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**Agencies in this issue—**



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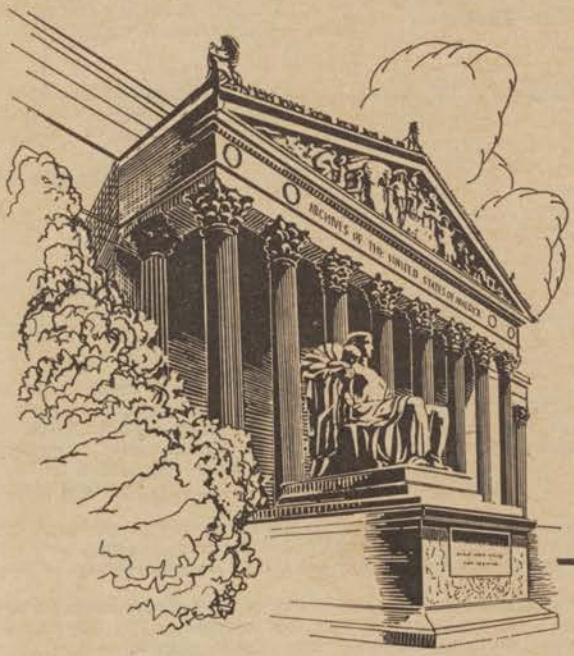

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**A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.**

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### Department of Health, Education, and Welfare

Section 213.3316 is amended to show the exception under Schedule C of an additional position of Assistant to the Commissioner, Office of Education. Effective on publication in the FEDERAL REGISTER, subparagraph (16) is added to paragraph (c) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(c) *Office of Education.* * * *

(16) One Assistant to the Commissioner.

* * * * *

(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. 66-3016; Filed, Mar. 21, 1966; 8:51 a.m.]

## Title 14—AERONAUTICS AND SPACE

### Chapter I—Federal Aviation Agency

[Docket No. 7213; Amdt. 39-214]

### PART 39—AIRWORTHINESS DIRECTIVES

### Piper Model PA-24-400 Airplanes

There has been premature deterioration of the fuel purge valve hose assembly due to heat in the engine compartment on Piper Model PA-24-400 airplanes. Since this condition is likely to exist or develop in certain other airplanes of the same type design, an airworthiness directive is being issued to require replacement of the fuel purge valve hose assembly with a shielded hose assembly on the subject airplanes.

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

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

PIPER. Applies to Model PA-24-400, Serial Numbers 26-1 through 26-148, equipped with fuel purge valve installation in accordance with Piper Service Letter No. 451, dated May 14, 1965.

Compliance required as indicated.

To prevent deterioration of the fuel purge valve hose assembly due to heat in the engine compartment, accomplish the following:

(a) Before each flight after the effective date of this AD until a modified hose assembly is installed in accordance with paragraph (b), inspect fuel purge valve hose assembly, P/N 17766-88 (Piper PA-24 Parts Catalog, Figure 31A), for deterioration, surface cracks, heat discoloration, hardness, or brittleness. Replace deteriorated, heat discolored, hard, or brittle hose assemblies before further flight with hose assembly, P/N 25551-04, in accordance with Piper Service Letter No. 228, dated January 7, 1966.

(b) Unless already accomplished, within the next 10 hours' time in service after the effective date of this AD, replace fuel purge valve hose assembly, P/N 17766-88, with hose assembly, P/N 25551-04 in accordance with Piper Service Letter No. 228, dated January 7, 1966.

(c) The inspections and replacements required by this AD constitute preventive maintenance and may be performed by persons authorized to perform preventive maintenance under Part 43.

NOTE. For the requirements regarding the listing of compliance and method of compliance with this AD in the airplane permanent maintenance record, see FAR 91.173.

This amendment becomes effective March 22, 1966.

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

Issued in Washington, D.C., on March 16, 1966.

C. W. WALKER,
*Acting Director, Flight Standards Service.*

[F.R. Doc. 66-2953; Filed, Mar. 21, 1966; 8:45 a.m.]

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### Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-454]

### PART 208—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of March 1966.

Present Part 208, as amended, contains principally various terms, conditions, and limitations on the operating authority of supplemental air carriers. Such terms, conditions, and limitations attach to certificates issued pursuant to section 401 (d)(3) of the Act, to special operating authorizations issued under section 417 of the Act and to interim certificates or authorizations issued pursuant to section 7 of Public Law 87-528.

In its decision in the domestic phase of the Supplemental Air Service Proceeding, Docket 13795 et al., dated Mar. 11, 1966, Order E-23350, the Board granted certificates of public convenience and necessity to certain supplemental air carriers under section 401(d)(3) of the Act to engage in supplemental air transportation with respect to persons and property between any point in any State of the United States or the District of Columbia, and any other point in any State of the United States or the District of Columbia for an indefinite period;[1] authorized split charters; and provided that the authority granted would be subject to appropriate terms, conditions, and limitations.[2] Consequently, we have determined to amend Part 208 to reflect the authorization of split charters and to set forth those terms, conditions, and limitations which also will govern the conduct of certificated supplemental air transportation (other than transatlantic supplemental air transportation and inclusive tour charters).

