.

## NORTH CAROLINA

Charlotte: Douglas Municipal Airport.  
Greensboro: Greensboro-High Point Airport.  
Winston-Salem: Smith Reynolds Airport.

## OHIO

Akron: Akron-Canton Airport.  
Cincinnati:  
Greater Cincinnati Airport.  
Lunken Airport.

## CLEVELAND:

Burke Lakefront Airport.  
Cleveland-Hopkins International Airport.  
Columbus: Columbus Municipal Airport (Port Columbus).  
Dayton: James M. Cox-Dayton Municipal Airport.  
Youngstown: Youngstown Municipal Airport.

## OKLAHOMA

Lawton: Lawton Airport.  
Oklahoma City: Wiley Post Airport.  
Tulsa:  
Tulsa Riverside Airport.  
Tulsa International Airport.

## OREGON

Portland:  
Portland International.  
Portland-Troutdale Airport.

## PENNSYLVANIA

Erie: Port Erie Airport.  
Harrisburg: Harrisburg-York State Airport.  
Lancaster: Lancaster Municipal Airport.  
Philadelphia:  
North Philadelphia Airport.  
Philadelphia International Airport.  
Pittsburgh:  
Allegheny County Airport.  
Greater Pittsburgh Airport.  
Reading: General Carl A. Spaatz Field.  
Wilkes-Barre: Wilkes-Barre Scranton Airport.  
Williamsport: Williamsport-Lycoming County Airport.

## SOUTH CAROLINA

Charleston: Charleston Municipal Airport.  
Greenville: Greenville Municipal Airport.  
Greer: Greenville-Spartanburg Airport.  
Spartanburg: Spartanburg Downtown Memorial Airport.

## SOUTH DAKOTA

Rapid City: Rapid City Municipal Airport.

## TENNESSEE

Chattanooga: Lovell Field.  
Knoxville: McGhee-Tyson Airport.  
Memphis: Memphis Municipal Airport.  
Nashville: Metropolitan Airport.

## TEXAS

Amarillo: Amarillo Air Force Base/Municipal Airport.  
College Station: Easterwood Airport.  
Dallas:  
Addison Airport.  
Dallas Love Field.  
Redbird Airport.  
Fort Worth:  
Meacham Field.  
Southwest Airport.  
Houston: Houston International Airport.  
McAllen: Miller International Airport.  
Midland: Midland Air Terminal.  
Plainview: Hale County Airport.  
San Antonio:  
San Antonio International Airport.  
Stinson Field.  
Wichita Falls: Sheppard Air Force Base/Wichita Falls Air Terminal.

## UTAH

Ogden: Municipal Airport.  
Salt Lake City: Salt Lake City Municipal Airport.

## VERMONT

Burlington: Burlington Municipal Airport.

## VIRGINIA

Lynchburg: Lynchburg Municipal Airport.  
Newport News: Patrick Henry Airport.  
Norfolk: Norfolk Municipal Airport.  
Richmond: Richard E. Byrd Flying Field.  
Roanoke: Woodrum Airport.



## WASHINGTON

Renton: Renton Municipal Airport.  
Seattle: King County Airport.  
Seattle-Tacoma Airport.  
Spokane: Spokane International Airport.

## WEST VIRGINIA

Charleston: Kanawha County Airport.  
Huntington: Tri-State Airport.

## WISCONSIN

Green Bay: Austin Straubel Airport.  
Milwaukee: General Mitchell Field.  
Timmerman Airport.  
Oshkosh: Winnebago County Airport.

## WYOMING

Casper: Casper Air Terminal.

## OTHER LOCATIONS

St. Thomas, V.I.: Harry S. Truman Airport.  
San Juan, P.R.: Isla Grande Airport.  
Puerto Rico International Airport.

9. *Air Route Traffic Control Centers.*  
The ARTCC is a facility established to provide air traffic control services to aircraft operating on an IFR flight plan within controlled airspace and principally during the en route phase of flight.

## AIR ROUTE TRAFFIC CONTROL CENTERS

## ARIZONA

Phoenix: 2800 Sky Harbor Boulevard, Phoenix, Ariz., 85034.

## CALIFORNIA

Los Angeles: 2555 East Avenue P, Post Office Box 700, Palmdale, Calif., 94536.  
Oakland: 5125 Central Avenue, Fremont, Calif., 94536.

## COLORADO

Denver: 2211 17th Avenue, Longmont, Colo., 80501.

## DISTRICT OF COLUMBIA

Washington, D.C.: Route 7 and Route 654, Leesburg, Va., 22075.

## FLORIDA

Jacksonville: Post Office Box 98, Hilliard, Fla., 32046.  
Miami: Northwest 58th and Palmetto Expressway, Miami, Fla.  
Miami: Mail Address: Post Office Box A, Miami Springs, Fla., 33166-1.

## GEORGIA

Atlanta: 299 Woolsey Road, Post Office Box 268, Hampton, Ga., 30288.

## HAWAII

Honolulu: Diamond Head Crater, Post Office Box 4009, Honolulu, Hawaii, 96812.

## ILLINOIS

Aurora: 619 Indian Trail Road, Aurora, Ill., 60507.

## INDIANA

Indianapolis: Weir Cook Airport, Air Mail Field, Indianapolis, Ind., 46241.

## KANSAS

Kansas City: 1801 East Loula, Olathe, Kans., 66061.

## MASSACHUSETTS

Boston: Northeast Boulevard and Harris Road, Nashua, N.H., 03060.

## MINNESOTA

Minneapolis: 512 Division Street, Farmington, Minn., 55024.

## MONTANA

Great Falls: Building 500 (Sage Building), Box 8000, Maistrom Air Force Base, Mont., 59402.

## NEW YORK

New York: Long Island Airport (MacArthur), Ronkonkoma, N.Y., 11779.

## NEW MEXICO

Albuquerque: Los Angeles Drive and Louisiana Boulevard, Post Office Box 3235, Station D, Albuquerque, N. Mex., 87110.

## OHIO

Cleveland: 326 East Lorain Street, Oberlin, Ohio, 44074.

## TENNESSEE

Memphis: 3229 Democrat Road, Post Office Box 18097, Memphis, Tenn., 38118.

## TEXAS

Fort Worth: Watson School Road, Post Office Drawer C, Euless, Tex., 76039.  
Houston: Intercontinental Airport, 3847 Greens Road, Houston, Tex., 77060. Mail Address: Route 2, Box 1138, Humble, Tex., 77338.  
San Antonio: 8562 Broadway, San Antonio, Tex., 78217.

## UTAH

Salt Lake City: 2150 West 6th North, Salt Lake City, Utah, 84116.

## WASHINGTON

Seattle: 3100 Enumclaw Highway, Auburn, Wash., 98002.

## OTHER LOCATIONS

San Juan, P.R.: Puerto Rico International Airport, Room 515, San Juan, P.R., 00901.

10. *Engineering and Manufacturing District Offices.* (Called Aircraft Engineering District Offices in Western Region.) EMDO's administer the FAA regulations governing Production Certification and Original Airworthiness Certification of civil aircraft and aircraft components and participate in securing compliance with FAA regulations governing Type Certification of civil aircraft and aircraft components.

## (a) ENGINEERING AND MANUFACTURING DISTRICT OFFICES

## CONNECTICUT

South Windsor: 1209 John Fitch Boulevard, Route 5, South Windsor, Conn., 06074.

## FLORIDA

Miami: International Airport, Building 2148, Room 103, Post Office Box 2014, AMF Branch, Miami, Fla., 33159.

## GEORGIA

Atlanta: District Office 42, 3400 Whipple Street, East Point, Ga. Mail Address: Post Office Box 20636, Atlanta, Ga., 30320.  
District Office 44, C-141A Project Group, 3400 Whipple Street, East Point, Ga. Mail Address: Post Office Box 20636, Atlanta, Ga., 30320.

Marietta: c/o Lockheed-Georgia Co., Marietta, Ga., 30161.

## INDIANA

Indianapolis: Municipal Airport, FAA Building 1, Indianapolis, Ind., 46241.

## KANSAS

Wichita: Municipal Airport, Flight Standards Building, Wichita, Kans., 67209.

## MICHIGAN

Muskegon: 76 North Getty Street, Post Office Box 538, Muskegon, Mich., 49433.

Ypsilanti: Willow Run Airport, Flight Standards Building, Ypsilanti, Mich., 48197.

## NEW JERSEY

Hasbrouck Heights: 168 Franklin Avenue, Hasbrouck Heights, N.J., 17604.

## NEW YORK

Lindenhurst: Whitney Hangar, Zahn's Airport, North Wellwood Avenue, Lindenhurst, Long Island, N.Y.

## OHIO

Dayton: J. M. Cox-Dayton Municipal Airport, Terminal Building, Room 214, Vandalia, Ohio, 45377.

## OKLAHOMA

Oklahoma City: Wiley Post Airport, FAA Building, Room 201, Bethany, Okla., 73008.

## PENNSYLVANIA

Harrisburg: Payne-Shoemaker Building, North Third and Pine Streets, Harrisburg, Pa., 17101.

## TEXAS

Fort Worth: Greater Southwest International Airport, Dallas-Fort Worth Field, Post Office Box 2054, Fort Worth, Tex., 76125.  
San Antonio: International Airport, Room 203, Executive Aircraft Terminal, Executive Terminal Drive, San Antonio, Tex., 78216.

## (b) AIRCRAFT ENGINEERING DISTRICT OFFICES

## CALIFORNIA

Burbank: 7200 North Vineland Avenue, Sun Valley, Calif. 91352.  
Long Beach: 2815 East Spring Street, Long Beach, Calif., 90808.  
Los Angeles: 5885 West Imperial Highway, Post Office Box 45018, Los Angeles, Calif., 90045.  
San Diego: Lindbergh Field, Room 7, Harbor Exchange Building, 3110 Goddard Way, San Diego, Calif., 92101.

## WASHINGTON

Seattle: Boeing Field, Room 202, South Annex, Seattle, Wash., 98101.

11. *Flight Inspection District Offices; Flight Inspection Field Offices.* FIDO's and FIDO's conduct in-flight inspections for site survey, commissioning, determining the operational adequacy of air navigation facilities, and the safety and practicability of associated flight procedures; and assure appropriate action to amend, suspend, or cancel the use of air navigation facilities or systems as necessary to insure safety of air commerce.

## (a) FLIGHT INSPECTION DISTRICT OFFICES

## ALASKA

Anchorage: 4510 International Airport Road, Anchorage, Alaska, 99502.

## CALIFORNIA

Los Angeles: 5885 West Imperial Highway, Los Angeles, Calif., 90045.  
Oakland: Oakland International Airport, Terminal Building, Second Floor, Post Office Box 2446, Oakland, Calif., 94614.

## COLORADO

Denver: Room 243, 8055 East 32d Avenue, Denver, Colo., 80207.

## FLORIDA

Miami: Miami International Airport, FAA/WB Building, Post Office Box 59-2014, Miami, Fla., 33159.  
Orlando: 341 North Maguire Boulevard, Orlando, Fla., 32803.



## GEORGIA

Atlanta: Fulton County Airport, FAA Building, Atlanta, Ga., 30336.

## HAWAII

Honolulu: Honolulu International Airport, Tradewinds Terminal Building, Post Office Box 4009, Honolulu, Hawaii, 96812.

## KANSAS

Kansas City: Fairfax Airport, 450 East Donovan Road, Kansas City, Kans., 66115.

## MASSACHUSETTS

Bedford: Hanscom Civil Air Terminal, Second Floor, Bedford, Mass., 01730.

## MICHIGAN

Battle Creek: Kellogg Field, 135 North Helmer Road, Post Office Box 1110, Battle Creek, Mich., 49016.

## MINNESOTA

Minneapolis: Minneapolis-St. Paul International Airport, Building 45, U.S. Naval Air Station, Minneapolis, Minn., 55450.

## MISSISSIPPI

Meridian: Municipal Airport Terminal, Key Field, Post Office Box 4236, West Station, Meridian, Miss., 39304.

## NEW MEXICO

Albuquerque: Municipal Airport, Terminal Building, Post Office Box 9011, Albuquerque, N. Mex., 87119.

## OHIO

Columbus: U.S. Government Hangar, Second Floor, 675 Hamilton Road, Columbus, Ohio, 43219.

## TEXAS

Fort Worth: Meacham Field, International Building, Post Office Box 1689, Fort Worth, Tex., 76101.

Houston: Post Office Box 60336, 8345 Telephone Road, Room 4, Houston, Tex., 77060.

## UTAH

Salt Lake City: 116 North 23d West, Room 111, Salt Lake City, Utah, 84116.

## WASHINGTON

Seattle: Boeing Field, Room 105, FAA Building, Seattle, Wash., 98108.

## OTHER LOCATIONS

Manila, Republic of the Philippines: c/o American Embassy, APO, San Francisco, Calif., 96528.

Tokyo, Japan: APO, San Francisco, Calif., 96323.

## (b) FLIGHT INSPECTION FIELD OFFICES

## CALIFORNIA

Los Angeles: 5885 West Imperial Highway, Los Angeles, Calif., 90045.

Santa Monica: 3171 South Bundy Drive, Santa Monica, Calif., 90405.

## NEW JERSEY

Atlantic City: Flight Inspection Field Office No. 2, National Aviation Facilities Experimental Center, Atlantic City, N.J., 08404.

## OKLAHOMA

Oklahoma City:

Flight Inspection Field Office 1, Aeronautical Center, Post Office Box 1082, Oklahoma City, Okla., 73101.

Flight Inspection Field Office 4, Tinker Air Force Base, Oklahoma City, Okla., 73101.

12. *Flight Service Stations.* The FSS is a facility to provide in-flight and pre-flight assistance service, point-to-point

communications incident to the exchange of aircraft movement messages, collection and dissemination of weather data, Notices to Airmen, and other pertinent aeronautical information.

## ALABAMA

Anniston: Anniston Municipal Airport, Post Office Box 3387, Oxford, Ala., 36203.

Birmingham: Birmingham Municipal Airport, 6500 43d Avenue, North Birmingham, Ala., 35206.

Dothan: Napier Field, Post Office Box 1650, Dothan, Ala., 36302.

Mobile: Bates Field, Administration Building, Second Floor, Mobile, Ala. Mail Address: Post Office Box 6317, Loop Station, Mobile, Ala., 36603.

Montgomery: Dannelly Field, Terminal Building, Box N, Cloverland Station, Montgomery, Ala., 36105.

Muscle Shoals: Muscle Shoals Municipal Airport, Post Office Box 459, Sheffield, Ala., 35661.

Tuscaloosa: Van de Graaff Airport, Second Floor, Administration Building, Tuscaloosa, Ala. Mail Address: Post Office Box 447, Northport, Ala., 35476.

## ALASKA

Aniak: Aniak Airport, Box 607, Aniak, Alaska, 99557.

Bethel: Bethel Municipal Airport, Post Office Box 326, Bethel, Alaska, 99559.

Bettles: Bettles Field, Bettles, Alaska, 99726. Big Delta: Big Delta Airport, Delta Junction, Alaska, 99737.

Cape Yakataga: Yakataga Airport, Cape Yakataga, Alaska, 99560.

Cordova: Cordova Municipal Airport, Post Office Box 80, Cordova, Alaska, 99574.

Farewell: Farewell Airport, Farewell, Alaska, 99659.

Galena: Galena Airport, Galena, Alaska, 99741.

Gulkana: Gulkana Airport, Post Office Box 6, Glennallen, Alaska, 99588.

Gustavus: Gustavus Airport, Gustavus, Alaska, 99826.

Homer: Homer Municipal Airport, Post Office Box 214, Homer, Alaska, 99603.

Iliamna: Iliamna Airport, Iliamna, Alaska, 99606.

Kenai: Kenai Airport, Drawer B, Kenai, Alaska, 99611.

King Salmon: King Salmon Airport, King Salmon, Alaska, 99613.

Kodiak: Kodiak Municipal Airport, Post Office Box 805, Kodiak, Alaska, 99615.

Kotzebue: Ralph Wein Memorial Airport, Post Office Box 42, Kotzebue, Alaska, 99752.

McGrath: McGrath Airport, Post Office Box 107, McGrath, Alaska, 99627.

Minchumina: Lake Minchumina Airport, Minchumina, Alaska, 99623.

Moses Point: Moses Point Airport, Moses Point, Alaska, 99759.

Nenana: Nenana Municipal Airport, Post Office Box 208, Nenana, Alaska, 99760.

Nome: Nome (FAA) Field, Post Office Box 340, Nome, Alaska, 99762.

Northway: Northway Airport, Northway, Alaska, 99764.

Sitka: Sitka Seadrome, Post Office Box 507, Mount Edgecumbe, Alaska, 99835.

Summit: Summit Airport, Summit, Alaska, 99775.

Talkeetna: Talkeetna Airport (FAA), Talkeetna, Alaska.

Tanana: Tanana Airport (FAA), Post Office Box 103, Tanana, Alaska, 99777.

Unalakleet: Unalakleet Airport, Unalakleet, Alaska, 99684.

Yakutat: Yakutat Airport, Yakutat, Alaska, 99689.

## ARIZONA

Douglas: Bisbee-Douglas International Airport, Drawer M, Douglas, Ariz., 85607.

Phoenix: Sky Harbor Municipal Airport, Room 132, 2800 Sky Harbor Boulevard, Phoenix, Ariz., 85034.

Prescott: Prescott Municipal Airport, Federal Building, Post Office Box 2359, Prescott, Ariz., 86301.

Tucson: Tucson International Airport, Tucson, Ariz., 85706.

Yuma: Yuma International Airport, 2179 East 32d Street, Yuma, Ariz., 85364.

## ARKANSAS

El Dorado: Goodwin Field, Post Office Box 488, El Dorado, Ark., 71731.

Fayetteville: Fayetteville Municipal Airport (Drake Field), Post Office Box 1068, Fayetteville, Ark., 72702.

Harrison: Harrison Municipal Airport, FAA Building, Post Office Box 339, Harrison, Ark., 72601.

Pine Bluff: Grider Field, Post Office Box 875, Pine Bluff, Ark., 71602.

Texarkana: Texarkana Municipal Airport, Post Office Box 21, Texarkana, Ark., 75502.

Walnut Ridge: Walnut Ridge Municipal Airport, Post Office Box 71, Walnut Ridge, Ark., 72476.

## CALIFORNIA

Arcata: Arcata Airport, Corner Boeing and Piper Avenues, Post Office Box 250, Arcata, Calif., 95521.

Bakersfield: Kern County Airport, 1401 Skyway Drive, Suite 120, Bakersfield, Calif., 93308.

Blythe: Riverside County Airport, Post Office Box 578, Blythe, Calif., 92225.

Crescent City: Jack McNamara Field, Post Office Box 668, Crescent City, Calif., 95531.

Daggett: Barstow-Daggett Airport, Star Route, Daggett, Calif., 92327.

Fresno: Fresno Air Terminal, Government Agency Building, Suite 1, Fresno, Calif., 93727.

Imperial: Imperial County Airport, Post Office Box 278, Imperial, Calif., 92251.

Los Angeles: Los Angeles International Airport, 5820 Avion Drive, Post Office Box 90276, Airport Station, Los Angeles, Calif., 90009.

Marysville: Yuba County Airport, Post Office Box 1552, Marysville, Calif., 95902.

Montague: Siskiyou County Airport, Airport Road, Post Office Box 248, Montague, Calif., 96064.

Needles: Needles Municipal Airport, Post Office Box 426, Needles, Calif., 92363.

Oakland: Metropolitan Oakland International Airport, 9401 Earhart Road, Post Office Box 2368, Airport Station, Oakland, Calif., 94614.

Palmdale: AF Plant 42, 2505 East Avenue P, Palmdale, Calif., 93550.

Paso Robles: Paso Robles County Airport, Estrella Road, Post Office Box 275, Paso Robles, Calif., 93446.

Red Bluff: Bidwell Airport, West End Kimball Road, Post Office Box 458, Red Bluff, Calif., 96080.

Sacramento: Sacramento Municipal Airport, Room 204, Administration Building, 6151 Freeport Boulevard, Sacramento, Calif., 95822.

Salinas: Salinas Municipal Airport, 10 Mortensen Avenue, Salinas, Calif., 93905.

San Diego: Lindbergh Field, Second Floor, Administration Building, 2906 North Pacific Highway, San Diego, Calif., 92101.

Santa Barbara: Santa Barbara Municipal Airport, Post Office Box 787, Goleta, Calif., 93017.

Stockton: Stockton Metropolitan Airport, 5000 Airport Way, Stockton, Calif., 95206.

Thermal: Thermal Airport, Avenue 56 and Tyler Street, Post Office Box 785, Thermal, Calif., 92274.

Ukiah: Ukiah Municipal Airport, Federal Aviation Agency Building, South Highway, Post Office Box 480, Ukiah, Calif., 95482.



## COLORADO

Akron: Akron-Washington County Airport, Post Office Box R, Akron, Colo., 80720.  
 Denver: Stapleton Airfield, Communications Building, Denver, Colo., 80207.  
 Eagle: Eagle County Airport, FAA Communications Building, Eagle, Colo. Mail Address: Post Office Box 158, Gypsum, Colo., 81637.  
 Grand Junction: Walker Field, First Floor, Control Tower Building, Post Office Box 2687, Grand Junction, Colo., 81502.  
 La Junta: La Junta Municipal Airport, Administration Building, Post Office Box 880, La Junta, Colo., 81050.  
 Trinidad: Trinidad-Las Animas County Airport, Post Office Box 755, Trinidad, Colo., 81082.

## CONNECTICUT

Windsor Locks: Bradley Field, Third Floor, Terminal Building, Windsor Locks, Conn., 06096.

## DISTRICT OF COLUMBIA

Washington, D.C.: Washington National Airport, General Aviation Terminal, Washington, D.C., 20553.

## FLORIDA

Crestview: Bob Sikes Airport, Post Office Box 845, Crestview, Fla., 32536.  
 Fort Meyers: Page Field, Post Office Box 1920, Fort Meyers, Fla., 33902.  
 Gainesville: Gainesville Municipal Airport, FAA Building, Post Office Box 1307, Gainesville, Fla., 32601.  
 Jacksonville: Thomas Cole Imeson Airport, FAA Building, Post Office Box 18006, Jacksonville, Fla., 32229.  
 Key West: Key West International Airport, Second Floor, Terminal Building, Post Office Box 2038, Key West, Fla., 33044.  
 Melbourne: J. F. Kennedy Memorial Airport, FAA Building, Post Office Box 548, Melbourne, Fla., 32902.  
 Orlando: Herndon Airport, Post Office Box 672, Orlando, Fla., 32802.  
 Pensacola: Pensacola Municipal Airport, FAA Building, First Floor, Post Office Box 2576, Pensacola, Fla., 32503.  
 Tallahassee: Tallahassee Municipal Airport, FAA/WB Building, Post Office Box 839, Tallahassee, Fla., 32302.  
 Tampa: Tampa International Airport, Tampa, Fla., 33607.  
 Vero Beach: Vero Beach Municipal Airport, Administration Building, Post Office Box 127, Vero Beach, Fla., 32960.

## GEORGIA

Albany: Albany Airport-McAfee Air Terminal, Post Office Box 42, Albany, Ga., 31702.  
 Alma: Alma Airport, R.F.D. 1, Post Office Box 156, Alma, Ga., 31510.  
 Atlanta: Fulton County Airport, FAA Building, Atlanta, Ga., 30331.  
 Brunswick: McKinnon Airport, Post Office Box 1199, St. Simons Island, Ga., 31522.  
 Macon: Macon Municipal Airport, Macon, Ga., 31202.  
 Savannah: Travis Field, Building 105, Post Office Box 7017, Garden City, Savannah, Ga., 31408.  
 Valdosta: Valdosta Municipal Airport, Post Office Box 1451, Valdosta, Ga., 31602.

## HAWAII

Honolulu: Honolulu International Airport, Room 821, Terminal Building, Honolulu, Hawaii. Mail Address: Post Office Box 4009, Honolulu, Hawaii, 96812.  
 Lihue: Lihue Airport, Rural Route No. 1, Lihue, Kauai, Hawaii, 96766.

## IDAHO

Boise: Boise Air Terminal, Gowen Field, Second Floor, Administration Building, 3201 Airport Way, Post Office Box 4098, Boise, Idaho, 83705.

Burley: Burley Municipal Airport, Post Office Box 389, Burley, Idaho, 83318.  
 Idaho Falls: Fanning Field, Administration Building, Post Office Box 898, Idaho Falls, Idaho, 83402.  
 Malad City: Malad City Municipal Airport, Post Office Box 206, Malad City, Idaho, 83252.  
 Mullan: Mullan Pass Airport, Post Office Box 938, Mullan, Idaho, 83846.

## ILLINOIS

Joliet: Joliet Municipal Airport, R.F.D. No. 1, Joliet, Ill., 60436.  
 Quincy: Quincy Municipal Airport, R.F.D. No. 1, Quincy, Ill., 62301.  
 Rockford: Greater Rockford Airport, 6 Airport Circle, Rockford, Ill., 61109.  
 Vandalia: Vandalia Municipal Airport, Post Office Box 70, Vandalia, Ill., 62417.

## INDIANA

Fort Wayne: Baer Field, Room 210, Terminal Building, Rural Route No. 4, Fort Wayne, Ind., 46809.  
 Indianapolis: Weir Cook Municipal Airport, Airport Tower Building, Indianapolis, Ind., 46241.  
 Lafayette: Purdue Airport, Terminal Building, Room 201, Lafayette, Ind., 47906.  
 South Bend: St. Joseph County Airport, Post Office Box 3537, Station C, South Bend, Ind., 46628.  
 Terre Haute: Hulman Field, Post Office Box 3065, Meadows Station, Terre Haute, Ind., 47803.

## IOWA

Burlington: Burlington Municipal Airport, Burlington, Iowa, 52601.  
 Cedar Rapids: Cedar Rapids Municipal Airport, Third Floor, Terminal Building, R.F.D. 2, Cedar Rapids, Iowa, 52404.  
 Des Moines: Des Moines Municipal Airport, 203 Administration Building, Des Moines, Iowa, 50321.  
 Mason City: Mason City Municipal Airport, Post Office Box 247, Clear Lake, Iowa, 50428.  
 Ottumwa: Ottumwa Municipal Airport, Administration Building, Post Office Box 614, Ottumwa, Iowa, 52502.

## KANSAS

Chanute: Martin Johnson Airport, Post Office Box 561, Chanute, Kans., 66720.  
 Dodge City: Dodge City Municipal Airport, Post Office Box 71, Dodge City, Kans., 67801.  
 Emporia: Emporia Municipal Airport, Post Office Box 689, Emporia, Kans., 66801.  
 Garden City: Garden City Municipal Airport, Eminence Star Route, Garden City, Kans., 67846.  
 Hill City: Hill City Municipal Airport, Post Office Box 158, Hill City, Kans., 67642.  
 Manhattan: Flight Service Facility (Test), Manhattan Municipal Airport, R.F.D. No. 1, Manhattan, Kans., 66502.  
 Russell: Russell Municipal Airport, Post Office Box 487, Russell, Kans., 67665.  
 Salina: Salina Municipal Airport, Post Office Box 1116, Salina, Kans., 67402.  
 Wichita: Wichita Municipal Airport Room 208, Tower Building, Wichita, Kans., 67209.

## KENTUCKY

Bowling Green: Bowling Green-Warren County Airport, Post Office Box 210, Bowling Green, Ky., 42101.  
 London: London Municipal Airport, Second Floor, Terminal Building, Post Office Box 356, London, Ky., 40741.  
 Louisville: Bowman Field, Second Floor, Administration Building, Louisville, Ky., 40205.  
 Paducah: Barkley Field, Post Office Box 3, Paducah, Ky., 42001.

## LOUISIANA

Alexandria: Esler Field, Route 1, Box 87-A, Pineville, La., 71360.  
 Lafayette: Lafayette Airport, Post Office Box 3828, Lafayette, La., 70504.  
 Lake Charles: Lake Charles Municipal Airport, First Floor, Tower Building, Post Office Box 1362, Lake Charles, La., 70604.  
 Monroe: Selman Field, Second Floor, Terminal Building, Post Office Box 4023, Monroe, La., 71205.  
 New Orleans: New Orleans Lakefront Airport, Room 214, Administration Building New Orleans, La., 70126.

## MAINE

Augusta: Augusta State Airport, Second Floor, Administration Building, Post Office Box 29, Augusta, Maine, 04332.  
 Houlton: Houlton International Airport, Post Office Box 126, Houlton, Maine, 04730.  
 Millinocket: Millinocket Municipal Airport, Medway Road, Post Office Box 510, Millinocket, Maine, 04462.  
 Old Town: Old Town Municipal Airport, Second Floor, Administration Building, Post Office Box 539, Old Town, Maine, 04468.

## MARYLAND

Salisbury: Salisbury-Wicomico County Airport, R.F.D. 3, Salisbury, Md., 21801.

## MASSACHUSETTS

Boston: Logan International Airport, Old Administration Building, East Boston, Mass., 02128.  
 Nantucket: Nantucket Memorial Airport, Post Office Box 1228, Nantucket, Mass., 02554.

## MICHIGAN

Detroit: Detroit Metropolitan Airport, Executive Terminal Building, Inkster, Mich., 48141.  
 Houghton: Houghton County Airport, Post Office Box 346, Calumet, Mich., 49913.  
 Jackson: Reynolds Municipal Airport, 3606 Wildwood Avenue, Jackson, Mich., 49202.  
 Lansing: Capital City Airport, Air Terminal Building, Lansing, Mich., 48906.  
 Marquette: Marquette County Airport, Post Office Box 221, Rural Route No. 1, Negaunee, Mich., 49866.  
 Pellston: Emmet County Airport, Pellston, Mich., 49769.  
 Saginaw: Tri-City Airport, R.F.D. No. 3, Second Floor, Terminal Building, Freedland, Mich., 48623.  
 Sault Ste. Marie: Sault Ste. Marie Municipal Airport, Post Office Box 429, Sault Ste. Marie, Mich., 49784.  
 Traverse City: Traverse City Municipal Airport, Post Office Box 429, Traverse City, Mich., 49864.

## MINNESOTA

Alexandria: Alexandria Municipal Airport, Administration Building, Post Office Box 27, Alexandria, Minn., 56308.  
 Hibbing: Chisholm-Hibbing Airport, Star Route 4, Box 234-A, Hibbing, Minn., 55746.  
 Minneapolis: Minneapolis-St. Paul International Airport, Wold-Chamberlain Field, Room 113, 6301 34th Avenue South, Minneapolis, Minn., 55450.  
 Redwood Falls: Redwood Falls Municipal Airport, Post Office Box 126, Redwood Falls, Minn., 56283.  
 Rochester: Rochester Municipal Airport, Rochester, Minn., 55901.

## MISSISSIPPI

Greenwood: Greenwood Municipal Airport, Post Office Box 914, Greenwood, Miss., 38931.  
 Jackson: Jackson Municipal Airport, Allen C. Thompson Field, Post Office Box 5857, Pearl Station, Jackson, Miss., 39208.



McComb: McComb-Pike County Airport, FAA Building, Post Office Box 668, McComb, Miss., 39648.  
Meridian: Key Field, Post Office Box 4175, Meridian, Miss., 39304.

## MISSOURI

Cape Girardeau: Cape Girardeau Municipal Airport, Box 600, Cape Girardeau, Mo., 63701.  
Columbia: Columbia Municipal Airport, 1411 Highway 40 West, Columbia, Mo., 65201.  
Joplin: Joplin Municipal Airport, Second Floor, Administration Building, Post Office Box 190, Webb City, Mo., 64870.  
Kansas City: Kansas City Municipal Airport, 213 South Terminal Building, Kansas City, Mo. Mail Address: Fourth Floor, Kemper Building, 720 Delaware Street, Kansas City, Mo., 64105.  
Kirksville: Kirksville Municipal (Clarence Cannon) Airport, R.F.D. 3, Kirksville, Mo., 63501.  
St. Louis: Lambert-St. Louis Municipal Airport, Second Floor, Old Terminal Building, Hazelwood, Mo., 63044.  
Springfield: Springfield Municipal Airport, North Wing of Administration Building, R.F.D. 6, Box 386, Springfield, Mo., 65803.  
Vichy: Rolla National Airport, R.F.D. Box 29, Vichy, Mo., 65580.

## MONTANA

Billings: Logan Field, Administration Building, Billings, Mont., 59101.  
Bozeman: Gallatin Airport, Administration Building, Second Floor, Bozeman, Mont. Mail Address: Box 27, Belgrade, Mont., 59714.  
Butte: Silver Cow County Airport, Second Floor, Administration Building, Route 1, Butte, Mont., 59701.  
Cut Bank: Cut Bank Airport, Second Floor, Administration Building, Post Office Box 2265, Cut Bank, Mont., 59427.  
Dillon: Beaverhead County Airport, Post Office Box 110, Dillon, Mont., 59275.  
Great Falls: Great Falls International Airport, Second Floor, Administration Building, Post Office Box 1558, Great Falls, Mont., 59401.  
Lewistown: Lewistown Municipal Airport, Post Office Box 1038, Lewistown, Mont., 59457.  
Livingston: Livingston Mission Field, Post Office Box 681, Livingston, Mont., 59047.  
Miles City: Miles City Municipal Airport, Post Office Box 989, Miles City, Mont., 59301.  
Missoula: Missoula County Airport, Second Floor, Administration Building, Box 1538, Missoula, Mont., 59801.

## NEBRASKA

Chadron: Chadron Municipal Airport, Post Office Box 750, Chadron, Nebr., 69337.  
Grand Island: Grand Island Municipal Airport, Old Administration Building, Post Office Box 568, Grand Island, Nebr., 68801.  
Imperial: Imperial Municipal Airport, Post Office Box 416, Imperial, Nebr., 69033.  
Lincoln: Lincoln Municipal Airport, General Aviation Building, Lincoln, Nebr., 68524.  
North Platte: Lee Bird Airport, Box 649, Administration Building, North Platte, Nebr., 69101.  
Omaha: Eppley Airfield, Second Floor, Terminal Building, Post Office Box 19243, AMF-1, Omaha, Nebr., 68119.  
Scottsbluff: Scottsbluff Municipal Airport, Administration Building, Post Office Box 349, Scottsbluff, Nebr., 69361.  
Sidney: Sidney Municipal Airport, Post Office Box 77, Sidney, Nebr., 69162.

## NEVADA

Elko: Elko Municipal Airport, 452 Fifth Street, Elko, Nev., 89801.  
Ely: Yelland Field, Post Office Box 89, Ely, Nev., 89301.

Las Vegas: McCarran Field, 6000 Las Vegas Boulevard South, Las Vegas, Nev., 89109.  
Lovelock: Derby Field Airport, FAA Building, Post Office Box 420, Lovelock, Nev., 89419.  
Tonopah: Tonopah Airport, Post Office Box 33, Tonopah, Nev., 89049.

## NEW HAMPSHIRE

Concord: Concord Municipal Airport, Administration Building, Concord, N.H., 03301.  
Lebanon: Lebanon Regional Airport, Lebanon, N.H. Mail address: West Lebanon, N.H., 03784.

## NEW JERSEY

Millville: Millville Municipal Airport, Post Office Box 186, Millville, N.J., 08333.  
Teterboro: Teterboro Air Terminal, Hangar No. 3, West Wing, Teterboro, N.J., 07608.

## NEW MEXICO

Albuquerque: Albuquerque Sunport Municipal Airport, New FAA Building, Post Office Box 9026, Albuquerque, N. Mex., 87119.  
Carlsbad: Carlsbad Municipal Airport, Administration Building, Post Office Box 399, Carlsbad, N. Mex., 88220.  
Deming: Deming Municipal Airport, Post Office Box 710, Deming, N. Mex., 88030.  
Farmington: Farmington Municipal Airport, Post Office Box 109, Farmington, N. Mex., 84701.  
Grants: Grants-Milan Municipal Airport, Post Office Box 2457, Milan Branch, Grants, N. Mex., 87020.  
Las Vegas: Las Vegas Municipal Airport, Post Office Box 1029, Las Vegas, N. Mex., 87701.  
Roswell: Roswell Municipal Airport, Room 208, Administration Building, Roswell, N. Mex., 88201.  
Truth or Consequences: Truth or Consequences Municipal Airport, Post Office Box 152, Truth or Consequences, N. Mex., 87901.  
Tucumcari: Tucumcari Municipal Airport, Post Office Box 1338, Tucumcari, N. Mex., 88401.  
Zuni: Black Rock Federal Compound, Post Office Box 487, Zuni, N. Mex., 87327.

## NEW YORK

Albany: Albany County Airport, Tower Building, Room 104, Albany, N.Y., 12211.  
Buffalo: Greater Buffalo International Airport, Room 224, Administration Building, Buffalo, N.Y., 14225.  
Elmira: Chemung County Airport, Big Flats, N.Y. Mail Address: Post Office Box 886, Elmira, N.Y., 14902.  
Glens Falls: Warren County Airport, Second Floor, Administration Building, Post Office Box 6, Glens Falls, N.Y., 12803.  
Islip: Long Island Airport (MacArthur), 5 Airway Road, New Tower Building, Ronkonkoma, N.Y., 11779.  
Massena: Richards Field, Post Office Box 410, Massena, N.Y., 13662.  
Poughkeepsie: Dutchess County Airport, R.F.D. No. 3, Wappingers Falls, N.Y., 12590.  
Utica: Oneida County Airport, R.F.D., Oriskany, N.Y., 13424.  
Watertown: Watertown Airport, Route 2, Dexter, N.Y., 13634.

## NORTH CAROLINA

Elizabeth City: Coast Guard Air Station, Post Office Box 47, Elizabeth City, N.C., 27909.  
Hickory: Hickory Municipal Airport, Terminal Building, Post Office Box 2010, Hickory, N.C., 28601.  
New Bern: Simmons-Nott Airport, Post Office Box 1278, New Bern, N.C., 28561.  
Raleigh: Raleigh-Durham Airport, Room 211, Administration Building, Post Office Box 3006, Raleigh, N.C., 27602.  
Rocky Mount: Rocky Mount Airport, Post Office Box 273, Rocky Mount, N.C., 27802.

## NORTH DAKOTA

Dickinson: Dickinson Municipal Airport, Box 787, Dickinson, N. Dak., 58601.  
Grand Forks: Grand Forks International Airport, Post Office Box 1356, Grand Forks, N. Dak., 58201.  
Jamestown: Jamestown Municipal Airport, Administration Building, Post Office Box 470, Jamestown, N. Dak., 58401.  
Minot: Minot International Airport, Terminal Building, Post Office Box 699, Minot, N. Dak., 58702.

## OHIO

Cincinnati: Lunken Airport, Administration Building, Cincinnati, Ohio, 45226.  
Cleveland: Cleveland-Hopkins Airport, 19851 Five Points Road, Cleveland, Ohio, 44135.  
Columbus: Columbus Municipal Airport, (Port Columbus), Fifth Floor, Administration Building, Post Office Box 19708, Air Mail Facility, Columbus, Ohio, 43219.  
Dayton: Dayton Municipal Airport, Room 202, Terminal Building, Vandalia, Ohio, 45377.  
Findlay: Findlay Airport, 1615 Gray Street, Route M-1, Findlay, Ohio, 45840.  
Youngstown: Youngstown Municipal Airport, Youngstown, Ohio, 44501.  
Zanesville: Zanesville Municipal Airport, Administration Building, Post Office Box 301, Zanesville, Ohio, 43702.

## OKLAHOMA

Ardmore: Ardmore Municipal Airport, Route 1, Ardmore, Okla., 73401.  
Gage: Gage Municipal Airport, Post Office Box 38, Gage, Okla., 73843.  
Hobart: Hobart Municipal Airport, Post Office Box 750, Hobart, Okla., 73651.  
McAlester: McAlester Municipal Airport, Post Office Box 31, McAlester, Okla., 74502.  
Oklahoma City: Wiley Post Airport, Post Office Box 7, Bethany, Okla., 73008.  
Ponca City: Ponca City Municipal Airport, Administration Building, Second Floor, Post Office Box 869, Ponca City, Okla., 74602.  
Tulsa: Tulsa Municipal Airport, Business Terminal Building, Room 117, Tulsa, Okla., 74115.

## OREGON

Baker: Baker Municipal Airport, Post Office Box 349, Baker, Oreg., 97814.  
North Bend: North Bend Municipal Airport, Administration Building, North Bend, Oreg., 97459.  
Portland: Portland International Airport, 5410 Northeast Marine Drive, Portland, Oreg., 97218.  
Redmond: Roberts Field, Administration Building, Post Office Box 188, Redmond, Oreg., 97756.  
The Dalles: The Dalles Municipal Airport, Post Office Box 759, Dallesport, Wash., 98617.