The issue of the appropriate terms, conditions, and limitations which the Board should adopt to govern certificated supplemental air transportation, was embraced by and litigated in this proceeding. Thus, the Board's consolidation order (E-20573, Mar. 13, 1964) indicated that the issues would include a determination of what limitations, if any, should be imposed by the Board to assure that the service rendered pursuant to any certificate to be issued would be limited to supplemental air transportation as defined in the Act. The examiner, after considering the evidence, contentions, and briefs of the parties, attached to his recommended decision (Appendix F) a set of comprehensive regulations which he recommended that the Board adopt to implement the decision, including a revised Part 208 setting forth the terms, conditions, and limitations for the conduct of certificated supplemental air transportation. We have considered the examiner's proposed regulations and the evidence of record and have determined to adopt most of his recommendations (with the exception of those provisions pertaining to inclusive tour charter authority which we are issuing as a separate regulation). This revised Part 208 will bring together in one regulation all

[1] Except with respect to the authorization to operate inclusive tour charters which is for 5 years.

[2] The authority to operate inclusive tour charters is subject to the terms, conditions, and limitations set forth in new Part 378 issued concurrently with Board Order E-23350, dated Mar. 11, 1966.

of the terms, conditions, and limitations which we deem appropriate to govern supplemental air transportation. Although the regulation we are issuing as a part of Board Order E–23350 differs to some extent from that proposed by the examiner, the differences are largely a matter of form.[3] Moreover, the provisions of this revised Part 208 are, for the most part, reflected in existing Part 208, in the interim certificates of the supplemental air carriers and, with appropriate adaptations and modifications, in existing Part 295, the regulation which pertains to transatlantic supplemental air transportation.

In addition, the provisions of revised Part 208 were the subject of intensive examination and argument by the parties. The interested parties have, therefore, been afforded a full opportunity to comment on the substance of this rule in the above-described proceeding.

In view of the foregoing, the Board finds that further notice and public procedure hereon are unnecessary and not in the public interest. Accordingly, the Civil Aeronautics Board hereby reissues Part 208 of the Economic Regulations (14 CFR Part 208), effective May 13, 1966, as follows:

**Subpart A—General Provisions**



AUTHORITY: The provisions of this Part 208 issued under sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 401(d)(3), 401(n), 407, and 417 of the Federal Aviation Act, 76 Stat. 143; 49 U.S.C. 1371(d)(3); 76 Stat. 144; 49 U.S.C. 1371(n); 72 Stat. 766; 49 U.S.C. 1377; 76 Stat. 145; 49 U.S.C. 1387; and sec. 7 of Public Law 87–528, 76 Stat. 146.

## Subpart A—General Provisions

### § 208.1 Applicability.

This part contains terms, conditions and limitations on the operating authority of supplemental air carriers, including substantive regulations implementing paragraphs (1), (2), (3) of section 401(n) of the Act. The requirements of this part shall constitute terms, conditions, and limitations attached to certificates issued pursuant to section 401(d)(3) of the Act. The requirements shall also attach to special operating authorizations issued under section 417 of the Act, and to interim certificates or authorizations issued pursuant to section 7 of Public Law 87–528.

### § 208.2 Separability.

If any provision of this part or the application thereof to any air transportation, person, class of persons, or circumstance is held invalid, neither the remainder of the part nor the application of such provision to other air transportation, persons, classes of persons, or circumstances shall be affected thereby.

### § 208.3 Definitions.

For the purposes of this part:

(a) "Filing" shall mean filing in compliance with § 302.3(a) of this chapter except that provisions in this part which require filing with Board offices other than the Docket Section shall be controlling.

(b) "Supplemental air carrier" shall mean air carrier holding a certificate issued under section 401(d)(3) of the Federal Aviation Act of 1958, as amended, or a special operating authorization issued under section 417 of the Federal Aviation Act, or operating authority issued pursuant to section 7 of Public Law 87–528.

(c) "Supplemental air transportation" (other than operations subject to Part 295 of this subchapter) means charter flights in air transportation performed pursuant to (1) an interim certificate or authorization issued under section 7 of Public Law 87–528, or (2) a certificate of public convenience and necessity issued under section 401(d)(3) of the Act authorizing the holder to engage in supplemental air transportation of persons and property between any point in any State of the United States or the District of Columbia, and any other point in any State of the United States or the District of Columbia (exclusive of air transportation within the State of Alaska).

(d) "Agreement" means any oral or written agreement, contract, understanding, or arrangement, and any amendment, revision, modification, renewal, extension, cancellation, or termination thereof.

(e) "Cargo agent" means any person (other than a supplemental air carrier or one of its bona fide regular employees or an indirect air carrier lawfully engaged in air transportation under authority conferred by any applicable part of the economic regulations of the Board) who for compensation or profit (1) solicits, obtains, receives, or furnishes directly or indirectly, property or consolidated shipments of property for transportation upon the aircraft of supplemental air carriers; or (2) procures or arranges for air transportation of property or consolidated shipments of property upon aircraft of a supplemental air carrier by charter, lease, or any other arrangement.

(f) [Reserved.]

(g) "Ticket agent" means any person (other than a supplemental air carrier or one of its bona fide regular employees) who for compensation or profit (1) solicits, obtains, receives, or furnishes directly or indirectly, passengers or groups of passengers for transportation upon the aircraft of a supplemental air carrier; or (2) procures or arranges for air transportation of passengers or groups of passengers upon aircraft of a supplemental air carrier by charter, lease, or any other arrangement.