## PENNSYLVANIA

Altoona: Blair County Airport, Room 209, Terminal Building, Post Office Box 307, Martinsburg, Pa., 16662.  
Bradford: Bradford-McKean Airport, Mount Alton, Pa. Mail Address: Bradford-McKean Airport, Bradford, Pa., 16701.  
Dubois: Dubois-Jefferson County Airport, Dubois, Pa. Mail Address: Box 90, Route 2, Reynoldsville, Pa., 15851.  
Erie: Port Erie Airport, Old Terminal Building, Post Office Box 8243, Erie, Pa., 16506.  
Harrisburg: Harrisburg-York State Airport, New Cumberland, Pa., 17070.  
Philadelphia: North Philadelphia Airport, Administration Building, Second Floor, Philadelphia, Pa., 19114.  
Phillipsburg: Black Mashannon State Airport, Post Office Box 131, Phillipsburg, Pa., 16866.  
Pittsburgh: Allegheny County Airport, Room 210, Administration Building, West Mifflin, Pa., 15122.  
Wilkes-Barre: Wilkes-Barre Scranton Airport, Room 207, Terminal Building, Avoca, Pa.



**Williamsport:** Williamsport-Lycoming County Airport, Post Office Box 159, Montoursville, Pa., 17754.

#### SOUTH CAROLINA

**Anderson:** Anderson County Airport, Post Office Box 693, Anderson, S.C., 29622.  
**Charleston:** Charleston Municipal Airport, Post Office Box 10008, Charleston, S.C., 29411.  
**Florence:** Gilbert Field, Terminal Building, Florence, S.C., 29501.  
**Greer:** Greenville-Spartanburg Airport, Post Office Box 509, Greer, S.C., 29651.  
**Myrtle Beach:** Flight Service Facility (Test), Myrtle Beach Municipal Airport, Post Office Box 374, Crescent Beach, S.C., 29577.

#### SOUTH DAKOTA

**Aberdeen:** Aberdeen Municipal Airport, Second Floor, Administration Building, Box 51, Aberdeen, S. Dak., 57401.  
**Huron:** Howes Municipal Airport, Second Floor, Terminal Building, Post Office Box 137, Huron, S. Dak., 57350.  
**Pierre:** Pierre Municipal Airport, Post Office Box 136, Pierre, S. Dak., 57501.  
**Rapid City:** Rapid City Municipal Airport, Rural Route 2, Box 74B, Rapid City, S. Dak., 57705.  
**Watertown:** Watertown Municipal Airport, R.F.D. No. 2, Watertown, S. Dak., 57501.

#### TENNESSEE

**Crossville:** Crossville Memorial Airport, Post Office Drawer O, Crossville, Tenn., 38555.  
**Dyersburg:** Dyersburg Municipal Airport, Post Office Box 220, Dyersburg, Tenn., 38024.  
**Jackson:** McKellar Field, Route 2, Jackson, Tenn., 38301.  
**Knoxville:** McGhee-Tyson Airport, FAA Building, Post Office Box 38, Alcoa, Tenn., 37701.  
**Nashville:** Nashville Metropolitan Airport, Room 200, Terminal Building, Nashville, Tenn., 37217.

#### TEXAS

**Abilene:** Abilene Municipal Airport, Tower Building, Route 2, Box 506, Abilene, Tex., 79601.  
**Alice:** Alice Municipal Airport, Post Office Box 1515, Alice, Tex., 78332.  
**Amarillo:** Amarillo Air Force Base Municipal Airport, Post Office Box 5515, Amarillo, Tex., 79107.  
**Austin:** Austin Municipal Airport, 3600 Manor Road, Austin, Tex., 78723.  
**Childress:** Childress Municipal Airport, Post Office Box 512, Childress, Tex., 79201.  
**College Station:** Easterwood Airport, Drawer FA, College Station, Tex., 77841.  
**Dalhart:** Dalhart Municipal Airport, Post Office Box 1431, Dalhart, Tex., 79022.  
**Dallas:** Dallas Love Field, Terminal Building, 3101 Mockingbird Lane, Dallas, Tex., 75235.  
**El Paso:** El Paso International Airport, 6795 Convair Road, El Paso, Tex., 79925.  
**Fort Worth:** Meacham Field, Administration Building, Post Office Box 1689, Fort Worth, Tex., 76101.  
**Galveston:** Galveston Municipal Airport, Second Floor, Terminal Building, Route 1, Box 16, Galveston, Tex., 77552.  
**Houston:** Houston International Airport, Old Terminal Building, Post Office Box 60158, Houston, Tex., 77060.  
**Junction:** Kimble County Airport, Flight Service Facility (Test), Post Office Box 45, Junction, Tex., 76849.  
**Lufkin:** Angelina County Airport, Post Office Box 1346, Lufkin, Tex., 75902.  
**McAllen:** Miller International Airport, Post Office Drawer 488, McAllen, Tex., 78502.  
**Midland:** Midland Air Terminal, Second Floor, Terminal Building, Air Terminal Station, Post Office Box 6198, Midland, Tex., 79705.

**Mineral Wells:** Mineral Wells Municipal Airport, Post Office Box 10, Mineral Wells, Tex., 76067.  
**Palacios:** Palacios Municipal Airport, Post Office Drawer X, Palacios, Tex., 77465.  
**San Antonio:** San Antonio International Airport, Room 1, North Terminal Drive, San Antonio, Tex., 78216.  
**Wichita Falls:** Wichita Falls Municipal Air Terminal, Post Office Box 506, Wichita Falls, Tex., 76307.  
**Wink:** Winkler County Airport, Post Office Box 367, Wink, Tex., 79789.

#### UTAH

**Bryce Canyon:** Bryce Canyon Airport, Post Office Box 383, Panguitch, Utah, 84759.  
**Cedar City:** Cedar City Municipal Airport, Post Office Box 150, Cedar City, Utah, 84720.  
**Delta:** Delta Municipal Airport, Flight Service Facility (Test), Post Office Box 726, Delta, Utah, 84628.  
**Hanksville:** Hanksville Airport, Post Office Box 487, Hanksville, Utah, 84734.  
**Salt Lake City:** Salt Lake City Municipal Airport, L. C. Romney Field, 175 North 2300 West, Post Office Box AMF-24, Airport Station, Salt Lake City, Utah, 84101.

#### VERMONT

**Montpelier:** Barre-Montpelier Airport, R.F.D. No. 3, Barre, Vt., 05641.

#### VIRGINIA

**Blackstone:** Blackstone Army Air Field, Post Office Box 31, Blackstone, Va., 23824.  
**Charlottesville:** Charlottesville-Albemarle Airport, Post Office Box 1325, Charlottesville, Va., 22902.  
**Danville:** Danville Municipal Airport, Terminal Building, 423 Airport Drive, Danville, Va., 24543.  
**Newport News:** Patrick Henry Airport, First Floor, Flight Service Building, Denbigh Station, Newport News, Va., 23602.  
**Richmond:** Byrd Field, Aero-Industries Executive Terminal, Sandston, Va., 23150.  
**Roanoke:** Woodrum Field, Post Office Box 5068, Roanoke, Va., 24021.

#### WASHINGTON

**Bellingham:** Bellingham Municipal Airport, 1471 Bakerview Road, Bellingham, Wash., 98225.  
**Ephrata:** Ephrata Municipal Airport, Post Office Box 68, Ephrata, Wash., 98823.  
**Hoquiam:** Bowerman Field, Post Office Box 88, Hoquiam, Wash., 98550.  
**Seattle:** Seattle-Tacoma Airport, Room 425, Administration Building, Seattle, Wash., 98158.  
**Spokane:** Felts Field, Second Floor, Administration Building, East 6105 Rutter Avenue, Spokane, Wash. Mail Address: Post Office Box 247, Parkwater Station, Spokane, Wash., 99211.  
**Toledo:** Toledo-Winlock Airport, Old Highway 99, Route 1, Box 1115, Toledo, Wash., 98591.  
**Walla Walla:** Walla Walla City-County Airport, Terminal Building, Route 4, Box 204, Walla Walla, Wash., 99362.  
**Wenatchee:** Pangborn Field, Administration Building, Route 5, Box 5040 A, Wenatchee, Wash.

#### WEST VIRGINIA

**Bluefield:** Mercer County Airport, Route 2, Box 2010, Bluefield, W. Va., 24701.  
**Charleston:** Kanawha County Airport, Old Administration Building, Post Office Box 5247, Charleston, W. Va., 25300.  
**Elkins:** Elkins-Randolph County Airport, Post Office Box 946, Elkins, W. Va., 26241.  
**Huntington:** Tri-State Airport, Walker Long Field, Walkers Branch Road, Post Office Box 158, Ceredo, W. Va., 25507.

**Martinsburg:** Martinsburg Municipal Airport, First Floor, Administration Building (Civil), Post Office Box 1030, Martinsburg, W. Va., 25401.  
**Morgantown:** Morgantown Municipal Airport, Post Office Box 958, Morgantown, W. Va., 26504.  
**Parkersburg:** Wood County Airport, Post Office Box 276, Williamstown, W. Va., 26187.

#### WISCONSIN

**Eau Claire:** Eau Claire Municipal Airport, Eau Claire, Wis., 54701.  
**Green Bay:** Austin Straubel Airport, Post Office Box 908, Green Bay, Wis., 54305.  
**La Crosse:** La Crosse Municipal Airport, MTD 42, La Crosse, Wis., 54603.  
**Lone Rock:** Tri-County Airport, R.F.D. 2, Spring Green, Wis., 53588.  
**Milwaukee:** General Mitchell Field, 5300 South Howell Avenue, Fourth Floor, Milwaukee, Wis., 53207.  
**Wausau:** Wausau Municipal Airport, 725 Woods Place, Wausau, Wis., 54401.

#### WYOMING

**Casper:** Casper Air Terminal, FAA/WB Building, 1187 Fuller Street, Casper, Wyo., 82601.  
**Laramie:** General Brees Field, Post Office Box 1026, Laramie, Wyo., 82070.  
**Rawlins:** Rawlins Municipal Airport, Post Office Box 848, Rawlins, Wyo., 82301.  
**Rock Springs:** Rock Springs Municipal Airport, Post Office Box 877, Rock Springs, Wyo., 82901.  
**Sheridan:** Sheridan County Airport, Second Floor, Administration Building, Post Office Box 797, Sheridan, Wyo., 82801.  
**Worland:** Worland Municipal Airport, Post Office Box 12, Worland, Wyo., 82401.

#### OTHER LOCATIONS

**St. Croix, V.I.:** Alexander Hamilton Airport, Post Office Box 618, Christiansted, St. Croix, V.I.

**13. Flight Standards District Offices.** FSDO's combine the functions of ACDO's and GADO's.

#### FLIGHT STANDARDS DISTRICT OFFICES

##### ALASKA

**Anchorage:** District Office 1 (General Aviation), Safeway Hangar Building, 1714 East Fifth Avenue, Anchorage, Alaska. Mail Address: 632 Sixth Avenue, Anchorage, Alaska, 99501; District Office 4 (Air Carrier), 4510 International Airport Road, Anchorage, Alaska, 99502.  
**Fairbanks:** International Airport, Administration Building, Fairbanks, Alaska, 99701.  
**Juneau:** Municipal International Airport, Terminal Building, Star Route 1, Box 592, Juneau, Alaska, 99801.

##### DISTRICT OF COLUMBIA

**Washington, D.C.:** Washington National Airport, West Laboratory, Public Roads Building, Washington, D.C., 20553.

##### PENNSYLVANIA

**Philadelphia:** North Philadelphia Airport, Administration Building, Second Floor, Philadelphia, Pa., 19114.

##### OTHER LOCATIONS

**San Juan, P.R.:** International Airport, Terminal Building, San Juan, P.R., 00901.

**14. International Flight Service Stations.** The IFSS is a central operations facility in the international flight advisory system, manned and equipped to control aeronautical point-to-point telecommunications, and air/ground telecommunications with pilots operating over international territory or waters, providing flight plan following, weather



information, search and rescue action and other flight assistance operations.

## INTERNATIONAL FLIGHT SERVICE STATIONS

## ALASKA

Cold Bay: Post Office Box 38, Cold Bay, Alaska, 99571.

Shemya: Shemya Island Airport, Box 472, APO, Seattle, Wash., 98736.

## CALIFORNIA

San Francisco: International Airport, Room 526, San Francisco, Calif., 94128.

## HAWAII

Honolulu: Diamond Head Crater, Post Office Box 4009, Honolulu, Hawaii, 96812.

## NEW YORK

New York: J. F. Kennedy International Airport, Hanger No. 11, Jamaica, N.Y., 11430.

## OTHER LOCATIONS

Agana, Guam: Finegayan, Route 008, Agana, Guam, 96910.

Balboa, C. Z.: Drawer H, Balboa Heights, C. Z.

Pago Pago, American Samoa: Tafuna Airport, Post Office Box 8, Pago Pago, American Samoa.

San Juan, P.R.: Puerto Rico International Airport, Room 506, San Juan, P.R., 00913.

Wake Island: Post Office Box 127, Wake Island, Central Pacific, 96930.

15. General Aviation District Offices. GADO's administer the FAA regulations for certification of general aviation operators, agencies and related airmen; and maintain surveillance of and conduct inspections of general aviation flight operations and maintenance to assure compliance with the safety requirements.

## GENERAL AVIATION DISTRICT OFFICES

## ALABAMA

Birmingham: 6500 43d Avenue North, Birmingham, Ala., 35206.

## ARIZONA

Phoenix: Sky Harbor Airport, 2800 Sky Harbor Boulevard, Room 112, Phoenix, Ariz., 85034.

## ARKANSAS

Little Rock: Adams Field, Terminal Annex Building, Little Rock, Ark., 72202.

## CALIFORNIA

Fresno: Fresno Air Terminal, Government Agency Building, Suite 1-B, Fresno, Calif., 93727.

Long Beach: Long Beach Municipal Airport, 2815 East Spring Street, Long Beach, Calif., 90806.

Oakland: Building 621, Municipal Airport, Post Office Box 2397, Oakland, Calif., 94614.

Ontario: Ontario International Airport, Ontario, Calif., 91761.

Sacramento: Municipal Airport, Sacramento, Calif., 95822.

San Diego: Lindbergh Field, 3110 Goddard Way, San Diego, Calif., 92101.

Santa Monica: 3200 Airport Avenue, Suite 3, Santa Monica, Calif., 90405.

Van Nuys: Van Nuys Airport, 16700 Rosecoe Boulevard, Van Nuys, Calif., 91406.

## COLORADO

Denver: Jefferson County Airport, Broomfield, Colo., 80020.

## FLORIDA

Jacksonville: Federal Building, Post Office Box 1527, Jacksonville, Fla., 32201.

Miami: Opa Locka Airport, Building 121, Post Office Box 365, Opa Locka, Fla., 33054.

St. Petersburg: St. Petersburg-Clearwater Airport, St. Petersburg, Fla., 33732.

## GEORGIA

Atlanta: Fulton County Airport, FAA Building, Atlanta, Ga., 30331.

## HAWAII

Honolulu: Honolulu International Airport, John Rodgers Terminal Building, Room 715, Honolulu, Hawaii, 96819.

## IDAHO

Boise: 3113 Airport Way, Boise, Idaho, 83705.

## ILLINOIS

Chicago: Du Page County Airport, Post Office Box 337, West Chicago, Ill., 60185.

Springfield: Capital Airport, Room 201, Facilities Building, Post Office Box 197, Springfield, Ill., 62705.

## INDIANA

Indianapolis: Municipal Airport, FAA Building 1, Indianapolis, Ind., 46241.

South Bend: St. Joseph County Airport, South Bend, Ind., 46628.

## IOWA

Des Moines: Des Moines Municipal Airport, Room 132, Administration Building, Des Moines, Iowa, 50321.

## KANSAS

Kansas City: Fairfax Airport, Administration Building, Second Floor, Kansas City, Kans., 66115.

Wichita: Municipal Airport, Flight Standards Building, Wichita, Kans., 67209.

## KENTUCKY

Louisville: Bowman Field, Louisville, Ky., 40205.

## LOUISIANA

New Orleans: New Orleans Lakefront Airport, Room 227, Administration Building, New Orleans, La., 70126.

Shreveport: Downtown Airport, Room 202, Administration Building, Shreveport, La., 71107.

## MAINE

Portland: 974 Westbrook Street, Portland, Maine, 04102.

## MARYLAND

Baltimore: Friendship International Airport, Baltimore, Md., 21240.

## MASSACHUSETTS

Norwood: Municipal Airport, Norwood, Mass., 02062.

Westfield: Barnes-Westfield Municipal Airport, First Floor, Terminal Building, Post Office Box 544, Westfield, Mass., 01085.

## MICHIGAN

Grand Rapids: Kent County Airport, 5500 44th Street SE., Grand Rapids, Mich., 49508.

Ypsilanti: Willow Run Airport, Ypsilanti, Mich., 48197.

## MINNESOTA

Minneapolis: Wold-Chamberlain Field, Old Administration Building, 6301, 34th Avenue South, Minneapolis, Minn., 55450.

## MISSISSIPPI

Jackson: Jackson Municipal Airport, Jackson, Miss.

## MISSOURI

St. Louis: Lambert-St. Louis Airport, Young Aviation Hangar, Post Office Box 6127, St. Louis, Mo., 63145.

## MONTANA

Billings: Logan Field, Room 205, Administration Building, Billings, Mont., 59101.

Helena: City-County Airport, Post Office Box 1167, Helena, Mont., 59601.

## NEBRASKA

Lincoln: Lincoln Municipal Airport, General Aviation Building, Lincoln, Nebr., 68524.

## NEVADA

Reno: Reno Municipal Airport, Room 234, Terminal Building, Reno, Nev., 89502.

## NEW JERSEY

Teterboro: Teterboro Air Terminal, Teterboro, N.J., 07608.

## NEW MEXICO

Albuquerque: Albuquerque Sunport, FAA/WB Building, Post Office Box 9045, Albuquerque, N. Mex.

## NEW YORK

Albany: Albany County Airport, Albany, N.Y., 12211.

Lindenhurst: Zahns Airport, North Wellwood Avenue, Lindenhurst, N.Y., 11757.

Rochester: Rochester-Monroe County Airport, Hangar No. 3, Rochester, N.Y., 14624.

## NORTH CAROLINA

Charlotte: Municipal Airport, Charlotte, N.C., 28208.

Raleigh: Post Office Box 1885, Raleigh, N.C., 27602.

## NORTH DAKOTA

Fargo: Hector Field, Post Office Box 2128, Fargo, N. Dak., 58103.

## OHIO

Cincinnati: Lunken Airport, Hangar No. 5, Second Floor, 358 Wilmer Avenue, Cincinnati, Ohio, 45266.

Cleveland: Cleveland Hopkins Airport, Building W-11, Cleveland, Ohio, 44135.

Columbus: Port Columbus Airport, Room 214, New Terminal Building, Columbus, Ohio, 43219.

## OKLAHOMA

Oklahoma City: Wiley Post Airport, FAA Building, Bethany, Okla., 73008.

## OREGON

Portland: 5410 Northeast Marine Drive, Portland, Ore., 97218.

## PENNSYLVANIA

Allentown: Allentown - Bethlehem - Easton Airport, Allentown, Pa., 18103.

Harrisburg: Harrisburg-York State Airport, Room 201, Administration Building, New Cumberland, Pa., 17010.

Pittsburgh: Allegheny County Airport, West Mifflin, Pa., 15122.

## SOUTH CAROLINA

Columbia: 534 Knox Abbott Drive, Cayce, S.C., 29033.

## SOUTH DAKOTA

Rapid City: Municipal Airport, Rural Route 2, Box 633 B, Rapid City, S. Dak., 57705.

## TENNESSEE

Memphis: Memphis Metropolitan Airport, Memphis Aero Hangar No. 1, Upstairs, Post Office Box 30050, Memphis, Tenn., 38118.

Nashville: Nashville Metropolitan Airport, Third Floor, Doyle Terminal, Nashville, Tenn., 37217.

## TEXAS

Dallas: 3323 Grove Street, Off Love Field Entrance Road, Dallas, Tex., 75235.

El Paso: Room 202, FAA Building, 6795 Con-vair Road, El Paso, Tex., 79925.

Fort Worth: Post Office Box 1689, Fort Worth, Tex., 76101.

Houston: International Airport, Post Office Box 60158, Houston, Tex., 77060.

Lubbock: Municipal Airport, Post Office Box 5247, Lubbock, Tex., 79417.



San Antonio: International Airport, Room 201, Executive Aircraft Terminal, San Antonio, Tex., 78216.

## UTAH

Salt Lake City: 116 North 23d West, Room 105, Salt Lake City, Utah, 84116.

## VIRGINIA

Richmond: Aero-Industries Executive Terminal, Second Floor, Byrd Field, Richmond, Va. Mail Address: Byrd Field, Sandston, Va., 23150.

## WASHINGTON

Seattle: Boeing Field, Room 118, FAA Building, Seattle, Wash., 98108.

Spokane: Felts Field, Administration Building, Parkwater Station, Post Office Box 247, Spokane, Wash., 99211.

## WISCONSIN

Milwaukee: General Mitchell Field, Milwaukee, Wis., 53207.

## WYOMING

Cheyenne: 4101 Evans Avenue, Second Floor, Post Office Box 2166, Cheyenne, Wyo., 82002.

16. *Combined Facilities.* Combined facilities provide the services of each of the facilities indicated. These functions are described in the preceding sections of this part.

(a) AIR ROUTE TRAFFIC CONTROL CENTER/RADAR APPROACH CONTROL (CERAP)

## ALASKA

Anchorage: Elmendorf Air Force Base. Mail Address: Merrill Field, Building 20, 2016 East Fifth Avenue, Anchorage, Alaska, 99501.

Fairbanks: Fort Wainwright, Post Office Box 31, APO Seattle, Wash., 98731.

## OTHER LOCATIONS

Agana, Guam: Andersen Air Force Base. Mail Address: Finegayan, Route 008, Agana, Guam, 96910.

Balboa, C.Z.: Drawer H. Balboa Heights, C.Z.

(b) FLIGHT SERVICE STATION/INTERNATIONAL FLIGHT SERVICE STATIONS

## ALASKA

Anchorage: Merrill Field, Building 20, 2016 East Fifth Avenue, Anchorage, Alaska, 99501.

## FLORIDA

Miami: International Airport, FAA/WB Building, Post Office Box 59-2015, Miami, Fla., 33159.

## FLIGHT SERVICE

(c) COMBINED/STATION/TOWERS

## ALABAMA

Huntsville: Huntsville-Madison County Airport, Post Office Box 137, Huntsville, Ala., 35804.

## ALASKA

Annette: Annette Island Airport, Annette, Alaska, 99920.

Fairbanks: Fairbanks International Airport, 5640 Airport Way, Fairbanks, Alaska, 99701.

Juneau: Juneau Municipal Airport, Administration Building, Star Route 1, Box 593, Juneau, Alaska, 99801.

## ARKANSAS

Fort Smith: Fort Smith Municipal Airport, Post Office Box 3406, Station A, Fort Smith, Ark., 72903.

## CALIFORNIA

Ontario: Ontario International Airport, Ontario, Calif., 91761.

## COLORADO

Pueblo: Memorial Airport, Box 29, Pueblo, Colo., 81004.

## FLORIDA

Daytona Beach: Daytona Beach Municipal Airport, Post Office Box 1591, Daytona Beach, Fla., 32015.

West Palm Beach: Palm Beach International Airport, Terminal Building, Second Floor, Room 2, Post Office Box 6578, West Palm Beach, Fla., 33405.

## GEORGIA

Augusta: Bush Field, Route 1, Box 65, Augusta, Ga., 30906.

Columbus: Muscogee County Airport, Post Office Box 1025, Columbus, Ga., 31902.

## HAWAII

Hilo: Hilo Airport, Post Office Box 1416, Hilo, Hawaii, 96720.

## IDAHO

Pocatello: Pocatello Municipal Airport, Post Office Box 1745, Pocatello, Idaho, 83201.

## ILLINOIS

Champaign: University of Illinois-Willard Airport, Champaign, Ill. Mail Address: Post Office Box 168, Savory, Ill., 61874.

Moline: Quad City Airport, Box 25, Moline, Ill., 61265.

Peoria: Greater Peoria Airport, Sixth Floor, New Terminal Building, Peoria, Ill., 61607.

Springfield: Capital Airport, Room 202, Administration Building, Post Office Box 1089, Springfield, Ill.

## INDIANA

Evansville: Dress Memorial Airport, Terminal Building, Third Floor, Evansville, Ind., 47711.

## IOWA

Sioux City: Sioux City Municipal Airport, Post Office Box 245, Sergeant Bluff, Iowa, 51054.

Waterloo: Waterloo Municipal Airport, Administration Building, Waterloo, Iowa. Mail Address: Post Office Box 429, Cedar Falls, Iowa, 50613.

## KANSAS

Hutchinson: Hutchinson Municipal Airport, Room 116, Administration Building, Municipal Airport, Hutchinson, Kans., 67501.

Topeka: Phillip Billard Municipal Airport, 3600 Sardou, Topeka, Kans., 66616.

## KENTUCKY

Lexington: Blue Grass Field, Lexington, Ky., 40501.

## LOUISIANA

Baton Rouge: Ryan Airport, Baton Rouge, La., 70807.

## MAINE

Portland: Municipal Airport, Portland, Maine.

## MASSACHUSETTS

Worcester: Worcester Municipal Airport, Worcester, Mass., 01602.

## MICHIGAN

Battle Creek: Kellogg Regional Airport, Room 204, Terminal Building, Post Office Box 490, Battle Creek, Mich., 49016.

Flint: Bishop Airport, 3219 West Bristol Road, Flint, Mich., 48507.

Grand Rapids: Kent County Airport, 5500 44th Street SE., Grand Rapids, Mich., 49508.

Muskegon: Muskegon County Airport, Muskegon, Mich., 49441.

## MISSOURI

St. Joseph: Rosecrans Memorial Airport, Post Office Box 936, St. Joseph, Mo., 64502.

## MONTANA

Helena: City-County Airport, Helena, Mont., 59601.

## NEVADA

Reno: Reno Municipal Airport, 2601 Plumb Lane, Reno, Nev., 89502.

## NEW MEXICO

Hobbs: Hobbs-Lea County Airport, Post Office Box 1740, Hobbs, N. Mex., 88240.

Santa Fe: Santa Fe County Municipal Airport, Post Office Box 4247, Santa Fe N. Mex., 87502.

## NEW YORK

Binghamton: Broome County Airport, Post Office Box 576, Binghamton, N.Y., 13902.

Rochester: Rochester-Monroe County Airport, Scottsville Road, Rochester, N.Y., 14624.

Syracuse: Hancock Airport, North Syracuse, N.Y., 13212.

## NORTH CAROLINA

Asheville: Asheville Airport, Post Office Box 68, Fletcher, N.C., 28732.

Fayetteville: Grannis Field, Administration Building, Post Office Box 4167, Fayetteville, N.C., 28306.

Wilmington: New Hanover County Airport, Post Office Box 367, Wilmington, N.C., 28402.

## NORTH DAKOTA

Bismarck: Bismarck Municipal Airport, Post Office Box 875, Bismarck, N. Dak., 58502.

Fargo: Hector Airport, Post Office Box 2128, Fargo, N. Dak., 58103.

## OHIO

Akron: Akron Airport, Akron, Ohio, 44306.

Mansfield: Mansfield Municipal Airport, Post Office Box 790, Mansfield, Ohio, 44901.

Toledo: Toledo Express Airport, Toledo, Ohio. Mail Address: R.F.D. 4, Box 305, Swanton, Ohio, 43558.

## OREGON

Klamath Falls: Kingsley Field, Post Office Box 1420, Klamath Falls, Oreg., 97601.

Medford: Medford Municipal Airport, Administration Building, Medford, Oreg., 97501.

Pendleton: Pendleton Municipal Airport, Administration Building, Second Floor, Post Office Box 640, Pendleton, Oreg., 97801.

## PENNSYLVANIA

Allentown: Allentown - Bethlehem - Easton Airport, Third Floor, Terminal Building, Allentown, Pa., 18103.

## SOUTH CAROLINA

Columbia: Columbia Metropolitan Airport, West Columbia, S.C., 29169.

## SOUTH DAKOTA

Sioux Falls: Joe Foss Field, Sioux Falls, S. Dak., 57104.

## TENNESSEE

Bristol: Tri-City Municipal Airport, Post Office Box 3487, Carrol Reese Station, Johnson City, Tenn., 37603.

## TEXAS

Beaumont: Jefferson County Airport, Third Floor, Administration Building, Route 4, Box 78-A, Beaumont, Tex., 77705.

Brownsville: Rio Grande Valley International Airport, Brownsville, Tex., 78520.

Longview: Gregg County Airport, Post Office Box 7248, Longview, Tex., 75604.

Lubbock: Lubbock Municipal Airport, Post Office Box 944, Lubbock, Tex., 79408.

San Angelo: Mathis Field, Post Office Box 2088, San Angelo, Tex., 76902.

Tyler: Pounds Field, Post Office Drawer E, Forrest Hill Station, Tyler, Tex., 75703.



## WASHINGTON

Yakima: Yakima Municipal Airport, 2300 West Washington Avenue, Yakima, Wash., 98902.

## WEST VIRGINIA

Wheeling: Ohio County Airport, Wheeling, W. Va., 26003.

## WISCONSIN

Madison: Madison Municipal Airport, Truax Field, Post Office Box 3245, Madison, Wis., 53702.

## WYOMING

Cheyenne: Cheyenne Municipal Airport, 4101 Evans Avenue, Post Office Box 2166, Cheyenne, Wyo., 82002.

## OTHER LOCATIONS

Wake Island: Wake Island Airport, Post Office Box 127, Wake Island, Central Pacific, 96930.

## (d) RADAR APPROACH CONTROL/TOWERS

## ALABAMA

Mobile: Brookley Air Force Base, Building 17, Second Floor, Mobile, Ala. Mail Address: Post Office Box 5367, Mobile, Ala., 36605.

Montgomery: Maxwell Air Force Base, Building 1005-A, Maxwell Air Force Base, Ala., 36112.

## DISTRICT OF COLUMBIA

Washington, D.C.: Andrews Air Force Base, Washington, D.C., 20331.

## FLORIDA

Tampa: RAPCON: MacDill Air Force Base, Building 57, Tampa, Fla. Tower: Tampa International Airport, Tampa, Fla. Mail Address, RAPCON/Tower: Post Office Box 13446, Tampa, Fla., 33611.

## GEORGIA

Macon: Robins Air Force Base, Post Office Box 196, Robins Air Force Base, Ga., 31094. Savannah: Hunter Air Force Base, Post Office Box 9517, Hunter Air Force Base, Ga., 31409.

## KANSAS

Wichita: McConnell Air Force Base, Post Office Box 3068, Southeast Station, Wichita, Kans., 67218.

## NEW YORK

Rome: Griffiss Air Force Base, Second Floor, Building 100, Room 204, Post Office Box 1252, AFB Branch, Rome, N.Y., 13442.

## NORTH CAROLINA

Raleigh: Raleigh-Durham Airport, 622 Downtown Boulevard, Post Office Box 3006, Raleigh, N.C., 27602.

## OKLAHOMA

Oklahoma City: RAPCON: Tinker Air Force Base, Building 1100, Oklahoma City, Okla. Tower: Terminal Building, Will Rogers World Airport, Oklahoma City, Okla. Mail Address, RAPCON/Tower: Post Office Box 10758, Midwest City, Okla., 73110.

## TEXAS

Abilene: Dyess Air Force Base, Building 9030, Abilene, Tex. Mail Address: Post Office Box 5676, Abilene, Tex., 79605.

Austin: Bergstrom Air Force Base, Building 212, Austin, Tex. Mail Address: 3600 Manor Road, Municipal Airport, Austin, Tex., 78723.

El Paso: RAPCON: Biggs Air Force Base, Building 522, El Paso, Tex. Tower: El Paso International Airport, Terminal Building, El Paso, Tex. Mail Address, RAPCON/Tower: Biggs Air Force Base, Post Office Box 8095, El Paso, Tex., 79908.

## (e) RADAR AIR TRAFFIC CONTROL CENTER/TOWERS

## FLORIDA

Pensacola: Forrest Sherman Field, Second Floor, Building 1852, U.S. Naval Air Station, Post Office Box 4218, Pensacola, Fla., 32507.

## MISSISSIPPI

Meridian: McCain Naval Air Station, Post Office Box 3146, North Station, Meridian, Miss., 39303.

## TEXAS

Corpus Christi: Corpus Christi International Airport, Post Office Box 5098, Corpus Christi, Tex., 78405.

## (f) RADAR APPROACH CONTROL/COMBINED STATION/TOWERS

## LOUISIANA

Shreveport: Barksdale Air Force Base, Post Office Drawer 1, Barksdale Air Force Base, La., 71110.

## TEXAS

Waco: James Connally Air Force Base, Post Office Box 4146, Waco, Tex., 76705.

17. By amending the table of contents to reflect the foregoing amendments of designations and headings.

The foregoing amendments reflect the status as of September 30, 1965.

Issued in Washington, D.C., on January 14, 1966.

WILLIAM F. MCKEE,  
Administrator.

[F.R. Doc. 66-623; Filed, Jan. 20, 1966; 8:45 a.m.]

## DEPARTMENT OF THE TREASURY

## Office of the Secretary

[Antidumping—AA 643.3-b]

## TITANIUM DIOXIDE FROM WEST GERMANY

## Determination of Sales at Less Than Fair Value

On November 18, 1965, there was published in the FEDERAL REGISTER a "Notice of Tentative Determination" that titanium dioxide, pigment grade, imported from West Germany, manufactured by Farbenfabriken Bayer A.G., Leverkusen, Germany, is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

There are under consideration two types of pigment grade titanium dioxide, anatase and rutile. Anatase titanium dioxide is a low-energy crystal form used in paper manufacture and in the production of paints where chalking tendencies are desired, while rutile, a higher-energy crystal form, is used in paints where higher opacity per unit of weight is desired.

The statement of reasons for the tentative determination was published in the above-mentioned notice, and interested parties were afforded until December 18, 1965, to make written submissions or requests for an opportunity to present views in connection with the tentative determination.

After consideration of all comments received, I hereby determine that for the reasons stated in the tentative determination titanium dioxide, pigment grade, imported from West Germany, manufactured by Farbenfabriken Bayer A.G., Leverkusen, Germany, is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES POMEROY HENDRICK,  
Acting Assistant Secretary  
of the Treasury.

[F.R. Doc. 66-673; Filed, Jan. 20, 1966; 8:45 a.m.]

## DEPARTMENT OF DEFENSE

Office of the Secretary of Defense  
ENVIRONMENTAL POLLUTION  
CONTROL

The Deputy Secretary of Defense approved the following on January 4, 1966:

I. Purpose. This Directive assigns responsibilities and establishes procedures for:

A. A coordinated approach to and effective use of Department of Defense resources in the control of environmental pollution in consonance with Federal policy as expressed in references (a) through (e); and

B. The establishment of a Department of Defense Environmental Pollution Control Committee to facilitate the resolution of interservice problems of environmental pollution and to insure the responsiveness of the Department of Defense to requirements placed upon it by nonmilitary agencies.

II. Applicability. The provisions herein apply to all components of the Department of Defense and to all contractor activities located on real property under the jurisdiction of the Department of Defense.

III. Definition. Environmental pollution is that condition which results from the presence of chemical, physical or biological agents in the air, water or soil which so alter the natural environment that an adverse effect is created on human health or comfort, or on animal and plant life, structures and equipment to the extent of producing economic loss, impairing recreational opportunity or marring natural beauty.

IV. Policy. A. Pollution of the environment by the operation of military installations, facilities or buildings shall be controlled.

B. All Department of Defense components will demonstrate leadership in pollution abatement and will cooperate in the development of pollution abatement programs with local communities. Defense components will take positive action to accelerate the pace of corrective measures to eliminate environmental pollution at installations and thereby



take the lead in pollution abatement with respect to the surrounding communities.

C. Policies and procedures for the prevention, control and abatement of water pollution shall comply with reference (c).

D. Where resources to accomplish pollution control are limited, priority of effort will be afforded in accordance with the following order: (1) Those situations which constitute a direct hazard to the health of man; (2) those having economic implications; and (3) those which affect the recreational and esthetic value of our natural resources.

E. Maximum effort will be made to incorporate environmental pollution preventive measures in the basic design for weapon systems, military materiel, tests and exercises, and in projects for rehabilitation or modification of existing structures.

F. Department of Defense components will cooperate fully with the Department of Health, Education, and Welfare and will comply with such published standards and criteria relating to pollution abatement for Federal agencies as promulgated by that agency or by State and local agencies as required by references (a) through (d). Where conflicts exist as to the applicability of State, local, or Department of Health, Education, and Welfare standards to the environmental pollution problem, action will be taken by Department of Defense components to resolve these matters with the Department of Health, Education, and Welfare.

G. Where, in the interest of national defense, it is not considered practicable to comply with above standards and criteria, the matter shall be referred to the Assistant Secretary of Defense (Installations and Logistics) or his designee for resolution.

H. Environmental pollution surveillance resources of each Military Department and Defense Agency will be utilized to the extent that circumstances permit in interservice support of other Military Departments and Defense Agencies in accordance with the provisions of references (f) and (g).

I. Pollution abatement at overseas installations will, to the extent practicable, conform to the foregoing policies particularly with respect to cooperation with community programs. (See reference (h).)

V. *The Department of Defense Environmental Pollution Control Committee.* There is hereby established the Department of Defense Environmental Pollution Control Committee. This Committee will act in an advisory capacity to the Assistant Secretary of Defense (Installations and Logistics) or his designee in discharging his overall responsibilities for environmental pollution control.

A. *Organization.* 1. The Committee shall consist of (a) not more than three members from each Military Department representing the engineering, medical and such other staff elements as may be appropriate, (b) one member from the Defense Supply Agency, and (c) one liaison member each from the Office of the Assistant Secretary of Defense (In-

stallations and Logistics), Office of the Assistant Secretary of Defense (Manpower) (Health and Medical), Office of the Director, Defense Research and Engineering, and the Defense Natural Resources Group. (See reference (i).)

2. The Chairman shall be an officer or civilian of high professional qualifications and demonstrated ability in environmental pollution abatement and interagency coordination, selected by the Assistant Secretary of Defense (Installations and Logistics) in coordination with the Assistant Secretary of Defense (Manpower) or their designees.

B. *Duties.* 1. Develop, propose and review coordinated policies and procedures with respect to pollution control within the Department of Defense.

2. Assist in the resolution of interservice problems on environmental pollution control.

3. Provide Department of Defense representation, as required, in dealing with other agencies of the Federal, State or local governments, or private interests in matters of pollution control.

4. Represent the Department of Defense in the formulation or review of such standards and criteria as may be developed by the Department of Health, Education, and Welfare or other Federal agencies.

5. Maintain coordination and cooperation with other Department of Defense agencies and Federal agencies having an interest in pollution control.

6. Arrange for the coordinated accumulation of data for, and the preparation of such reports as may be required by or of the Department of Defense.

7. Undertake such special studies or reviews as may be required by the Assistant Secretary of Defense (Installations and Logistics) or his designee.

VI. *Responsibilities.* A. The Assistant Secretary of Defense (Installations and Logistics) or his designee shall have the principal staff responsibility for administration of this Directive and for:

1. The prevention or correction of environmental pollution and the application of pertinent Executive Branch guidance concerning environmental pollution control programs.

2. Management control of the Department of Defense Environmental Pollution Control Committee. (See section V.)

3. Assuring effective coordination with other elements of the Office of the Secretary of Defense and with nonmilitary agencies involved in environmental pollution control.

B. The Assistant Secretary of Defense (Manpower) or his designee shall be responsible for:

1. Assisting the Assistant Secretary of Defense (Installations and Logistics) in the prevention of environmental pollution by surveillance of the environment for pollution hazardous to man and furnishing medical advice with respect to such pollution.

2. Cooperating in the establishment of standards and criteria for pollution control.

3. Providing, through the Defense Natural Resources Group (reference (i)) ad-

vice with respect to the effect of pollution on natural resources.

C. The Director of Defense Research and Engineering or his designee shall be responsible for:

1. Undertaking such research as necessary to study environmental pollution problems associated with military requirements including chemicals and weapons systems.

2. Arranging for the prompt transmission to the Department of Health, Education, and Welfare the results of research concerning toxic hazards and environmental pollution.

3. Coordinating research conducted by the Department of Defense with other Federal agencies.

4. Assuring that consideration is given to the control of environmental pollution in research, development, test and evaluation projects and programs.

D. The Secretaries of the Military Departments and the Directors of Defense Agencies shall:

1. Identify environmental pollution problems at all installations and take corrective measures in accordance with the policy guidance set forth in section IV.