(h) "Pro rata charter" means a charter, the cost of which is divided among the passengers transported.

(i) "Single entity charter" means a charter, the cost of which is borne by the charterer and not by individual passengers, directly or indirectly.

(j) "Mixed charter" means a charter, the cost of which is borne, or pursuant to contract may be borne, partly by the charter participants and partly by the charterer.

(k) "Person" means any individual, firm, association, partnership, or corporation.

(l) "Travel agent" means any person engaged in the formation of groups for transportation or in the solicitation or sale of transportation services.

(m) "Charter group" means that body of individuals who shall actually participate in the charter flight.

[3] See p. 28 of the Board's opinion which discusses the instant Part 208 revision.

(n) "Charter organization" means that organization, group, or other entity from whose members (and their immediate families) a charter group is derived.

(o) "Immediate family" means only the following persons who are living in the household of a member of a charter organization, namely, the spouse, dependent children, and parents, of such member.

(p) "Solicitation of the general public" means:

(1) A solicitation going beyond the bona fide members of an organization (and their immediate families). This includes air transportation services offered by an air carrier under circumstances in which the services are advertised in mass media, whether or not the advertisement is addressed to members of a specific organization, and regardless of who places or pays for the advertising. Mass media shall be deemed to include radio and television, and newspapers and magazines. Advertising in such media as newsletters or periodicals of membership organizations, industrial plant newsletters, college radio stations, and college newspapers shall not be considered advertising in mass media to the extent that

(i) The advertising is placed in a medium of communication circulated mainly to members of an organization that would be eligible to obtain charter service, and

(ii) The advertising states that the charter is open only to members of the organization referred to in subdivision (i) of this subparagraph, or only to members of a subgroup thereof. In this context, a subgroup shall be any group with membership drawn primarily from members of the organization referred to in subdivision (i) of this subparagraph: *Provided*, That this paragraph shall not be construed as prohibiting air carrier advertising which offers charter services to bona fide organizations, without reference to a particular organization or flight.

(2) The solicitation, without limitation, of the members of an organization so constituted as to ease of admission to membership, and nature of membership, as to be in substance more in the nature of a segment of the public than a private entity.

(q) "Bona fide members" means those members of a charter organization who have not joined the organization merely to participate in the charter as the result of solicitation directed to the general public. Presumptively persons are not bona fide members of a charter organization unless they are members at the time the organization first gives notice to its members of firm charter plans. This presumption will not be applicable in the case of charters composed of (1) students and educational staff of a single school, and immediate families thereof, (2) employees of a single Government agency, industrial plant, or mercantile establishment, and immediate families thereof, or (3) participants in a study group. In the case of all other charters, rebuttal to this presumption may be offered for the Board's consideration by request for waiver.

(r) Reserved.

(s) "Charter flight" (other than transportation pursuant to authority conferred under section 7 of Public Law 87-528) means—

(1) Air transportation of persons and/or property pursuant to contracts with the Department of Defense where the entire capacity of one or more aircraft has been engaged by the Department, and

(2) Air transportation performed by a direct air carrier on a time, mileage or trip basis where—

(i) The entire capacity of one or more aircraft has been engaged for the movement of persons and property—

(*a*) By a person for his own use (including a direct air carrier when such aircraft is engaged solely for the transportation of company personnel or company property, or in cases of emergency, of commercial traffic);

(*b*) By a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services) for the transportation of a group of persons and/or their property, as agent or representative of such group;

(*c*) By two or more persons acting jointly for the transportation of themselves and/or their property or a group of persons and/or their property;

(*d*) By an indirect air carrier authorized by the Board to charter aircraft from such direct air carrier (see e.g., Part 378 of this chapter); or

(ii) Less than the entire capacity of an aircraft has been engaged for the movement of persons and their personal baggage—

(*a*) By a person for his own use (including a direct air carrier when such aircraft is engaged solely for the transportation of company personnel and their personal baggage, or in cases of emergency, of commercial passenger traffic);

(*b*) By a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services) for the transportation of a group of persons and their personal baggage, as agent or representative of such group;

(*c*) By two or more persons acting jointly for the transportation of themselves and their personal baggage or a group of persons and their personal baggage;

*Provided* That, with respect to subdivision (ii), a maximum of three groups may be chartered on one aircraft and each group shall consist of 40 or more passengers; and *Provided, further*, That subdivision (ii) shall not be construed to apply to movements of property and shall not be construed to apply to the charter of less than the entire capacity of an aircraft by an indirect air carrier.

(*1*) In the case of air carriers authorized pursuant to section 7 of Public Law 87-528, the term "charter flights" means charter trips as defined in such carriers' interim certificates or authorizations.

(2) A supplemental air carrier may utilize any unused space for the transportation of the carrier's own personnel and property, with the consent of the charterer or charterers.

(t) "Substitute service" means the performance by an air carrier of air transportation between the 48 contiguous States, on the one hand, and the State of Alaska or Hawaii, on the other hand, in planeload lots pursuant to an agreement with another air carrier to fulfill such other air carrier's contractual obligation to perform such air transportation for the Department of Defense and when the performance of such air transportation is not to take place during a period longer than three weeks.

(u) "Indirect air carrier" means any citizen of the United States who engages indirectly in air transportation including airfreight forwarders and tour operators.

**§ 208.3a Waiver.**

A waiver of any of the provisions of this part may be granted by the Board upon the submission by an air carrier of a written request therefor not less than 30 days prior to the flight to which it relates provided such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein.

**§ 208.4 Passenger names and addresses.**

Each supplemental air carrier shall maintain a record of the names and addresses of all passengers transported by it on each pro rata charter trip operated in interstate or overseas air transportation. Such record shall be retained in accordance with Part 249 except that it may be maintained at either the principal office or principal operations base of the carrier.

LIABILITY INSURANCE REQUIREMENTS

**§ 208.10 Applicability of liability insurance requirements.**

(a) No supplemental air carrier shall engage in air transportation unless such carrier has and maintains in effect liability insurance coverage evidenced by a currently effective certificate of liability insurance filed with and accepted by the Board as complying with the requirements of this part; and no supplemental carrier shall operate in air transportation any aircraft, or perform services within any geographical area, to which such insurance does not apply. "Insurance certificate," as used herein, means one or more than one certificate, evidencing one or more than one policy of aircraft liability insurance properly endorsed, issued by one or more than one insurer, which alone or in combination provides the minimum coverage prescribed in § 208.11. When more than one insurer is involved in providing the minimum coverage prescribed herein, the limits and types of liability assumed by each insurer shall be clearly stated in the certificate of insurance.

(b) The insurance coverage and certificate required by this part shall be obtained from a reputable and financially responsible insurance company or asso-

ciation which is legally authorized to issue aircraft liability policies in one or more States of the United States or in the District of Columbia.

**§ 208.11 Minimum limits of liability.**

The minimum limits of liability insurance coverage maintained by a supplemental air carrier shall be as follows:

(a) Liability for bodily injury to or death of aircraft passengers: A limit for any one passenger of at least fifty thousand dollars ($50,000), and a limit for each occurrence in any one aircraft of at least an amount equal to the sum produced by multiplying fifty thousand dollars ($50,000) by seventy-five percent (75%) of the total number of passenger seats installed in the aircraft.

(b) Liability for bodily injury to or death of persons (excluding passengers): A limit of at least fifty thousand dollars ($50,000) for any one person in any one occurrence, and a limit of at least five hundred thousand dollars ($500,000) for each occurrence.

(c) Liability for loss of or damage to property: A limit of at least five hundred thousand dollars ($500,000) for each occurrence.

**§ 208.12 Terms and conditions of insurance coverage.**

With respect to insurance required by this part:

(a) Insurance contracts shall provide for payment by the insurer on behalf of the insured supplemental air carrier, within the specified limits of liability, of all sums which the insured carrier shall become legally obligated to pay as damages for bodily injury to or death of any person, or for loss of or damage to property of others, resulting from the negligent operation, maintenance or use of aircraft in air transportation by the insured carrier.

(b) The liability of the insurer shall apply to all operations by the insured carrier in air transportation. The liability of the insurer shall not be subject to any exclusion by virtue of violations, by the insured carrier, of any applicable safety or economic provision of the Federal Aviation Act of 1958, as amended, or Public Law 87–528; or of any applicable safety or economic rule, regulation, order, or other legally imposed requirement prescribed thereunder by the Federal Aviation Agency or the Civil Aeronautics Board, respectively.

(c) The liability of the insurer shall not be contingent upon the financial condition, solvency, or freedom from bankruptcy of the insured. The limits of the insurer's liability for the amounts prescribed herein shall apply separately to each occurrence, and any payment made under the policy because of any one occurrence shall not reduce the liability of the insurer for payment of other damages resulting from any other occurrence.

(d) Within the limits of liability herein prescribed, the insurer shall not be relieved from liability by any condition in the policy or any endorsement thereon, or violation thereof by the insured air carrier, other than the exclusions set forth in § 208.13, or such other exclusions as may be individually approved by the Board. Cancellation of an approved policy shall be effected only upon written notice to the Board, in accordance with § 208.14(d).

(e) Except for the geographical exclusions authorized in § 208.13 (g) and (h), the coverage shall be worldwide. For good cause shown, however, the Board may waive this requirement or amend the certificate or other operating authority to describe the geographical areas actually served by the supplemental air carrier. Authority for any general restriction (e.g., North American continent, Western Hemisphere, etc.) shall be recited in any endorsement containing a general restriction.