2. Make provisions in their programming budget estimates and financing programs for providing environmental pollution control consistent with the provisions of this Directive. The cost of environmental pollution control programs will be the responsibility of the Military Departments or Defense Agencies involved and must be accomplished within financing available to the Military Department or Defense Agency.

3. Institute necessary measures to monitor environmental pollution abatement control methods to assure that these methods maintain the required degree of pollution control.

E. Commanders of Unified and Specified Commands will implement subsection IV. I.

VII. *Effective date and implementation.* This Directive is effective immediately. Each Department of Defense component shall publish implementing regulations and submit three (3) copies to the Assistant Secretary of Defense (Installations and Logistics) within sixty (60) days of the date of this Directive. Implementation affecting the obligations of contractors shall, to the extent necessary, be accomplished in the Armed Services Procurement Regulation.

References: (a) The Federal Water Pollution Control Act, Act of June 30, 1948 (62 Stat. 1155), as amended by the Act of October 2, 1965 (79 Stat. 903; 33 U.S.C. 466 et seq.).

(b) The Clean Air Act, Act of July 14, 1955, as amended (42 U.S.C. 1857 et seq.).

(c) Executive Order 11258, "Prevention, Control and Abatement of Water Pollution by Federal Activities," November 17, 1965.

(d) Executive Order 10779, "Directing Federal Agencies To Cooperate with State and Local Authorities in Preventing Pollution of the Atmosphere," August 20, 1958.

(e) Message of the President to Congress, February 8, 1965 (H.R. Doc. 78, 89th Cong., 1st sess.).

(f) DOD Directive 6015.5, "Joint Utilization of Military Health and Medical Facilities and Services," December 5, 1955.



(g) DOD Directive 4000.19, "Basic Policies and Principles for Interservice Support," March 26, 1960.

(h) DOD Directive 5410.18, "Community Relations," April 21, 1965.

(i) DOD Directive 5500.5, "Natural Resources—Conservation and Management," May 24, 1965.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives Division, OASD  
(Administration).

[F.R. Doc. 66-699; Filed, Jan. 20, 1966;  
8:50 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Nevada 064718]

#### NEVADA

#### Notice of Proposed Classification

JANUARY 13, 1966.

Pursuant to section 2 of the Act of September 19, 1964 (43 U.S.C. 1412), notice is hereby given of a proposal to classify the lands described below for disposal through exchange, under section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended by section 3 of the Act of June 26, 1936 (49 Stat. 1976), for lands located in Elko County, Nev.

This proposal has been discussed with the District Advisory Board, local governmental officials and other interested parties. Information derived from discussions and other sources indicate that these lands meet the criterion of 43 CFR 2410.1-3(c)(4), which authorizes classification of lands "for exchange under appropriate authority where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which are needed for the support of a Federal program." Information concerning the lands, including the record of public discussions, is available for inspection and study at the Bureau of Land Management, Federal Building, 300 Booth Street, Reno, Nev. For a period of 60 days from the date of this publication, interested parties may submit comments to the District Manager of the Elko District.

The lands affected by this proposal are located in Elko County and are described as follows:

#### MOUNT DIABLO MERIDIAN, NEV.

T. 30 N., R. 54 E.,  
Sec. 6;  
Sec. 8, W $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 18;  
Sec. 20, W $\frac{1}{2}$ ;  
Sec. 32, N $\frac{1}{2}$ N $\frac{1}{2}$ .  
T. 31 N., R. 54 E.,  
Sec. 10, E $\frac{1}{2}$ ;  
Sec. 28, W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 32, E $\frac{1}{2}$ E $\frac{1}{2}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 29 N., R. 56 E.,  
Sec. 6, lots 4, 5, SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 7, E $\frac{1}{2}$ NW $\frac{1}{4}$ .  
T. 30 N., R. 56 E.,  
Sec. 30, lots 1, 2;  
Sec. 31, lots 1, 2, 3, 4.

The area described above contains 3,155.12 acres.

DANIEL P. BAKER,  
Acting State Director, Nevada.

[F.R. Doc. 66-692; Filed, Jan. 20, 1966;  
8:46 a.m.]

[Oregon 016899]

#### OREGON

#### Notice of Amendment of Proposed Withdrawal and Reservation of Land

JANUARY 12, 1966.

The Corps of Engineers, U.S. Department of the Army, has filed an application for amendment of Notice of Proposed Withdrawal and Reservation of Land, Serial Number Oregon 016899, appearing as F.R. Doc. 65-12600 (30 F.R. 14605), in the issue of November 24, 1965, to include the additional land described below, to be withdrawn from all forms of appropriation under the public land laws, including the mining laws (Ch. 2, 30 U.S.C.) and mineral leasing laws.

The applicant desires to use the land in connection with project planning and use for the John Day Wildlife Management Area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 Northeast Holladay, Portland, Oreg., 97232.

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

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

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

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

The lands involved in the application are:

#### OREGON

#### WILLAMETTE MERIDIAN

T. 5 N., R. 26 E.,  
Sec. 30, S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ .

The area described contains 40 acres.

DOUGLAS E. HENRIQUES,  
Land Office Manager.

[F.R. Doc. 66-693; Filed, Jan. 20, 1966;  
8:46 a.m.]

[Sacramento 080148]

#### CALIFORNIA

#### Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 13, 1966.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. Sacramento 080148 for the withdrawal of lands described below, from prospecting, location, entry, and purchase under the mining laws, subject to valid existing claims.

The applicant desires the land for the Woodfords Administrative Site in the Toiyabe National Forest.

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

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

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

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

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

The lands involved in the application are:

#### CALIFORNIA—MOUNT DIABLO MERIDIAN

#### TOIYABE NATIONAL FOREST

#### Woodfords Administrative Site

T. 11 N., R. 19 E.,  
Sec. 35, N $\frac{1}{2}$ SW $\frac{1}{4}$ .



The area described aggregates 80 acres.

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

[F.R. Doc. 66-694; Filed, Jan. 20, 1966;  
8:47 a.m.]

## DEPARTMENT OF AGRICULTURE

### Consumer and Marketing Service

[P. & S. Docket No. 445]

### MARKET AGENCIES AT FORT WORTH STOCK YARDS

#### Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on April 15, 1965 (24 A.D. 448), continuing in effect to and including May 31, 1967, an order issued on June 30, 1959 (18 A.D. 676), authorizing the respondents, Market Agencies at Fort Worth Stock Yards, Fort Worth, Tex., to assess the current temporary schedule of rates and charges.

On January 5, 1966, a petition was filed on behalf of the respondents requesting authority to modify, as soon as possible, the current rates and charges for stockyard services as indicated below:

#### ARTICLE II—SCHEDULE FOR SELLING OR FOR BUYING ON ORDER

	Rate per head	
	Present	Proposed
<b>Bulls:</b>		
One head or more.....	\$2.00	\$2.50
<b>Calves:</b>		
Consignments of one head and one head only.....	.90	1.00
Consignments of more than one head:		
First 15 head in each consignment.....	.80	.90
Each head over 15 in each consignment.....	.70	.75
<b>Cattle:</b>		
Consignments of one head and one head only.....	1.50	1.65
Consignments of more than one head:		
First 15 head in each consignment.....	1.40	1.55
Each head over 15 in each consignment.....	1.25	1.35
<b>Hogs:</b>		
Consignments of one head and one head only.....	.65	.70
Consignments of more than one head:		
First 25 head in each consignment.....	.55	.60
Each head over 25 in each consignment.....	.45	.50
<b>Sheep:</b>		
Consignments of one head and one head only.....	.50	.60
Consignments of more than one head:		
First 10 head in each 250 head in each consignment.....	.40	.50
Next 50 head in each 250 head in each consignment.....	.27	.30
Next 60 head in each 250 head in each consignment.....	.22	.25
Next 130 head in each 250 head in each consignment.....	.12	.15

#### AUTHORIZED COLLECTIONS

##### FIRE INSURANCE

##### PRESENT

##### Rail arrivals:

There will be collected on all livestock on the Fort Worth Market, the following charges to cover Fire Insurance unless otherwise directed by shipper or owner.

Carload receipts by rail..... \$0.10  
On less than carloads received by rail, drive-in or truck-in rates apply:

	Cent per head
Driven-in or trucked-in:	
Cattle.....	1/2
Calves and hogs.....	1/5
Sheep and goats.....	1/6

The charge on any trucked-in or driven-in shipment shall not exceed 10 cents up to:

30 head of cattle one ownership;  
75 head of calves and hogs one ownership;  
300 head of sheep or goats one ownership;  
Minimum charge, one consignment, 1 cent.

##### PROPOSED

##### Trucked-in, driven-in or rail arrivals

##### Coverage:

Fire and smoke: Windstorm, cyclone, tornado, hail; Explosion; Riot, riot attending a strike; Civil Commotion; Aircraft and objects falling therefrom; theft but excluding escape or mysterious disappearance.

Charges will be collected on all livestock received on the Fort Worth Market at the following rate: 0.004 per \$100 of gross proceeds.

#### MARKETS CUSTOMS

##### PRESENT

Opening hours and closing hours, for selling and buying livestock, excepting emergency conditions, will be as follows:

Cattle yards..... 8 a.m. till 3 p.m. all year.  
Hog yards..... Do.  
Sheep yards..... Do.

##### PROPOSED

Auction selling of cattle, daily, Monday through Thursday, 9 a.m. until close

##### PRIVATE TREATY SELLING DAILY

Cattle yards..... 7 a.m. till 3 p.m.  
Hog & sheep yards..... 8 a.m. till 3 p.m.

The modifications, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250, within 10 days after the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of January 1966.

DONALD A. CAMPBELL,  
Director, Packers and Stock-  
yards Division, Consumer and  
Marketing Services.

[F.R. Doc. 66-681; Filed, Jan. 20, 1966;  
8:46 a.m.]

#### Office of the Secretary

### GREAT PLAINS CONSERVATION PROGRAM

#### Designation of Applicable Counties in Oklahoma and South Dakota

Designation of counties within the Great Plains area of the 10 Great Plains States where the Great Plains Conservation Program is specifically applicable.

For the purpose of making contracts based upon an approved plan of farming operations pursuant to the Act of August 7, 1956 (70 Stat. 1115, 16 U.S.C. 590p(b)), as amended, the following counties in the following States are designated as susceptible to serious wind erosion by reason of their soil types, terrain, and climatic and other factors.

##### OKLAHOMA

Comanche. Grant.  
Grady.

##### SOUTH DAKOTA

Lawrence.

Done at Washington, D.C., this 18th day of January 1966.

JOHN A. BAKER,  
Assistant Secretary.

[F.R. Doc. 66-726; Filed, Jan. 20, 1966;  
8:50 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket No. PRM-30-20]

### LUMINOUS PRODUCTS CORP.

#### Notice of Filing of Petition for Rule Making

Please take notice that Luminous Products Corp., 575 Albany Street, Boston, Mass., by letter dated December 7, 1965, has filed with the Commission a petition for rule making to amend the Commission's regulation "Licensing of Byproduct Material," 10 CFR Part 30.

The amendment proposed by the petitioner would amend Part 30 so as to exempt from the licensing requirements of Part 30 tritium-activated, self-luminous screws, each screw to contain not more than 5 millicuries of tritium in the form of a self-luminous molded plastic.

The petitioner's letter states that "... Similar self-luminous screws have been prepared by the thousands for licensed users for many years without incident. Marking the approximate position of light switches, electrical outlets, door bells, house numbers, dangerously protruding beams, stairs, posts or articles of furniture are a few benefits that may accrue to the public \* \* \*."

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C., this 14th day of January 1966.

For the Atomic Energy Commission.  
W. B. McCool,  
Secretary.

[F.R. Doc. 66-682; Filed, Jan. 20, 1966;  
8:46 a.m.]



[Docket No. 50-227]

**GENERAL DYNAMICS CORP.****Notice of Issuance of Facility License**

Please take notice that, no request for a hearing or petition to intervene having been filed following publication of the notice of proposed action in the *FEDERAL REGISTER*, the Atomic Energy Commission has issued, effective as of the date of issuance, Facility License No. R-100 authorizing operation of the Torrey Pines TRIGA Mark III nuclear reactor located on the corporation's site at Torrey Pines Mesa, Calif.

The license was issued substantially as set forth in the notice of proposed issuance of facility license published in the *FEDERAL REGISTER*, December 7, 1965, 30 F.R. 15110, with the exception of (1) a rewording of the reports section of the license to reflect language changes adopted by the Commission since the proposed license was published, and (2) minor revisions in the technical specifications for clarification.

Dated at Bethesda, Md., this 14th day of January 1966.

For the Atomic Energy Commission.

E. G. CASE,  
Acting Director,  
Division of Reactor Licensing.

[F.R. Doc. 66-683; Filed, Jan. 20, 1966; 8:46 a.m.]

## **AUTOMOTIVE AGREEMENT ADJUSTMENT ASSISTANCE BOARD**

### **AUTOMOTIVE ASSISTANCE COMMITTEE**

[Board Order 1]

#### **Establishment and Delegation of Functions**

1. Pursuant to Executive Order 11254, dated October 21, 1965, and § 501.3 of the Automotive Agreement Adjustment Assistance Board regulations (48 CFR 501.3) and consistent with the provisions thereof, there is hereby established the Automotive Assistance Committee of the Automotive Agreement Adjustment Assistance Board, composed of the following members, or their alternates:

A. An Assistant Secretary of the Treasury.

B. The Assistant Secretary of Commerce for Domestic and International Business, and;

C. The Assistant Secretary of Labor for International Affairs.

2. The Assistant Secretary of Labor shall be Chairman of the Committee. His term of office shall coincide with that of the Secretary of Labor as Chairman of the Board.

3. There is hereby delegated to the Committee all functions of the Board, except the making of final determinations, certifications, and terminations of certifications and the authority con-

tained in § 501.3(a) of the regulations (48 CFR 501.3(a)). The Committee shall advise the Board, as requested, with respect to such final determinations, certifications, and terminations of certifications.

4. The Committee shall be aided in carrying out its functions by the Executive Secretary, selected by the Board, and by such staff assistance as may be provided by each Department concerned.

Dated: January 19, 1966.

W. WILLARD WIRTZ,  
Chairman, Automotive Agreement  
Adjustment Assistance Board.

[F.R. Doc. 66-782; Filed, Jan. 20, 1966; 8:50 a.m.]

## **CIVIL AERONAUTICS BOARD**

[Docket No. 16816]

### **BALAIR AG**

#### **Notice of Prehearing Conference**

Application for temporary inclusive tour authority, Summer 1966, between a point in Switzerland and New York, N.Y.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on January 27, 1966, at 10 a.m., e.s.t., in Room 925, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Milton H. Shapiro.

Dated at Washington, D.C., January 17, 1966.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 66-710; Filed, Jan. 20, 1966; 8:48 a.m.]

[Docket No. 16857]

### **MOTOR CARRIER-AIR FREIGHT FORWARDER INVESTIGATION**

#### **Notice of Prehearing Conference**

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 17, 1966, at 10 a.m., e.s.t., in Room 726, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner F. Merritt Ruhlen.

In order to facilitate the conduct of the conference, interested parties are instructed to submit on or before February 7, 1966, (1) proposed statements of issues, (2) proposed stipulations, (3) requests for information, (4) statements of positions of parties, and (5) proposed procedural dates.

The written submissions called for by this notice shall be made to the Examiner, with copies served on interested parties, but shall not be filed with the Docket Section. If any motions are filed with respect to this case, they shall be filed with the Docket Section in accordance with the Board's Rules of Practice in Economic Proceedings and copies

thereof shall be served on the parties and the Examiner.

Dated at Washington, D.C., January 18, 1966.

[SEAL] FRANCIS W. BROWN,  
Chief Examiner.

[F.R. Doc. 66-711; Filed, Jan. 20, 1966; 8:48 a.m.]

[Docket No. SA-388]

## **ACCIDENT AT SALT LAKE CITY, UTAH**

### **Notice of Investigation Hearing**

In the matter of investigation of accident involving aircraft of U.S. registry N7030U, which occurred at Salt Lake City, Utah, on November 11, 1965; Docket No. SA-388.

Notice is hereby given that an accident investigation hearing in the above matter will be held commencing at 10:30 a.m., l.t., on Monday, February 14, 1966, in the Lafayette Room of the Hotel Utah, Salt Lake City, Utah.

Dated this 18th day of January 1966.

[SEAL] RICHARD G. RODRIGUEZ,  
Hearing Officer.

[F.R. Doc. 66-712; Filed, Jan. 20, 1966; 8:48 a.m.]

## **FEDERAL COMMUNICATIONS COMMISSION**

[Docket No. 16258; FCC 66M-111]

### **AMERICAN TELEPHONE AND TELEGRAPH CO.**

#### **Order Continuing Prehearing Conference**

In the matter of American Telephone and Telegraph Co. and the Associated Bell System Companies, Docket No. 16258; charges for interstate and foreign communication service.

The Telephone Committee having under consideration its order of January 5, 1966, FCC 66M-24 convening a prehearing conference in the above-entitled proceeding on January 24, 1966; and

It appearing, that it is desirable that all parties hereto have further time for preparation for such a conference;

It is ordered, On the Telephone Committee's own motion, that the prehearing conference herein be, and it is hereby postponed until January 31, 1966, to be held at 10 a.m., in Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets, N.W., Washington, D.C.

Adopted: January 17, 1966.

Released: January 18, 1966.

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

[F.R. Doc. 66-716; Filed, Jan. 20, 1966; 8:49 a.m.]



[Docket No. 16366; FCC 66M-101]

**ITT WORLD COMMUNICATIONS INC.****Order Continuing Hearing**

In the matter of ITT World Communications Inc.; Docket No. 16366, proposed revisions to its Tariff FCC No. 7 establishing rates and regulations for TIMETRAN service.

As a result of an agreement reached upon the record at a prehearing conference held this date in the above-entitled matter:

It is ordered, This 14th day of January 1966, that the hearing now scheduled for February 15, 1966 is hereby rescheduled to commence at 10 a.m., March 22, 1966, in the Commission's Offices in Washington, D.C.

Released: January 17, 1966.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-717; Filed, Jan. 20, 1966;  
8:49 a.m.]

[Docket No. 16430-FCC 66-48]

**CENTRAL COAST TELEVISION  
(KCOY-TV)**

**Memorandum Opinion and Order  
Designating Application for Hear-  
ing on Stated Issues**

In re application of: Mili Acquistapace, Helen L. Pedotti, James H. Ranger, Burns Rick, and Marion A. Smith, doing business as Central Coast Television (KCOY-TV), Santa Maria, Calif., Docket No. 16430, File No. BPCT-3580; for construction permit.

1. The Commission has before it for consideration the above-captioned application of Mili Acquistapace, Helen L. Pedotti, James H. Ranger, Burns Rick, and Marion A. Smith, doing business as Central Coast Television (Central Coast), licensee of Television Broadcast Station KCOY-TV, Channel 12, Santa Maria, Calif.; a Petition to Deny, filed July 12, 1965, by Key Television, Inc. (Key), licensee of Television Broadcast Station KEYT, Channel 3, Santa Barbara, Calif.; a Petition to Deny, filed July 21, 1965, by Monte Mar Broadcasting Co., Inc. (Monte Mar), permittee of Television Broadcast Station KHPH-TV, Channel 14, Santa Barbara, Calif., and various related pleadings.<sup>1</sup> The applicant is authorized to operate with effective radiated visual power of 64.6 kw with antenna height above average terrain of 1,940 feet, from a site on Tepusquet Peak, 14.5 miles East Southeast of Santa Maria, Calif., and 43.5 miles from the center of Santa Barbara, Calif. The applicant proposes to increase effective radiated visual power to 154.7 kw (maximum;

<sup>1</sup>The Commission also has before it for consideration: (a) an Opposition, filed August 26, 1965, by Central Coast to both petitions; (b) Reply, filed September 13, 1965, to Key, to (a), above; (c) Reply, filed September 13, 1965, by Monte Mar, to (a), above.

138.5 kw horizontal), directionalize, increase antenna height above average terrain to 3,113 feet, and move its transmitter site 30 miles to Broadcast Peak (40 miles from Santa Maria and 16.4 miles from Santa Barbara). Operating as proposed, the applicant would place a principal city signal (77 dbu) over Santa Barbara for the first time, as well as over Santa Maria.

2. Both petitioners claim standing in this proceeding as "parties in interest" within the intent and meaning of section 309(e) of the Communications Act of 1934, as amended, on the basis that they will be in competition with the applicant for viewership and advertising revenues and that a grant of the application would inflict economic injury on them. Although the applicant does not dispute the alleged standing of the petitioners in this proceeding, we do not reach the question of standing because we find that petitions to deny do not lie against this application.