**§ 208.13 Authorized exclusions of liability.**

Unless other exclusions are individually approved by the Board, no policy or certificate of insurance required by this part shall contain any exclusion other than the following authorized exclusions:

The insurance afforded under this policy shall not apply to:

(a) Any loss against which the Named Insured has other valid and collectible insurance, except that the limits of liability provided under this policy shall be excess of the limits provided by such other valid and collectible insurance up to the limits certified in a Certificate of Insurance issued to the Civil Aeronautics Board in Washington, D.C., but in no event exceeding the limits of liability expressed elsewhere in this policy;

(b) Any loss arising from the ownership, maintenance, or use of any aircraft not declared to the Insurer in accordance with the terms and conditions of this policy;

(c) Liability assumed by the Named Insured under any contract or agreement, unless such liability would have attached to the Insured even in the absence of such contract or agreement;

(d) Bodily injury, sickness, disease, mental anguish, or death of any employee of the Named Insured while engaged in the duties of his employment, or any obligation for which the Named Insured or any company as his Insurer may be held liable under any workmen's compensation or occupational disease law;

(e) Loss of or damage to property owned, rented, occupied, or used by, or in the care, custody, or control of the Named Insured, or carried in or on any aircraft with respect to which the insurance afforded by this policy applies;

(f) Personal injuries or death, or damage to or destruction of property, caused directly or indirectly, by hostile or warlike action, including action in hindering, combating, or defending against an actual impending or expected attack by any government or sovereign power, de jure or de facto, or military, naval, or air forces, or by an agent of such government, power, authority, or forces; the discharge, explosion, or use of any weapon of war employing atomic fission or atomic fusion, or radio-active materials; insurrection, rebellion, revolution, civil war, or usurped power, including any action in hindering, combating, or defending against such an occurrence; or confiscation by any government or public authority.

(g) Any loss arising from operations by the Named Insured within any country of the Sino-Soviet bloc or Cuba: *Provided,* That a loss caused by mere misadventure in flying over or landing in such territory shall not be excluded. The "Sino-Soviet bloc" is defined to include Lithuania, Latvia, Estonia, Czechoslovakia, Bulgaria, Rumania, Hungary, Poland, Albania, East Germany (Soviet zone of Germany and Soviet sector of Berlin), Communist China, North Korea, North Vietnam, Outer Mongolia, and the Union of Soviet Socialist Republics;

(h) Any loss arising from operations by the Named Insured to or from installations of the Distant Early Warning System (DEW line) or the Ballistic Missile Early Warning System (BMEWS).

**§ 208.14 Filing of certificates, endorsements, and notices.**

(a) Certificates of insurance, endorsements, and notices of cancellation shall be filed in duplicate on forms prescribed and furnished by the Board. All documents shall be signed in ink by an authorized officer or agent of the insurer; no facsimile signatures will be accepted.

NOTE: CAB Forms 606, 607, 608, and 609 are available, upon request, from the Publications Section, Civil Aeronautics Board, Washington, D.C., 20428.

(b) Endorsements that add previously unlisted aircraft to coverage or that delete listed aircraft from coverage shall be filed with the Board not more than five (5) days after the effective date of such endorsement: *Provided, however,* That aircraft shall not be listed in the carrier's operations specifications with the Federal Aviation Agency and shall not be operated unless liability insurance coverage has attached.

(c) A supplemental carrier which intends to operate a charter flight to or from a country of the Sino-Soviet bloc or Cuba or to or from a DEW line or BMEWS installation and whose approved insurance coverage excludes operations within such areas shall file an endorsement waiving the applicable exclusion, or a separate certificate of insurance expressly applicable to such flight, at least 30 days before the proposed flight date, unless the Board finds that waiver of this requirement is in the public interest.

(d) Certificates of insurance approved by the Board shall not be canceled by the insurer upon less than thirty (30) days' notice to the Board and the insured carrier by registered mail. An insured carrier shall not cancel an approved certificate during the effectiveness of any operating authorziation from the Board unless the notice of cancellation is accompanied by a replacement certificate of insurance, complying in all respects with this part and effective upon the date of cancellation of the approved cer-

tificate and policy, or by a notice that the carrier has ceased operations.

(e) If any certificate of insurance, endorsement, notice of cancellation, or other document relating to liability insurance required to be filed with the Board does not comply with these regulations, the Board will notify the air carrier and the insurer by registered mail, or by telegram, stating the deficiencies. If the carrier is not notified of objections by the Board within 20 days after filing of any document, such document shall be deemed approved by the Board as complying with the requirements of this part, but such approval may be rescinded by the Board upon reasonable notice.

(f) All documents required to be filed with respect to liability insurance shall be filed with the Civil Aeronautics Board, Attention of Bureau of Accounts and Statistics, B-42b, Washington, D.C., 20428.

**§ 208.15 Compliance.**

In addition to all other applicable sanctions provided by law or the regulations of the Board, operation in air transportation of any aircraft, or performance of services within any geographical area, to which Board-approved liability insurance does not apply shall be cause for immediate suspension of all operating authority, pursuant to section 401(n)(5) of the Act and Subpart J of Part 302 of this chapter.

MINIMUM EXTENT OF SERVICE

**§ 208.25 Minimum service requirements.**

Each supplemental air carrier shall perform services authorized by its certificate or authority to engage in supplemental air transportation for at least 500 hours of revenue flight in any two consecutive calendar quarters. Failure to perform such minimum services will be deemed to constitute a prima facie case for suspension of the carrier's operating authority pursuant to the provisions of section 401(n)(5) of the Act: *Provided,* That the carrier may, within 15 days after the end of the two consecutive calendar quarters in which such failure occurred, show unusual circumstances constituting good cause why its operating authority should not be suspended.

OPERATIONS AND TARIFFS

**§ 208.30 Prohibited advertising.**

(a) No supplemental air carrier shall advertise its services or hold itself out to the public as an air carrier authorized to engage in air transportation unless it includes the words "supplemental air carrier" in such advertising.

(b) No supplemental air carrier shall conduct business in any name other than that set forth in its certificate, except as expressly authorized by the Board.

**§ 208.31 Prohibited control of a supplemental air carrier.**

Control of a supplemental air carrier shall not, without prior application to and approval by the Board, be transferred, directly or indirectly, by assignment, transfer of voting stock, or otherwise, to any person who controlled, or participated in control of, as a partner, officer, or director, any air carrier theretofore found by the Board to have committed knowing and willful violations of the Civil Aeronautics Act of 1938, as amended, the Federal Aviation Act of 1958, or any order, rule, or regulation issued pursuant to said Acts during the period such person controlled or participated in the control of said air carrier. Any such application may be approved by the Board with or without hearing. No such application shall be denied unless the Board finds, after notice to said supplemental air carrier and the parties to the proposed transfer, and after opportunity for hearing, that, in the event the proposed transfer is consummated, said supplemental air carrier will thereby be rendered unfit, unwilling, or unable to conform to the provisions of the Federal Aviation Act of 1958, and the rules, regulations, and requirements of the Board thereunder. For the purposes of this section, a transfer of 20 percent or more of the voting stock of the supplemental air carrier shall be deemed to constitute prima facie evidence of a transfer of control so as to require the filing of an appropriate application with the Board.

**§ 208.31a Written agreements with ticket agents.**

Each agreement between a supplemental air carrier and any ticket or cargo agent shall be reduced to writing and signed by all the parties thereto, if it relates to any of the following subjects:

(a) The furnishing of persons or property for transportation;

(b) The arranging for flights for the accommodation of persons or property;

(c) The solicitation or generation of passenger or cargo traffic to be transported;

(d) The charter or lease of aircraft.

**§ 208.32 Tariffs and terms of service.**

(a) No air carrier shall perform any supplemental air transportation unless such air carrier shall have on file with the Board, pursuant to Part 221 of this chapter, a currently effective tariff showing all rates, fares, and charges for the use of the entire capacity or less than the entire capacity (as defined in § 208.3(s)) of one or more aircraft in such supplemental air transportation and showing all rules, regulations, practices, and services in connection with such supplemental air transportation, including eligibility requirements for charter groups not inconsistent with those established in this part.

(b) The total charter price and other terms of service rendered pursuant to this part shall conform to those set forth in the applicable tariff on file with the Board and in force at the time of the respective charter flight and the contract must be for the entire capacity or for less than the entire capacity (as defined in § 208.3(s)) of one or more aircraft. Where a carrier's charter charge computed according to a mileage tariff includes a charge for ferry mileage, the carrier shall refund to the charterer any sum charged for ferry mileage which is not in fact flown in the performance of the charter: *Provided,* That the carrier shall not charge the charterer for ferry mileage flown in addition to that stated in the contract unless such mileage is flown for the convenience of and at the express direction of the charterer.

(c) Reserved.

(d) Each and every contract for a charter to be operated hereunder shall incorporate the provisions of §§ 208.10 through 208.15, inclusive, and §§ 208.33 and 208.33a, where applicable, concerning insurance and substitute transportation.

(e) The carrier shall require full payment of the total charter price or the posting of a satisfactory bond for full payment prior to the commencement of the air transportation.

(f) In the case of a round-trip passenger charter, one-way passengers shall not be carried except that up to 5 percent of the charter group may be transported one way in each direction. This provision shall not be construed as permitting knowing participation in any plan whereby each leg of a round trip is chartered separately in order to avoid the 5 percent limitation aforesaid. In the case of a charter contract calling for two or more round trips, there shall be no intermingling of passengers and each planeload or each plane-load group shall move as a unit in both directions.

**§ 208.33 Flight delays and substitute air transportation.**

Supplemental air carriers shall assume, and publish as part of the rules and regulations of their tariffs applicable to passenger service in interstate and overseas air transportation, the following obligations without prejudice, and in addition, to any other rights or remedies of passengers under applicable law:

(a) In case of flight delays of more than 6 hours beyond the departure time stated in the charter contract or 4 hours beyond the time of departure stated on an individual flight ticket, the carrier, upon request and at the passenger's or charterer's option (or in case of the engagement by one charterer of less than the capacity of an aircraft, at the option of any one charterer), must provide alternative air transportation at no additional cost to the passenger or charterer, or immediately refund the full value of the unused ticket or the unperformed charter contract.

(b) In case of additional flight delays en route exceeding 6 hours for charter flights or 2 hours for individually ticketed flights, the carrier must, upon request and at the passenger's or charterer's option (or in case of the engagement by one charterer of less than the capacity of an aircraft, at the option of any one charterer), furnish alternative transportation to the specified destination, or immediately refund the full value of unperformed transportation. The en route delays shall be calculated without inclusion of any delay at departure but all additional delays at intermediate stops en route shall be added up in determin-

ing whether the limit of delay has been reached.

(c) In case of flight cancellations or flight delays, refunds shall be paid immediately upon presentation of an unused flight coupon or upon demand of the charterer or his representative (or in case of the engagement by one charterer of less than the capacity of an aircraft, upon demand of any one charterer or his representative) to the air carrier or its agent.

(d) The rules and regulations in the carrier's tariffs governing immediate refunds or alternative transportation may provide for an exception in case of unavoidable delays due solely to weather.