3. The applicant does not propose a change in frequency nor does it propose to change station location.<sup>2</sup> Its present predicted Grade B contour encompasses an area of 8,070 square miles. Operating as proposed, there would be a gain area of 1,985 square miles (24.6 percent of the total existing Grade B coverage area) and a loss area of 580 square miles (7.2 percent of the total existing Grade B coverage area). The net change within the applicant's Grade B contour would, therefore, be substantially less than the 50 percent which is the criteria set forth in § 1.572 of the Commission's rules as constituting a "major change." We conclude, therefore, that this application is one for a minor change within the meaning of our rules and a petition to deny will not lie against such an application.<sup>3</sup> Abilene Radio and Television Co. (KRBC-TV, FCC 65-844, 1 FCC 2d 979. These petitions to deny must be dismissed. Our review of the pleadings filed in this proceeding, however, persuades us that substantial and material questions of fact have been raised sufficient to warrant our consideration of this matter on its merits. We will, therefore, consider the petitions as informal objections filed pursuant to § 1.587 of the Commission's rules.<sup>4</sup>

<sup>2</sup>Section 1.572 of the Commission's rules, which defines an application for a "major change" in the facilities of an existing television broadcast station, provides as follows:

"(I) any change in frequency or station location, or (II) any change in power, antenna height above average terrain and/or antenna location, if the change or combinations of changes result in a change of 50 percent or more in the area within the Grade B contour of the station."

<sup>3</sup>See section 309(c) (2) (A) of the Communications Act of 1934, as amended, and § 1.580 (a) (1) of the Commission's rules. Both provide that a petition to deny will not lie against an application for a "minor change".

<sup>4</sup>Applicant alleges that the Monte Mar petition is defective for lack of an affidavit; Monte Mar states that it has only pleaded matters of which the Commission may take official notice. Whatever the merits of these contentions, our determination that the petition to deny does not lie renders them moot.

4. Station KEYT is the only television broadcast station now in operation in Santa Barbara, Calif.; Station KHPH-TV will be the second, but the only commercial UHF station in Santa Barbara. Station KCOY-TV is Santa Maria's only television broadcast station. The applicant contends that terrain limiting factors preclude the effective delivery of its signals to its predicted coverage area, as a result of which time buyers purchase time from its competitors. In effect, the applicant argues that economic factors compel it to make the changes it proposes. In the light of these facts, we examine the proposal and the objections thereto. The main thrust of Key's objections is that Station KCOY-TV seeks to become a Santa Barbara station rather than a Santa Maria station and that, to this extent, the proposal is inconsistent with the scheme of television broadcast channel allocations set forth in the Television Table of Assignments (§ 73.606 of the Commission's rules). Moreover, it is alleged that the proposal runs directly counter to the basis upon which Central was awarded a preference for "service philosophy" in the comparative proceeding in Docket Nos. 14361 et al. (FCC 63-818, 35 FCC 259, 1 RR 2d 237), to Central's representations to the Commission in that proceeding, and to the basis upon which the construction permit was granted.

5. Central proposes to move its transmitter 30 miles to a point 40 miles from Santa Maria and 16.4 miles from Santa Barbara. It is alleged that the proposed move would result in substantial shadowing in Santa Maria, in contravention of § 73.685(b) of the Commission's rules,<sup>5</sup> limiting the ability of the applicant to provide the entire city of Santa Maria with a minimum field intensity signal of 77 dbu. The applicant neither admits nor denies that shadowing will exist, but requests a waiver of § 73.685(b) of the rules if such shadowing would, in fact, result. The extent of the shadowing has not been clearly defined by any of the

<sup>5</sup>Section 73.685(b) of the Commission's rules provides:

"Location of the antenna at a point of high elevation is necessary to reduce to a minimum the shadow effect on propagation due to hills and buildings which may reduce materially the intensity of the station's signals. In general, the transmitting antenna of a station should be located at the most central point at the highest elevation available. To provide the best degree of service to an area, it is usually preferable to use a high antenna rather than a low antenna with increased transmitter power. The location should be so chosen that line-of-sight can be obtained from the antenna over the principal community to be served; in no event should there be a major obstruction in this path. The antenna must be constructed so that it is as clear as possible of surrounding buildings or objects that would cause shadow problems. It is recognized that topography, shape of the desired service area, and population distribution may make the choice of a transmitter location difficult. In such cases, consideration may be given to the use of a directional antenna system, although it is generally preferable to choose a site where a nondirectional antenna may be employed."



parties, but on the basis of the uncontested allegation that there would be at least some shadowing, we believe that a sufficient question has been raised to warrant an issue. The existence of shadow areas within the corporate limits of the principal community also raises a question as to whether a principal city signal will, in fact, be provided to the entire principal community to be served, as required by § 73.685(a) of the rules.<sup>4</sup> Central has indicated that it would accept a grant conditioned upon its construction and operation of television broadcast translator stations to fill in shadow areas. We believe that translators may properly be used to improve reception in an area where reception is unsatisfactory although the proposal is consistent with our rules, but translators are not intended to provide a means of avoiding compliance with the rules.

6. The sole objection raised by Monte Mar against a grant of the application is concerned with the impact which a grant would have on the prospects for the early activation of this new UHF station and the overall development of UHF television broadcasting in the area proposed to be served. Monte Mar has not yet completed construction of the new UHF television broadcast station (KIHV-TV) which it is authorized to operate in Santa Barbara, and we believe that we must determine whether the incursion of a VHF signal of increased intensity may adversely affect the possibilities for success of the fledgling station. Triangle Publications, Inc., 29 FCC 315, 17 RR 624, affirmed sub nom. Triangle Publications, Inc. v. Federal Communications Commission, 110 U.S. App. D.C. 214, 291 F.2d 324, 21 RR 2039; KTVI Television Co., FCC 64-212, 2 RR 2d 95; WHAS, Inc., FCC 64-604, 2 RR 2d 1073. We think that an issue must also be specified with respect to whether a grant of the application would be consistent with section 307(b) of the Act and our Television Table of Assignments. The burden of proceeding with the introduction of evidence and the burden of proof with respect to the UHF impact issue will be placed on Monte Mar. We will, on our own motion, make Key and Monte Mar parties to this proceeding.

7. The applicant alleges that it is competitively inferior in its market area because terrain factors limit its ability to deliver usable signals to all of its coverage areas. As a result, it is alleged, time buyers prefer competing stations. The applicant argues that its application must be granted in order to enable it to improve its competitive position to the point where it has the opportunity to become a profitable operation. Otherwise, the applicant states, it is "doomed to be a financial basket case." The pos-

sible failure of a station for economic reasons is always a matter of deep concern to the Commission and where reasonably competitive facilities were not available, we have acted to remedy the situation if our action would be consistent with the public interest, e.g., Television Broadcasters, Inc., FCC 65-15, 4 RR 2d 119. The applicant's economic plight, particularly in view of the fact that it is Santa Maria's only television broadcast station, is a factor which will be considered in determining whether a grant of the application would serve the public interest.

8. Several subsidiary questions have been raised by the pleadings, relating to whether cochannel interference would result with respect to Television Broadcast Station XEWT, Tijuana, Mexico, because of the allegedly unusual propagation characteristics of the area. A question has also been raised with respect to whether undesirable interaction or ghosting problems may result from the proposed location of the KCOY-TV transmitter in close proximity to the Station KEYT tower.<sup>5</sup> There will continue to be a separation of more than 190 miles between the proposed site of Station KCOY-TV and Station XEWT, and the proposal is consistent with the provisions of the Mexican-United States Television Agreement of 1962. We find, therefore, that no issue with respect to interference is warranted. We also see little justification, based on past experience with multiple television towers in antenna farms, for apprehension about the possibility of mutual interaction between the Station KEYT tower and the proposed Station KCOY-TV tower.

9. The proposed move of Station KCOY-TV's transmitter generally southward results in a southward shift of its service contours. There will inevitably be areas and populations in the northern sector of the applicant's present coverage area which will either lose television service which is now received from Station KCOY-TV or will receive signals of diminished intensity from Station KCOY-TV. Such a situation raises questions under the doctrine of the Hall case (Hall et al. v. Federal Communications Commission, 99 U.S. App. D.C. 86, 237 F.2d 567, 14 RR 2009) as to whether the losses in areas and populations may be offset by concomitant gains or other offsetting factors. The extent of the gains and losses and other television broadcast service available to such areas and populations has not been clearly delineated by the parties and we are of the view that an issue must be specified with respect thereto.

10. We have carefully considered all of the matters raised by the pleadings and, except as indicated by the issues specified below, we find that the applicant is legally, technically, financially and otherwise qualified to construct and operate as proposed. The Commission, however, 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, That the petitions to deny filed herein by Key Television, Inc., and Monte Mar Broadcasting Co., are dismissed, pursuant to section 309(c) (2) (A) of the Communications Act of 1934, as amended, and § 1.580 (a) (1) of the Commission's rules.

It is further ordered, That, upon the Commission's own motion and pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned application of Mili Acquistapace, Helen L. Pedotti, James H. Ranger, Burns Rick, and Marion A. Smith, doing business as Central Coast Television, is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether a grant of the application would be consistent with § 73.685(b) of the Commission's rules with respect to shadowing in, and line-of-sight to, Santa Maria, Calif., and if not, whether circumstances exist which would warrant a waiver of the rule.

2. To determine whether a grant of the application would be consistent with § 73.685(a) of the Commission's rules with respect to the delivery of a principal city signal (77 dbu) over the entire city of Santa Maria, Calif., and, if not, whether circumstances exist which would warrant a waiver of the rule.

3. To determine whether a grant of the application would be consistent with section 307(b) of the Communications Act of 1934, as amended, § 73.606 of the Commission's rules, and the principles upon which the assignment of television broadcast channels has been made by the Commission.

4. To determine whether a grant of the application would impair the ability of authorized UHF television broadcast stations in the area to compete effectively, or would jeopardize, in whole or in part, the prospect of the early activation of authorized UHF television broadcast services.

5. To determine the areas and populations which will gain or lose television broadcast service in the event of a grant of the application and the number of other television broadcast services available to such areas and populations.

6. 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, upon the Commission's own motion, Key Television, Inc., and Monte Mar Broadcasting Co., Inc., are made parties respondent herein.

It is further ordered, That the burden of proceeding with the introduction of evidence and burden of proof with respect to Issue 4, herein are hereby placed upon Monte Mar Broadcasting Co., Inc.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and the parties respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or

<sup>4</sup> Section 73.685(a) of the Commission's rules provides:

"The transmitter location shall be chosen so that, on the basis of the effective radiated power and antenna height above average terrain employed, the following minimum field intensity in decibels above one microvolt per meter (dbu) will be provided over the entire principal community to be served: Channels 7-13; 77 dbu."

<sup>5</sup> Applicant proposes to construct its tower within 130 feet of the existing KEYT tower.



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 set 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(a) 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.

Adopted: January 12, 1966.

Released: January 18, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-718; Filed, Jan. 20, 1966;  
8:49 a.m.]

[Docket Nos. 16388-16390; FCC 66M-108]

#### D. H. OVERMYER COMMUNICATIONS CO. ET AL.

##### Order Continuing Prehearing Conference

In re applications of D. H. Overmyer Communications Co., Dallas, Tex., Docket No. 16388, File No. BPCT-3463; Maxwell Electronics Corp., Dallas, Tex., Docket No. 16389, File No. BPCT-3489; Grandview Broadcasting Co., Dallas, Tex., Docket No. 16390, File No. BPCT-3595; for construction permits.

The Hearing Examiner having under consideration communication dated January 10, 1966, on behalf of Maxwell Electronics Corp., requesting that the prehearing conference now scheduled for January 27 be rescheduled for January 31, 1966;

It appearing, that good cause exists why said request should be granted and counsel for Maxwell Electronics Corp. states that counsel for the other two applicants accede to the request;

*Accordingly, it is ordered,* This 17th day of January 1966, that the prehearing conference now scheduled for January 27 be and the same is hereby rescheduled for January 31, 1966, 10 a.m., in the Commission's Offices, Washington, D.C.

Released: January 18, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-719; Filed, Jan. 20, 1966;  
8:49 a.m.]

[Docket Nos. 16421, 16422; FCC 66M-105]

#### TWIN-STATE RADIO, INC., AND RICHLAND BROADCASTING CO.

##### Order Scheduling Hearing

In re applications of Twin-State Radio, Inc., Natchez, Miss., Docket No.

\* Commissioner Wadsworth absent.

16421, File No. BP-16455; A. S. Johnson tr/as Richland Broadcasting Co., Delhi, La., Docket No. 16422, File No. BP-16720; for construction permits.

*It is ordered,* This 17th day of January 1966, that Millard F. French shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on March 14, 1966, at 10 a.m.; and that a prehearing conference shall be held on February 10, 1966, 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: January 18, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-720; Filed, Jan. 20, 1966;  
8:49 a.m.]

[Docket Nos. 16403-16405; FCC 66M-102]

#### ERNEST L. AND MILDRED F. WALKER

##### Order Scheduling Hearing

In re applications of Ernest L. Walker, Espanola, N. Mex.; Docket No. 16403, File No. 007-CD-65; for a Class D station license in the Citizens Radio Service. Ernest L. Walker, Espanola, N. Mex.; Docket No. 16404; for a restricted radio-telephone operator permit. Mildred F. Walker, Fairview, N. Mex.; Docket No. 16405, File No. 170-CD-64; for a Class D station license in the Citizens Radio Service.

*It is ordered,* This 17th day of January 1966, that James D. Cunningham shall serve as Presiding Officer in the above-entitled proceeding; and that the hearing therein shall be convened in Washington, D.C., on March 21, 1966, at 10 a.m.

Released: January 17, 1966.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 66-721; Filed, Jan. 20, 1966;  
8:49 a.m.]

#### FEDERAL POWER COMMISSION

[Docket Nos. CP63-290, CP63-291]

#### TRANSWESTERN PIPELINE CO. AND NORTHERN NATURAL GAS CO.

##### Notice of Petition To Amend

JANUARY 14, 1966.

Take notice that on January 4, 1966, Transwestern Pipeline Co. (Petitioner), Post Office Box 1502, Houston, Tex., 77001, filed in Docket No. CP63-290 a petition to amend the order of the Commission issued in said docket on October 10, 1963, and amended on September 28, 1964 and August 6, 1965, by requesting authorization to continue the exchange

of gas with Northern Natural Gas Co. (Northern) which was authorized by said orders, to deliver up to 50,000 Mcf of gas per day to Northern for a limited period of time, to install certain facilities incident thereto and to redeliver certain volumes of gas to Northern, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the aforementioned orders of the Commission issued in Docket Nos. CP63-290 and CP63-291, Petitioner and Northern were authorized to construct and operate certain facilities and to exchange quantities of natural gas for a period extending through September 30, 1965. Petitioner states that it has heretofore delivered approximately 24,029 Mcf of gas to Northern pursuant to such authorization.

By the instant filing, pursuant to an agreement between the parties dated December 10, 1965, Petitioner seeks authorization to continue exchange deliveries to Northern at new and existing delivery points in the Panhandle area through the period ending December 31, 1966. Petitioner proposes to deliver during such period to Northern 40,000 Mcf of gas on each day plus such additional volumes, not to exceed 10,000 Mcf per day, which Northern may elect to receive. The proposed new delivery points are at the point of intersection of Northern's 30-inch pipeline and Petitioner's 8-inch Waka lateral in Ochiltree County, Tex., and at the point of intersection of Northern's 30-inch pipeline and Petitioner's 8-inch Perriton lateral also in Ochiltree County, Tex. Upon completion of the proposed facilities, pursuant to the aforementioned agreement between the parties, it is proposed that Northern begin redelivery of gas at a point of intersection on Northern's facilities and Petitioner's 10-inch Monument lateral in Lea County, N. Mex., in volumes to be selected by Petitioner of not less than 20,000 Mcf of gas per day nor more than 50,000 Mcf per day.

In order to deliver and receive such volumes, Petitioner requests authorization to install the following facilities:

(1) Two measuring stations together with related facilities to be located at the proposed new Ochiltree County, delivery points.

(2) A side tap and valve, together with related facilities, to be located at the aforementioned proposed redelivery point.

The total estimated cost of such facilities is \$89,670, which cost will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before February 7, 1966.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-686; Filed, Jan. 20, 1966;  
8:46 a.m.]



[Docket No. RP66-21]

**PANHANDLE EASTERN PIPE LINE CO.****Notice of Proposed Settlement**

JANUARY 14, 1966.

Take notice that Panhandle Eastern Pipe Line Co. (Panhandle), on January 6, 1966, submitted for approval by the Commission a voluntary rate reduction embodied in a proposed agreement with respect to its rates and charges. Concurrently with the filing of that agreement, Panhandle tendered for filing revised tariff sheets reducing the commodity component of its two-part rates by 0.4 cent per Mcf, and reducing its single-part rates by 0.4 cent per Mcf. Panhandle requests waiver of all applicable Commission's regulations so that the tendered tariff sheets may become effective as of October 1, 1965. On January 13, 1966, Panhandle filed a computation showing the basis for the proposed reduction. Panhandle has served these documents on its jurisdictional customers.

The company indicates that the proposed rate reductions will result in a decrease in revenues of approximately \$2,112,000 annually, based on estimated sales for the year 1966. In addition, Panhandle will refund the difference between the amounts actually billed and collected under the currently effective rates for deliveries subsequent to September 30, 1965, and the amounts which would have been collected under the proposed rates, plus Panhandle's portion of the \$450,000 which Trunkline proposes to refund, pursuant to a separate agreement concurrently filed by Trunkline. Panhandle also proposes to flow-through rate reductions and refunds received from its suppliers and reaffirms its position and obligations with respect to liberalized depreciation as set out in Article 4 of its 1964 Agreement.

Comments or protests concerning the proposed settlement may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.10), on or before January 31, 1966.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-687; Filed, Jan. 20, 1966;  
8:46 a.m.]

[Docket No. RI66-246]

**SINCLAIR OIL & GAS CO.**

**Order Accepting Contract Amendment, Conditionally Accepting Rate Filing and Providing for Hearing on and Suspension of Proposed Change in Rate**

JANUARY 14, 1966.

On December 15, 1965, Sinclair Oil & Gas Co. (Sinclair)<sup>1</sup> tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is

contained in the following designated filing:

Description: Notice of change, dated December 10, 1965.

Purchaser and producing area: El Paso Natural Gas Co. (June Saunders Lease, Sweetie Peck Field, Midland County, Tex.) (R.R. District No. 8) (Permian Basin Area).

Rate schedule designation: Supplement No. 6 to Sinclair's FPC Gas Rate Schedule No. 174.

Effective date: January 15, 1966.<sup>2</sup>

Amount of annual increase: \$298.

Effective rate: 18.1978 cents per Mcf.<sup>3</sup>

Proposed rate: 18.2430 cents per Mcf.<sup>4</sup>

Pressure base: 14.65 p.s.i.a.

On August 4, 1965, Sinclair tendered for filing a letter agreement dated June 28, 1965, which provides for seller to gather, treat, compress, and process the gas in its Midland Gas Products Plant and deliver the residue gas derived therefrom into buyer's pipeline at the tailgate of the plant. We believe that it would be in the public interest to accept for filing Sinclair's aforementioned letter agreement to become effective as of September 4, 1965, the date of expiration of the statutory notice, but not the proposed rate contained therein which will be suspended as indicated below.

Sinclair, a producer-respondent in the Permian Basin Opinion No. 468, proposes a tax increase from 18.1978 cents to 18.2430 cents per Mcf as permitted under the above letter agreement for a sale of gas to El Paso Natural Gas Co. (El Paso) in the Permian Basin Area of Texas. The proposed rate exceeds the applicable area ceiling base rate of 14.5 cents per Mcf prescribed by Opinion No. 468.

The proposed increase involves a sale of residue gas derived from casinghead gas. The gas currently being gathered, treated, compressed, and processed by El Paso under an interim sales arrangement, until such time as Sinclair can process (or have processed) such gas and deliver the residue gas derived therefrom direct to El Paso. For this service, El Paso is currently charging Sinclair 3.3499 cents per Mcf. Sinclair's current tax reimbursement (0.1978 cent) is based on a taxable rate of 14.6501 cents per Mcf (18.0 cents base rate less 3.3499 cents service charge). Sinclair recently constructed a processing plant in the vicinity of the subject sale and now proposes to gather the casinghead gas into its Midland Gas Products Plant, process same and deliver the residue remaining therefrom into El Paso's pipeline at the tailgate of the plant. The arrangement is set forth in the above letter agreement which provides the basis for the proposed increased rate. The proposed tax increase of 0.0452 cent reflects this change in delivery conditions which re-

<sup>1</sup> The stated effective date is the first day after expiration of the required statutory notice.