**§ 208.33a Substitution or subcontracting.**

Supplemental air carriers may subcontract the performance of services which they have contracted to perform only to air carriers authorized by the Board to perform such services.

**§ 208.34 Records and record retention.**

(a) Prior to performing any supplemental air transportation pursuant to this part, the carrier shall execute, and require the travel agent (if any) and charterer to execute, the form "Statement of Supporting Information" attached hereto and made a part hereof.

(b) Each air carrier operating pursuant to this part shall comply with the applicable record-retention provisions of Part 249 of this chapter, as amended.

**§ 208.35 Payments, gratuities, and donations.**

(a) Neither a carrier nor a travel agent shall make any payments or extend gratuities of any kind, directly or indirectly, to any member of a chartering organization in relation either to air transportation or land tours or otherwise.

(b) Neither a carrier nor a travel agent shall make any donation to a chartering organization or an individual charter participant.

(c) Nothing in this section shall preclude a carrier from paying a commission (within the limits of § 208.202) to a member of a chartering organization if such member is its agent, or restrict a carrier or a travel agent from offering to each member of the charter group such advertising and good will items as are customarily extended to individually ticketed passengers (e.g., canvas traveling bag or a money exchange computer).

## Subpart B—Provisions Relating to Military Charters

**§ 208.100 Applicability of subpart.**

This subpart sets forth the special rules applicable to military charters.

**§ 208.101 Minimum rates and compensation for air transportation performed for the military establishment.**

The authority conferred upon a supplemental air carrier pursuant to section 7 of Public Law 87–528, and/or a certificate of public convenience and necessity issued under sec. 401(d)(3) of the Act, insofar as it encompasses the right to provide air transportation pursuant to contract with the military establishment of the United States or any branch thereof in foreign and overseas air transportation, and air transportation between the 48 contiguous States on the one hand and the States of Alaska and Hawaii on the other hand, shall be subject to the condition that the rate or compensation received by the carrier for any such air transportation is not less than that set forth in § 288.7 of this chapter, irrespective of whether such contract falls within the definition of short notice MATS charter service contained in § 288.1 of this chapter.

**§ 208.102 Substitute service.**

Supplemental air carriers are authorized to provide "substitute service" as defined in this part, subject to the provisions of Part 288 of this chapter.

## Subpart C—Provisions Relating to Pro Rata Charters

**§ 208.200 Applicability of subpart.**

This subpart sets forth the special rules applicable to pro rata charters, other than those subject to Part 295 of this subchapter.

REQUIREMENTS RELATING TO AIR CARRIERS

**§ 208.200a Solicitation and formation of a chartering group.**

(a) A carrier shall not engage, directly or indirectly, in any solicitation of individuals (through personal contact, advertising, or otherwise) as distinguished from the solicitation of an organization for a charter trip.

(b) A carrier shall not employ, directly or indirectly, any person for the purpose of organizing and assembling members of any organization, club, or other entity into a group to make the charter flight.

**§ 208.201 Pretrip notification.**

Upon a charter flight date being reserved by the carrier or its agent, the carrier shall provide the prospective charterer with a copy of this Part 208.[4] The charter contract shall include a provision that the charterer, and any agent thereof, shall only act with regard to the charter in a manner consistent with this part and that the charterer shall within due time submit to the carrier such informaion as specified in §§ 208.214 and 208.215 and submit to each charter participant the information identified in § 208.214. The carrier shall also require that the charterer and any travel agent involved shall furnish it in due time for review before flight the information required in §§ 208.216 and 208.204, respectively.

[4] Copies of this part are available by purchase from the Superintendent of Documents, Washington, D.C., 20402. Single copies will be furnished without charge on written request to the Publications Section, Civil Aeronautics Board, Washington, D.C., 20428.

**§ 208.202 Agent's commission.**

The carrier shall not pay its agent a commission or any other benefits, directly or indirectly, in excess of 5 percent of the total charter price as set forth in the carrier's charter tariff on file with the Board, or more than the commission related to charter flights paid to an agent by a carrier certificated to render regular service on the same route, whichever is greater. The carrier shall not pay any commission whatsoever to an agent if the agent receives a commission from the charterer for the same service.

REQUIREMENTS RELATING TO TRAVEL AGENTS

**§ 208.203 Prohibition against double compensation.**

A travel agent may not receive a commission from both the direct air carrier and the charterer for the same service.

**§ 208.204 Statement of supporting information.**

Travel agents shall execute, and furnish to air carriers, Section A of Part II of the Statement of Supporting Information attached hereto and made a part hereof, at such time prior to flight as required by the carrier to afford it due time for review thereof.

REQUIREMENTS RELATING TO THE CHARTERING ORGANIZATION

**§ 208.210 Solicitation of charter participants.**

As the following terms are defined in § 208.3, members of the charter group may be solicited only from among the bona fide members of an organization, club, or other entity, and their immediate families, and may not be brought together by means of a solicitation of the general public. Solicitation of, as well as participation by, members of an organization with respect to charter flights shall extend only to the organization, or the particular chapter or unit thereof, which signs the charter agreement with the air carrier as the charterer.