<sup>2</sup> Present rate is in effect subject to refund in Docket No. RI65-38.

<sup>3</sup> Subject to 3.3499 cents per Mcf reduction for gathering, treating, and compressing (rate for gas gathered, treated, compressed, and processed by buyer).

<sup>4</sup> Tax reimbursement increase.

<sup>5</sup> Rate for gas gathered, treated, compressed, and processed by seller.

quires the tax to be based on a taxable rate of 18.0 cents per Mcf, the base rate under the contract. While the proposed increase is ostensibly a tax increase, the increased rate sought here by Sinclair also reflects a substantial change in the net rate Sinclair will collect when the proposed rate becomes effective because that rate will not be subject to the service charge now provided for under the currently effective rate.

The just and reasonable rate prescribed by the Permian Basin Opinion No. 468 and the moratorium applicable to all sales covered by Opinion No. 468 covers the subject sale. The proposed rate is thus subject to rejection. In accordance with the decision of the Tenth Circuit on October 20, 1965, in *Skelly Oil Co. v. FPC* (C.A. 10 No. 8385, et al.) Sinclair has obtained a stay through January 20, 1966, the effectiveness of Opinion Nos. 468 and 468-A. Accordingly, instead of rejecting Sinclair's filing at this time, we shall conditionally accept it for filing, and simultaneously suspend the rate increase for a period of 5 months from January 15, 1966, the date of expiration of the statutory notice. Our acceptance of the instant rate increase is expressly conditioned to provide that the rate increase will be rejected, ab initio, in the event the court stay referred to above is dissolved or Opinion Nos. 468 and 468-A are upheld upon judicial review insofar as ordering paragraph (H) is concerned.

Sinclair requests waiver of the statutory notice to permit an effective date of August 15, 1965, for its contract amendment, and an effective date of December 15, 1965, for its proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for Sinclair's rate filings and such request is denied.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing Sinclair's proposed contract amendment dated June 28, 1965, designated as Supplement No. 5 to Sinclair's FPC Gas Rate Schedule No. 174, and for permitting such supplement to become effective as of September 4, 1965, the date of expiration of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and the Supplement No. 6 to Sinclair's FPC Gas Rate Schedule No. 174 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Sinclair's contract amendment dated June 28, 1965, designated as Supplement No. 5 to Sinclair's FPC Gas Rate Schedule No. 174, is accepted for filing and permitted to become effective as of September 4, 1965.

<sup>1</sup> Address is: Post Office Box 521, Tulsa, Okla., 74102, Attention: Mr. P. T. Davis.



(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Sinclair's FPC Gas Rate Schedule No. 174.

(C) Pending such hearing and decision thereon, Supplement No. 6 to Sinclair's FPC Gas Rate Schedule No. 174 is conditionally accepted for filing as noted above, and is hereby suspended and the use thereof deferred until June 15, 1966, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before March 2, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-688; Filed, Jan. 20, 1966;  
8:46 a.m.]

[Docket No. RP66-20]

#### TRUNKLINE GAS CO.

##### Notice of Proposed Settlement

JANUARY 14, 1966.

Take notice that Trunkline Gas Co. (Trunkline), on January 6, 1966, submitted for approval by the Commission a voluntary rate reduction embodied in a proposed agreement with respect to its rates and charges. Concurrently with the filing of that agreement, Trunkline filed revised tariff sheets reducing the commodity component of its two-part rates by 0.9 cent per Mcf and reducing the single-part rates by 0.9 cent per Mcf. Trunkline requests waiver of all applicable Commission's Regulations so that the tendered tariff sheets may become effective as of October 1, 1965. On January 13, 1966, Trunkline filed a computation showing the basis for the proposed rate reductions. Trunkline has served these documents on its jurisdictional customers.

The company indicates that the proposed rate reductions will result in a decrease in revenues of approximately \$2,940,000 annually, based on estimated sales for the year 1966. In addition, Trunkline proposes to make a lump sum refund of \$450,000, plus the difference between the amounts actually billed and collected under the currently effective rates for deliveries subsequent to Sep-

tember 30, 1965, and the amounts which would have been collected under the proposed rates.

Trunkline also proposes to flow-through rate reductions and refunds received from its suppliers, and reaffirms its position and obligations with respect to liberalized depreciation, as set out in Article 3 of the 1964 Agreement.

Comments or protests concerning the proposed settlement may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.10), on or before January 31, 1966.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 66-689; Filed, Jan. 20, 1966;  
8:46 a.m.]

[Docket No. CI65-539 etc.]

#### UNION OIL COMPANY OF CALIFORNIA ET AL.

##### Findings and Order After Statutory Hearing

JANUARY 14, 1966.

In the matter of Union Oil Co. of California, Docket No. CI65-539; Sinclair Oil & Gas Co., Docket No. CI65-543; Sun Oil Co., Docket No. CI65-583; Kerr-McGee Corp., Docket No. CI65-605; Gulf Oil Corp., Docket No. CI65-609.

Applicants herein have filed applications pursuant to section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of New Mexico to Natural Gas Pipeline Co. of America, all as more fully set forth in the Appendix hereto and in the respective applications.

Each Applicant originally proposed to sell natural gas at an initial rate of 16.608 cents per Mcf at 14.65 psia, including upward Btu adjustment from a base of 1,000 Btu's per cubic foot for 1038-Btu gas.<sup>1</sup> By order issued August 5, 1965, in Docket No. AR61-1, et al., Applicants were ordered to show cause why they should not receive permanent certificate authorization at the rates prescribed in Opinion No. 468, 34 FPC. Said opinion, as modified by opinion No. 468-A, prescribes an initial rate for gas sold in the New Mexico portion of the Permian Basin of 15.5 cents per Mcf plus applicable State and local production taxes in effect on September 1, 1965. The opinion, as modified, also provides for upward Btu adjustment from a maximum standard of 1,050 Btu's per cubic foot and downward Btu adjustment from a minimum standard of 1,000 Btu's per cubic foot.

Each Applicant has submitted a settlement proposal and has offered to accept a permanent certificate at the applicable area base rate of 15.5 cents per Mcf, plus applicable State and local production taxes in effect as of September 1, 1965,

<sup>1</sup> Each contract also provides for a downward Btu adjustment from a base of 1,000 Btu's per cubic foot.

while retaining the upward and downward Btu price adjustment provisions. They also agree to a moratorium on increased rates until January 1, 1968, as provided by Opinion No. 468. Applicants' willingness to accept certificates with the aforementioned conditions is contingent upon the severance of their applications from the proceeding on the order to show cause and upon the issuance of certificates pursuant to the statutory hearing procedure.

Applicants' contracts contain quality standards which conform to those standards set forth in Opinion Nos. 468 and 468-A. In their settlement proposals Applicants adopt the rate schedule quality statement filed in Docket No. CI65-603 by Marathon Oil Co., operator of the jointly-owned processing plant, which statement shows that the quality of the gas, based upon plant design specifications, is within the quality standards prescribed in Opinion Nos. 468 and 468-A. Marathon Oil Co., and other producers have received permanent certificates pursuant to settlement proposals to sell gas under similar settlement proposals.

Applicants' proposals are consistent with the Commission's opinion determining just and reasonable rates for producers in the Permian Basin on an area basis and afford an appropriate opportunity for the issuance of certificates under conditions which will provide a complete and effective plan of regulation. The rates to which Applicants have agreed and the moratorium by which they have agreed to abide correlate to those required by Opinion Nos. 468 and 468-A. Accordingly, the applications herein will be severed from the proceeding on the order to show cause in Docket No. AR61-1, et al., and certificates of public convenience and necessity will be issued under the conditions prescribed in the area rate opinion.

After due notice, no petitions to intervene, notices of intervention or protests to the granting of the applications have been received.

At a hearing held on January 13, 1966, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(2) The sales of natural gas hereinbefore described, as more fully described in the Appendix hereto and in the respective applications, will be made in interstate commerce subject to the jurisdiction of the Commission, and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform



the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the offers of settlement submitted by Applicants should be accepted and that the applications herein should be severed from the proceeding on the order to show cause issued August 5, 1965, in Docket No. AR61-1, et al.

(5) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity, and certificates therefor should be issued as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules submitted by Applicants in Dockets Nos. CI65-539, CI65-583 and CI65-605 should be accepted for filing and that Applicants in Dockets Nos. CI65-543 and CI65-609 should be required to file FPC gas rate schedules.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing the sales of natural gas by Applicants in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described below and in the respective applications and offers of settlement in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission thereunder.

(C) The grant of the certificates issued by paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customer involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates

aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The offers of settlement submitted by Applicants are accepted and the applications herein are severed from the proceeding on the order to show cause issued August 5, 1965, in Docket No. AR61-1, et al.

(E) Applicants shall comply with the requirements of Opinions Nos. 468 and 468-A, and particularly

(a) The initial rate shall be the applicable area rate prescribed in Opinion No. 468, as modified by Opinion No. 468-A, or the contract rate, whichever is lower, and

(b) No increase in rate in excess of that provided in (a) above shall be filed before January 1, 1968.

(F) The FPC gas rate schedules submitted by Applicants in Dockets Nos. CI65-539, CI65-583 and CI65-605 are accepted for filing to be effective on the date of initial delivery and are designated as shown below. Applicants in Dockets Nos. CI65-543 and CI65-609 shall each file three copies of its related gas sales contracts as FPC gas rate schedules.

(G) Each Applicant shall file three copies of a revised billing statement specifying a rate of 15.5 cents per Mcf at 14.65 p.s.i.a. plus the computed amount of tax reimbursement.

(H) Within 90 days of initial delivery each Applicant shall file three copies of a rate schedule quality statement in the form provided by Opinion No. 468-A.

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,  
Secretary.

#### APPENDIX

Purchaser: Natural Gas Pipeline Co. of America.  
Location: Indian Basin Area, Eddy County, N. Mex.

Docket No. and filing date	Applicant	Description and date of instrument	Designation	
			Rate schedule	Supplement
CI65-539 12-9-64	Union Oil Co. of California	Contract 9-10-64	96	
CI65-543 12-9-64	Sinclair Oil & Gas Co.	Contract 9-10-64 <sup>1</sup>		
CI65-583 12-21-64	Sun Oil Co.	Contract 9-10-64	185	
CI65-605 12-24-64	Kerr-McGee Corp.	Amendment 4-6-65 <sup>2</sup>	185	1
CI65-609 12-28-64	Gulf Oil Corp.	Contract 9-10-64 <sup>1</sup>	86	

<sup>1</sup> Submitted as an exhibit to the certificate application.

<sup>2</sup> Corrects error in lease description in contract.

[F.R. Doc. 66-690; Filed, Jan. 20, 1966; 8:46 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[812-1898]

### AMERICAN-IDEAL STANDARD INTERNATIONAL, INC.

#### Filing of Application for Order Exempting Company

JANUARY 18, 1966.

Notice is hereby given that American-Ideal Standard International, Inc., ("applicant"), 40 West 40th Street, New York, N.Y., has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting it from all provisions of the Act and the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below:

The applicant was organized by American Radiator & Standard Sanitary Corp. ("American-Standard") under the laws of the State of Delaware on Decem-

ber 8, 1965. All of the capital stock issued by applicant consisting of 1,000 shares with a par value of \$1.00 per share has been purchased for \$1,000 by American-Standard. American-Standard has informed the applicant that in addition to this initial investment it will contribute \$3,000,000 to the capital of the applicant and that it may thereafter make further investments in the applicant, either in cash, in securities of American-Standard's majority owned or wholly owned foreign subsidiaries, or other foreign assets, in exchange for additional shares of the applicant's capital stock or by contributions to the capital of the applicant. Any additional securities which the applicant may issue, other than debt securities, will be issued only to American-Standard. American-Standard or its wholly owned subsidiaries will continue to own all shares of the applicant's capital stock and any additional securities, other than debt securities, of the applicant so acquired and will not dispose of the securities of applicant except to the applicant itself or to one or more wholly owned subsidiaries of American-Standard.



American-Standard, a Delaware corporation, is engaged in the manufacture and sale of products for the housing and building industry, and for industrial use.

A principal purpose for organizing the applicant was to provide assistance in improving the balance of payments position of the United States, in compliance with the voluntary cooperation program instituted by the President in February 1965, while at the same time continuing the expansion and development of operations of American-Standard outside the United States. Applicant intends to issue and sell an aggregate of \$15,000,000 principal amount of its Guaranteed Sinking Fund Debentures ("Debentures"). American-Standard will guarantee the principal, premium, if any, interest and sinking fund payments on the Debentures. Any debt securities of applicant which may be issued to anyone other than American-Standard or majority owned subsidiaries of American-Standard (as defined in section 2(a)(23) of the Act) will be guaranteed by American-Standard in substantially the same manner as the Debentures.

It is intended that upon completion of the long-term investment of the applicant's assets, substantially all of the assets of the applicant (exclusive of U.S. Government securities and cash items) will be invested in or loaned to foreign companies which are primarily engaged in a business or businesses other than investing, reinvesting, owning, holding or trading in securities and which are, or upon the making of such investment will be (1) majority owned subsidiaries of American-Standard within the meaning of section 2(a)(23) of the Act, (2) companies under American-Standard's control within the meaning of section 2(a)(9) of the Act, or (3) companies which are engaged in a business related to the business of American-Standard, in which American-Standard or the applicant owns an equity interest of 10 percent or more. Applicant will proceed as expeditiously as practicable with the long-term investment of its assets in the manner described above. Pending such investment, applicant may invest temporarily in debt obligations (including time deposits) or foreign governments, foreign financial institutions and other foreign persons, payable in U.S. dollars or other currencies and in each case maturing in one year or less from the date of acquisition. Applicant will not acquire the securities representing its investments or loans for the purpose of resale and will not trade in such securities.

Applicant intends to sell the Debentures to a group of underwriters for offering outside the United States and its territories. Each underwriter participating in the offering is to agree that it will not offer the Debentures in the United States or its territories or to persons whom it has reason to believe are citizens or residents thereof (except for transactions with underwriters or dealers). Each of the United States and foreign selected dealers to whom group sales may be made will agree substantially to the same effect and also that

dealers to whom resales are made will similarly agree.

Counsel has advised the applicant that U.S. persons will be required to report and pay interest equalization tax with respect to acquisitions of the Debentures, except where a specific statutory exemption is available. Thus, by financing its foreign operations through the applicant rather than through sale of its own debt obligations, American-Standard will utilize an instrumentality the acquisition of whose debt obligations by United States persons would, generally, subject such persons to interest equalization tax, thereby tending to discourage them from purchasing such debt securities.

Applicant will use its best efforts to have the Debentures listed on the New York Stock Exchange and registered under the Securities Exchange Act of 1934.

Applicant asserts that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act to grant the requested exemption for the following reasons: (1) A principal purpose of applicant is to assist in improving the balance of payments program by obtaining funds in foreign countries for the foreign operations of American-Standard and its subsidiaries and affiliates; (2) the applicant will not deal or trade in securities; (3) the public policy underlying the Act is not applicable to applicant and the security holders of applicant do not require the protection of the Act, because the payment of the Debentures, which are guaranteed by American-Standard, does not depend solely on the operations or investment policy of applicant, for the Debenture holders may ultimately look to the business enterprise of American-Standard in the event that applicant should default in payment of the Debentures; (4) the burden of the interest equalization tax will tend to discourage purchase of the Debentures by any United States person; (5) when the Debentures are listed on the New York Stock Exchange, applicant's security holders will have the benefit of the disclosure and reporting requirements of the Securities Exchange Act of 1934 and of the New York Stock Exchange.

Notice is further given that any interested person may, not later than January 31, 1966, at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall

be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 66-671; Filed, Jan. 20, 1966;  
8:45 a.m.]

[812-1891]

## AMPAL-AMERICAN ISRAEL CORP.

### Filing of Application for Order With Respect to Certain Proposed Transactions

JANUARY 18, 1966.

Notice is hereby given that Ampal-American Israel Corp. ("Ampal"), 17 East 71st Street, New York, N.Y., has filed an application pursuant to sections 6(c) and 17(d) of the Investment Company Act of 1940 ("Act") and Rule 17d-1 promulgated thereunder to permit, subject to certain conditions set forth below, Ampal and Israel Development Corp., a registered, closed-end, non-diversified investment company of which Ampal is an affiliate, to make loans during Ampal's fiscal year ending January 31, 1967, to the Jewish Agency for Israel. All interested persons are referred to the application, which is on file with the Commission, for a full statement of Ampal's representations which are summarized below.

Ampal owns approximately 8.45 percent of the outstanding voting securities of Israel Development Corp. and by reason of these holdings Ampal and Israel Development Corp. are affiliated persons of each other.

It is contemplated that Israel Development Corp. and the applicant will, during Ampal's current fiscal year ending January 31, 1967, make loans in the approximate amounts stated below:

	Approximate Amount
By Ampal:	
To Jewish Agency for Israel .....	\$5,000,000.00
By Israel Development Corp.:	
To Jewish Agency for Israel .....	3,000,000.00

The loans of both corporations, which are payable in semiannual installments, will bear interest at the rate of  $8\frac{1}{2}$  percent per annum on unpaid balances. All other terms will be similar except that Ampal will make those loans with maturities of 2 years or more and Israel Development Corp. those with maturities of less than 2 years. The exact dates of the loans cannot now be determined. The differences in maturities of loans to be made by Ampal and Israel Development Corp. reflect differences in the availability of funds.



The Jewish Agency for Israel, which is a principal instrument for resettlement and rehabilitation of immigrants in Israel, is an eleemosynary institution. It is borrowing the amounts indicated in anticipation of future receipts from charitable contributions and similar sources. Although no arrangements have been made concerning prepayments Ampal has undertaken that it will not accept any prepayments unless at least proportional prepayments are made to Israel Development Corp.

Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide, among other things, that it shall be unlawful, with certain exceptions not applicable here, for an affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to participate in, or effect any transaction in connection with any joint enterprise or arrangement in which any such registered company, or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such registered company or controlled company in such arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. A joint enterprise or arrangement as used in Rule 17d-1 is defined as any written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company or a controlled company thereof and any affiliated person of or a principal underwriter for such registered company, or any affiliated person of such person or principal underwriter, have a joint or a share in the profits of, such enterprise or undertaking.

Ampal has agreed that the order of the Commission in this matter may provide that:

1. The Applicant and its affiliates will not make any of the above loans unless at least ten (10) days' advance notice is given to the Commission of any such loans.
2. The Commission may, at any time during the 10-day period, advise Ampal that it may forthwith make the loans.
3. If the Commission, during the 10-day period, determines that a substantial question exists as to whether the continued exemption from the provisions of section 17(d) for such transaction is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, or whether participation by Israel Development Corp. is on a basis less advantageous than that of Ampal or its affiliates, the Commission shall give notice thereof to Ampal, whereupon the exemption from the provisions of section

17(d) of the Act for such proposed transaction shall terminate.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 31, 1966 at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Ampal at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 66-672; Filed, Jan. 20, 1966;  
8:45 a.m.]

[812-1888]

## TAX EXEMPT INCOME FUND, SERIES 2 Application for Order of Exemption

JANUARY 17, 1966.

Notice is hereby given that Tax Exempt Income Fund, Series 2 ("Applicant"), 45 Wall Street, New York, N.Y., a unit investment trust registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicant from compliance with the provisions of section 14(a) of the Act. In substance, section 14(a) of the Act provides that no registered investment company shall make a public offering of securities of which it is the issuer unless it has a net worth of at least \$100,000. All interested persons are referred to the application on file with the Commission for a full statement of the representations which are summarized below.

Applicant has filed a registration statement under the Securities Act of 1933 under which there will be offered for sale to the public, 5,000 units of undivided interest in a portfolio of municipal bonds. This registration statement has not yet become effective. Applicant will be governed by a Trust Agreement under which Goodbody & Co. will act as Sponsor and United States Trust Co. of New York will act as Trustee. Applicant states that the Sponsor, acting as underwriter, will deposit with the Trustee \$5,000,000 principal amount of bonds and will receive from the Trustee simultaneously with such deposit registered certificates for 5,000 units. No additional bonds are to be deposited during the life of the trust and no additional units will be issued. The Trust Agreement provides that bonds may from time to time be sold under certain circumstances, or may be redeemed or may mature in accordance with their terms, and the proceeds from such dispositions will be distributed to unitholders.

Units will remain outstanding until redeemed or until the termination of the Trust, which may be terminated by 100 percent agreement of the unitholders of the Applicant, or, in the event that the value of the bonds shall fall below \$2,000,000, upon direction of the Sponsor to the Trustee. In connection with the requested exemption the Sponsor has agreed to refund the sales load to purchasers of units, from the Sponsor or any Dealer participating in the distribution, if within 90 days after the registration statement becomes effective, the net worth of the Trust shall be reduced to less than \$100,000 or if the Trust is terminated. The Sponsor will instruct the Trustee on the date the bonds are deposited that if the Trust shall at any time have a net worth of less than \$2,000,000 as a result of redemption by the Sponsor of unsold units, the Trustee shall terminate the Trust in the manner provided in the Trust Agreement and distribute any bonds or other assets deposited with the Trustee pursuant to the Trust Agreement as provided therein. The Sponsor has agreed on behalf of the underwriter and such dealers to refund any sales load to any purchaser of units on demand and without any deduction in the event of such termination. Applicant further represents that at the present time the Sponsor maintains a market for the units of the Tax Exempt Income Fund, Series 1 and of the many Municipal Investment Trust Funds with which it is similarly connected, and continually offers to purchase such units at prices which exceed the redemption price for such units by amounts which depend upon general market conditions and that as of the date of this application, partly as a result of these activities, no unit of the Tax Exempt Income Fund, Series 1 or any of the previous Municipal Investment Trust Funds has ever been redeemed. It is the Sponsor's intention to maintain a market for the units of the Applicant and to continuously offer to purchase such units at prices in excess of the redemption price as set forth in the Trust Agreement, although the Sponsor is not obligated to do so.



Notice is further given that any interested person may, not later than February 3, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 66-696; Filed, Jan. 20, 1966;  
8:47 a.m.]

[812-1889]

#### MUNICIPAL INVESTMENT TRUST FUND, SERIES G

##### Application for Order of Exemption

JANUARY 17, 1966.

Notice is hereby given that Municipal Investment Trust Fund, Series G, ("Applicant"), 45 Wall Street, New York, N.Y., a unit investment trust registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicant from compliance with the provisions of section 14(a) of the Act. In substance, section 14(a) of the Act provides that no registered investment company shall make a public offering of securities of which it is the issuer unless it has a net worth of at least \$100,000. All interested persons are referred to the application on file with the Commission for a full statement of the representations which are summarized below.

Applicant has filed a registration statement under the Securities Act of 1933 under which there will be offered for sale to the public 15,000 units of undivided interest in a portfolio of municipal bonds. This registration statement has not yet become effective. Applicant is one of a series of ten similar funds named "Municipal Investment Trust Fund" and will be governed by a Trust Agreement under which Goodbody & Co., Hornblower & Weeks—Hemphill,

Noyes, and Bache & Co., Inc., will act as Sponsors and United States Trust Co. of New York will act as Trustee. Applicant states that the Sponsors, acting as managers for the underwriters, will deposit with the Trustee \$15,000,000 principal amount of bonds and will receive from the Trustee simultaneously with such deposit registered certificates for 15,000 units. No additional units will be issued. The Trust Agreement provides that bonds may from time to time be sold under certain circumstances, or may be redeemed or may mature in accordance with their terms, and the proceeds from such dispositions will be distributed to unitholders.

Units will remain outstanding until redeemed or until the termination of the Trust, which may be terminated by 100 percent agreement of the unitholders of the Applicant, or, in the event that the value of the bonds shall fall below \$6,000,000, upon direction of the Sponsors to the Trustee. In connection with the requested exemption the Sponsors have agreed to refund the sales load to purchasers of units, from the Sponsor or any Dealer participating in the distribution, if within 90 days after the registration statement becomes effective, the net worth of the Trust shall be reduced to less than \$100,000 or if the Trust is terminated. The Sponsors will instruct the Trustee on the date the bonds are deposited that if the Trust shall at any time have a net worth of less than \$6,000,000 as a result of redemption by any of the underwriters of units constituting a part of the unsold allotments of such underwriters, the Trustee shall terminate the Trust in the manner provided in the Trust Agreement and distribute any bonds or other assets deposited with the Trustee pursuant to the Trust Agreement as provided therein. The Sponsors have agreed on behalf of the underwriters and such dealers to refund any sales load to any purchaser of units on demand and without any deduction in the event of such termination. Applicant further represents that at the present time the Sponsors maintain a market for the units of other Municipal Investment Trust Funds with which they are similarly connected, and continually offer to purchase such units at prices which exceed the redemption price for such units by amounts which depend upon general market conditions and that as of the date of the application, partly as a result of these activities, no unit of any of the previous Municipal Investment Trust Funds has ever been redeemed. It is the Sponsors' intention to maintain a market for the units of the Applicant and to continuously offer to purchase such units at prices in excess of the redemption price as set forth in the Trust Agreement, although the Sponsors are not obligated to do so.

Notice is further given that any interested person may, not later than February 3, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed

to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 66-697; Filed, Jan. 20, 1966;  
8:47 a.m.]

[812-1890]

#### MUNICIPAL INVESTMENT TRUST FUND, FIRST CALIFORNIA SERIES

##### Application for Order of Exemption

JANUARY 17, 1966.

Notice is hereby given that Municipal Investment Trust Fund, First California Series ("Applicant"), 45 Wall Street, New York, N.Y., a unit investment trust registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicant from compliance with the provisions of section 14(a) of the Act. In substance, section 14(a) of the Act provides that no registered investment company shall make a public offering of securities of which it is the issuer unless it has a net worth of at least \$100,000. All interested persons are referred to the application on file with the Commission for a full statement of the representations which are summarized below.

Applicant has filed a registration statement under the Securities Act of 1933 under which there will be offered for sale to the public 5,000 units of undivided interest in a portfolio of municipal bonds. This registration statement has not yet become effective. Applicant is one of a series of similar funds named "Municipal Investment Trust Fund" and will be governed by a Trust Agreement under which Goodbody & Co., Hornblower & Weeks—Hemphill Noyes, and Bache & Co., Inc., will act as Sponsors and United States Trust Co. of New York will act as Trustee. Applicant states that the Sponsors, acting as managers for the underwriters, will deposit with the Trustee \$5,000,000 principal amount of bonds and will receive from the Trustee simultane-



ously with such deposits registered certificates for 5,000 units. No additional units will be issued. The Trust Agreement provides that bonds may from time to time be sold under certain circumstances, or may be redeemed or may mature in accordance with their terms, and the proceeds from such dispositions will be distributed to unitholders.

Units will remain outstanding until redeemed or until the termination of the Trust, which may be terminated by 100 percent agreement of the unitholders of the Applicant, or, in the event that the value of the bonds shall fall below \$2,000,000, upon direction of the Sponsors to the Trustee. In connection with the requested exemption the Sponsors have agreed to refund the sales load to purchasers of units from the Sponsor or any Dealer participating in the distribution, if within 90 days after the registration statement becomes effective, the net worth of the Trust shall be reduced to less than \$100,000 or if the Trust is terminated. The Sponsors will instruct the Trustee on the date the bonds are deposited that if the Trust shall at any time have a net worth of less than \$2,000,000 as a result of redemption by any of the underwriters of units constituting a part of the unsold allotments of such underwriters, the Trustee shall terminate the Trust in the manner provided in the Trust Agreement and distribute any bonds or other assets deposited with the Trustee pursuant to the Trust Agreement as provided therein. The Sponsors have agreed on behalf of the underwriters and such dealers to refund any sales load to any purchaser of units on demand and without any deduction in the event of such termination. Applicant further represents that at the present time the Sponsors maintain a market for the units of other Municipal Investment Trust Funds with which they are similarly connected, and continually offer to purchase such units at prices which exceed the redemption price for such units by amounts which depend upon general market conditions and that as of the date of the application, partly as a result of these activities, no unit of any of the previous Municipal Investment Trust Funds has ever been redeemed. It is the Sponsors' intention to maintain a market for the units of the Applicant and to continuously offer to purchase such units at prices in excess of the redemption price as set forth in the Trust Agreement, although the Sponsors are not obligated to do so.

Notice is further given that any interested person may, not later than February 3, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commis-

sion, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBois,  
Secretary.

[F.R. Doc. 66-698; Filed, Jan. 20, 1966;  
8:47 a.m.]

## DEPARTMENT OF LABOR

### Office of Federal Contract Compliance COMPLIANCE REPORTING SYSTEM

#### Notice for Filing

All contractors and subcontractors subject to Executive Order 11246, dated September 24, 1965, are advised that:

1. This Office has developed one consolidated report form, in cooperation with the Equal Employment Opportunity Commission and the Plans for Progress Program.

2. Effective February 1, 1966, contractors subject to the said Executive Order will be required to submit reports in accordance with the printed instructions on Form EEO-1. This Form will be mailed to each contractor and subcontractor and will provide for an annual report due March 31, 1966, and each March 31 thereafter.

3. Those contractors who have submitted Form 40's to a Federal contracting or administering agency or to this Office since January 1, 1966, are excused from submitting Form EEO-1, notwithstanding the printed instructions on that Form.

4. To the extent that 30 F.R. 14621 is inconsistent with this notice, it is hereby superseded.

5. This notice is issued pursuant to the authority of Executive Order 11246, dated September 24, 1965; 41 CFR § 60-1.6; 30 F.R. 13441; and Secretary of Labor's Order No. 26-65, dated October 5, 1965.

Signed at Washington, D.C., this 19th day of January 1966.

EDWARD C. SYLVESTER, Jr.,  
Director.

[F.R. Doc. 66-805; Filed, Jan. 20, 1966;  
9:46 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 119]

### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 18, 1966.

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 protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as the service which such protestant can and will offer, and must consist of a signed original and six (6) 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 58813 (Sub-No. 72 TA), filed January 13, 1966. Applicant: SELMAN'S EXPRESS, INC., 460 West 35th Street, New York, N.Y., 10001. Applicant's representative: Solomon Granett, 1740 Broadway, New York, N.Y. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, loose, on hangers only, from Lawrenceburg, Tenn., to New York, N.Y., and materials and supplies used in the manufacture of wearing apparel, from New York, N.Y., to Lawrenceburg, Tenn., with authority to interline at New York, N.Y., to and from New Bedford, Mass., for 120 days. Supporting shipper: Alexander Trapp, Kay Windsor, Inc., 1400 Broadway, New York, N.Y. Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

No. MC 58813 (Sub-No. 73 TA), filed January 13, 1966. Applicant: SELMAN'S EXPRESS, INC., 460 West 35th Street, New York, N.Y., 10001. Applicant's representative: Solomon Granett, 1740 Broadway, New York, N.Y., 10019. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, loose, on hangers only, from Gordo, Ala., to New York, N.Y., and materials and supplies used in the manufacture of



wearing apparel, from New York, N.Y., to Gordo, Ala., for 150 days. Supporting shipper: Edward Kramer, president, XL Manufacturing, Inc., Gordo, Ala. Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

No. MC 58813 (Sub-No. 74 TA), filed January 13, 1966. Applicant's SELMAN'S EXPRESS, INC., 460 West 35th Street, New York, N.Y. Applicant's representative: Solomon Granett, 1740 Broadway, New York, N.Y., 10019. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, loose, on hangers, from Jackson, Tenn., to points in the New York, N.Y., commercial zone, for 120 days. Supporting shipper: Abbey Smoler, Smoler Bros., Inc., 64 West 36th Street, New York, N.Y. Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

No. MC 115331 (Sub-No. 171 TA), filed January 14, 1966. Applicant: TRUCK TRANSPORT INCORPORATED, 707 Market Street, St. Louis, Mo., 63101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from terminal of Mid-American Pipeline Co., Cantril, Iowa, to points in Illinois and Missouri, for 180 days. Supporting shippers: Consumers Cooperative Association, Post Office Box 7305, Kansas City, Mo., 64116; and, Natural Liquid Gas, Inc., Post Office Box 188, Lewistown, Mo. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248-B, 1520 Market Street, St. Louis, Mo., 63103.

No. MC 124069 (Sub-No. 6 TA) filed January 14, 1966. Applicant: CONCRETE DELIVERY CO., INC., 7 North Steelawanna Avenue, Lackawanna, N.Y., 14218. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y., 14202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from the port of entry on the international boundary line between the United States and Canada, at or near Alexandria Bay, N.Y., to South Lansing, Rochester, and Rome, N.Y., on traffic originating at Picton, Ontario, Canada, for 120 days. Supporting shipper: Lake Ontario Cement, Ltd., 2 Carlton Street, Toronto 2, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 324 Federal Office Building, Buffalo, N.Y., 14203.

No. MC 127821 (Sub-No. 1 TA), filed January 14, 1966. Applicant: TRIAD TRUCKWAYS LIMITED, 185 Bay Street, Toronto, Ontario, Canada. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y., 14202. Authority sought to operate as a common carrier, by motor vehicle, over irregular

routes, transporting: *Cement*, in bulk, from the port of entry on the international boundary line, between the United States and Canada, located on the St. Lawrence River, to Alexandria Bay, N.Y., for 120 days. Supporting shipper: Lake Ontario Cement, Ltd., 2 Carlton Street, Toronto 2, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 324 Federal Office Building, Buffalo, N.Y., 14203.

No. MC 127850 TA, filed January 14, 1966. Applicant: HERBERT E. HOLT, doing business as H & H TRUCKING COMPANY, 6718 Fry Road, Cleveland, Ohio, 44130. Applicant's representative: George Maxwell, Leader Building, Cleveland, Ohio. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Clothes hangers and related items, and supplies and materials used in the manufacture of clothes hangers and related items*, from Cleveland, Ohio, to points in Ohio, Michigan, Illinois, Pennsylvania, New York, and Indiana, and (2) *damaged, refused and rejected shipments*, on return, for 180 days. Supporting shipper: Cleaners Hanger Co., Cleveland, Ohio. Send protests to: G. J. Baccell, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 435 Federal Building, Cleveland, Ohio, 44114.

#### MOTOR CARRIER OF PASSENGERS

No. MC 127849 TA, filed January 14, 1966. Applicant: RALPH OWNBEY, doing business as BRISTOL-WINSTON BUS LINES, Post Office Box 826, Bristol, Va., 24201. Applicant's representative: Warren & Warren, Reynolds Arcade Building, Bristol, Va., 24201. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, newspapers and express*, between Bristol, Va., and Tennessee, and Winston-Salem, N.C., from Bristol over U.S. Highway 11 to junction U.S. Highway 58, thence over U.S. Highway 91 to the Virginia-Tennessee line, thence over Tennessee Highway 91 to Mountain City, Tenn., and thence over U.S. Highway 421 to Winston-Salem, and return over the same route, serving all intermediate points, for 180 days. Supporting shippers: Southern Greyhound Lines, 219 East Short Street, Lexington, Ky., 40507; Wade E. Brown, mayor, town of Boone, N.C., 28607; Lewis W. May, mayor, town of Mountain City, Tenn., 37683; Blake Atwood, mayor, town of Damascus, Va., 24236; and Fred McNeal, executive secretary, Boone Chamber of Commerce, Post Office Box 33, Boone, N.C., 28607. Send protests to: George S. Hales, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, Va., 24011.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-702; Filed, Jan. 20, 1966; 8:47 a.m.]

#### FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 18, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 40242—*Sulfur dioxide gas to Sheboygan, Wis.* Filed by O. W. South, Jr., agent (No. A4828), for interested rail carriers. Rates on compressed sulfur dioxide gas, in tank carloads, from Copperhill, Tenn., to Sheboygan, Wis.

Grounds for relief—Market competition.

Tariff—Supplement 104 to Southern Freight Association, agent, tariff ICC S-240.

FSA No. 40243—*Synthetic plastic materials to Waukegan, Ill.* Filed by O. W. South, Jr., agent (No. A4825), for interested rail carriers. Rates on synthetic plastic materials, in carloads, from Fox, Ala., to Waukegan, Ill.

Grounds for relief—Market competition.

Tariff—Supplement 103 to Southern Freight Association, agent, tariff ICC S-272.

FSA No. 40244—*Joint motor-rail rates—Southern Motor Carriers.* Filed by Southern Motor Carriers Rate Conference, agent (No. 131), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, also between points in southern territory, on the one hand, and points in Middle Atlantic, New England, and Canada, on the other.

Grounds for relief—Motortruck competition.

Tariffs—Supplements 21 and 18 to Southern Motor Carriers Rate Conference, agent, tariffs MF-ICC 1351 and 1361, respectively.

FSA No. 40245—*Joint motor-rail rates—Rocky Mountain.* Filed by Rocky Mountain Motor Tariff Bureau, Inc., agent (No. 13), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Arizona, California, Colorado, Idaho, Montana, Nevada, Nebraska, Oregon, South Dakota, and Wyoming.

Grounds for relief—Motortruck competition.

Tariffs—14th revised page 137 to Rocky Mountain Motor Tariff Bureau, Inc., agent, tariff MF-ICC 142, and other revised pages named or referred to in the application.

By the Commission.

[SEAL]

H. NEIL GARSON,  
Secretary.

[F.R. Doc. 66-705; Filed, Jan. 20, 1966; 8:48 a.m.]







13 CFR		Page	24 CFR		Page	41 CFR—Continued		Page
Ch. III		8	SUBTITLE A		815	18-10		596
PROPOSED RULES:			11		816	18-11		596
121		225, 480	200		816	18-12		596
14 CFR			26 CFR			18-13		596
25		125	1		148	18-14		596
37		125	31		148	18-15		596
39		82, 129, 249, 288, 475, 693	151		429	18-16		596
71		83,	270		32	18-51		596
129, 131, 203, 249, 250, 288, 342,		427-429, 475, 536, 693.	275		40	18-52		596
73		475	280		47	42 CFR		
75		342	285		47	73		14
97		132, 204, 251, 694	290		47	200		203
121		125	295		57	203		203
295		557	296		58	43 CFR		
302		84	301		148	PUBLIC LAND ORDERS:		
387		702	PROPOSED RULES:			3909		87
PROPOSED RULES:			170		217, 352	44 CFR		
23		93	28 CFR			705		151
25		93	0		704	707		151
27		93	30 CFR			708		432, 537
29		93	401		475	45 CFR		
37		296	PROPOSED RULES:			141		824
39		352, 574, 715	27		89	142		825
71		98, 99	32 CFR			Ch. IV		498
153, 154, 224, 270-272, 478, 716			41		705	801		15, 265
73		297	733		291	46 CFR		
75		99, 352	1622		745	160		562
135		717	33 CFR			162		563
221		754	202		561	164		563
288		565	204		561, 816	PROPOSED RULES:		
399		224, 565	207		561	502		356
15 CFR			39 CFR			510		764
30		260	4		537	47 CFR		
230		343	16		537	1		746
384		85	22		476	2		292
16 CFR			46		537	13		15
13		261, 343-347, 558, 559	115		476	43		746
15		85	168		810	51		746
PROPOSED RULES:			201		265	73		349, 350, 748
70		539	PROPOSED RULES:			81		350
17 CFR			51		294, 434, 538	83		350
240		86, 211, 262, 475, 560	52		294, 434, 538, 564	PROPOSED RULES:		
PROPOSED RULES:			53		294, 434, 538	2		353, 755
230		577	58		294, 434, 538	21		353
239		577	61		294, 434, 538	31		354
18 CFR			96		712	33		354
2		215	132		294, 434, 538	34		354
152		430	133		294, 434, 538	35		354
153		430	41 CFR			73		354, 355, 575, 756, 757
156		430	1-2		348	74		758
157		430	1-3		348	81		759
159		430	1-12		11	83		759
19 CFR			1-30		348	85		759
1		315	5-1		708	87		18, 353, 755, 763
4		536	8-19		745	89		18, 353, 763
PROPOSED RULES:			11-1		817	91		18, 353, 763
2		266, 434	11-2		821	93		18, 353, 763
21 CFR			11-3		821	97		575
8		8	11-4		817	48 CFR		
51		9	11-5		817	412		826
120		289	11-10		820	501		827
121		9, 215, 216, 289, 290, 560	18-1		596	49 CFR		
141e		560	18-2		596	77		537
146c		10	18-3		596	95		125, 710
146e		560	18-4		596	170		829
148b		86	18-5		596	50 CFR		
166		264	18-6		596	32		88, 351, 433
PROPOSED RULES:			18-7		596	33		433
27		17	18-8		596			
148g		712	18-9		596			
166		565						