**§ 208.211 Passengers on charter flights.**

Only bona fide members of the charterer, and their immediate families (except as provided in § 208.212), may participate as passengers on a charter flight. The charterer must maintain a central membership list, available for inspection by the carrier or Board representative, which shows the date each person became a member.[5] Solicitation of, as well as participation by, members of an organization with respect to charter flights shall extend only to the organization, or the particular chapter or unit thereof, which signs the charter agreement with the air carrier as the charter. Where the charterer is engaging in round-trip transportation, one-way passengers shall not participate in the charter flight except as provided in § 208.32(f). When more than one round trip is contracted

[5] Where the charter is based on employment in one entity or student status at a college, records of the corporation, agency, or college will suffice to meet the requirement.

for, intermingling between flights or reforming of plane-load or less than plane-load charter groups shall not be permitted and each such group must move as a unit in both directions.

**§ 208.212 Participation of immediate families in charter flights.**

The immediate family of any bona fide member of a charter organization may participate in a charter flight: *Provided, however,* That this section shall not apply to study group charters.

**§ 208.213 Charter costs.**

(a) The costs of charter flights shall be prorated equally among all charter passengers and no charter passenger shall be allowed free transportation; except that (1) children under 12 years of age may be transported at a charge less than the equally prorated charge; (2) children under 2 years of age may be transported free of charge.

(b) The charterer shall not make charges to the charter participants which exceed the actual costs incurred in consummating the charter arrangements, nor include as a part of the assessment for the charter flight any charge for purposes of charitable donations. All charges related to the charter flight arrangements collected from the charter participants which exceed the actual costs thereof shall be refunded to the participants in the same ratio as the charges were collected.

(c) Reasonable administrative costs of organizing the charter may be divided among the charter participants. Such costs may include a reasonable charge for compensation to members of the charter organization for actual labor and personal expenses incurred by them. Such charge shall not exceed $300 (or $500 where the charter participants number more than 80) per round-trip flight. Neither the organizers of the charter, nor any member of the chartering organization, may receive any gratuities or compensation, direct or indirect, from the carrier, the travel agent, or any organization which provides any service to the chartering organization whether of an air transportation nature or otherwise. Nothing in this section shall preclude a member of a chartering organization who is the carrier's agent from receiving a commission from the carrier (within the limits of § 208.202), or prevent any member of the charter group from accepting such advertising and goodwill items as are customarily extended to individually ticketed passengers (e.g., a canvas traveling bag or a money exchange computer).

(d) If the total expenditures, including among other items compensation to members of the chartering organization, referred to in paragraph (c) of this section, but exclusive of expenses for air transportation or land tours, exceed $750 per round-trip flight, such expenditures shall be supported by properly authenticated vouchers to be given to the carrier with the "Non-transatlantic Charter—Post Flight Report" required pursuant to § 208.214.

**§ 208.214 Statements of charges.**

(a) Any announcements or statements by the charterer to prospective charter participants of the anticipated individual charge for the charter shall clearly identify the portion of the charges to be paid separately for the air transportation, for the land tour, and for the administrative expenses of the charterer.

(b) Within 15 days after completion of each one-way or round-trip flight, the charterer shall complete and supply to each charter participant and the air carrier involved a detailed report showing the charge per passenger transported and the charterer's total receipts and expenditures. The report shall be submitted in the form of, and contain such information including the above as more fully specified by the "Non-transatlantic Charter—Post Flight Report," annexed hereto and made a part hereof.

**§ 208.215 Passenger manifests.**

(a) Prior to each one-way or round-trip flight a manifest shall be filed by the charterer with the air carrier showing the names and addresses of the persons to be transported and specifying the relationship of each such person to the charterer (by designating opposite his name one of the three relationship categories hereinafter described). The manifest may include "stand-by" participants (by name, address, and relationship to charterer).

(b) The relationship of a prospective passenger shall be classified under one of the following categories and specified on the passenger manifest as follows:

(1) A bona fide member of the chartering organization at the time the organization first gave notice to its members of firm charter plans. Specify on the passenger manifest as "(1) member."

(2) The spouse, dependent child, or parent of a bona fide member who lives in such member's household. Specify on the passenger manifest as "(2) spouse" or "(2) dependent child" or "(2) parent." Also give name and address of member relative where such member is not a prospective passenger.

(3) Bona fide members of entities consisting only of persons from a study group, or a college campus, or employed by a single Government agency, industrial plant, or mercantile company, or persons whose proposed participation in the charter flight was permitted by the Board pursuant to request for waiver. Specify on the passenger manifest as "(3) special" or "(3) member" (where participants are from a study or campus group or from a Government agency, industrial plant, or mercantile company).

(c) In the case of a round-trip flight, the above information must be shown for each leg of the flight and any variations between the outbound and inbound trips must be explained on the manifest.

(d) Attached to such manifest must be a certification, signed by a duly authorized representative of the charterer, reading:

The attached list of persons includes every individual who may participate in the charter flight. Every person as identified on the attached list (1) was a bona fide member of the chartering organization at the time the chartering organization first gave notice to its members of firm charter plans, or (2) is a bona fide member of an entity consisting of (a) students and educational staff of a single school, or (b) employees of a single Government agency, industrial plant, or mercantile establishment, or (3) is a person whose participation has been specifically permitted by the Civil Aeronautics Board, or (4) is the spouse, dependent child, or parent of a person described hereinbefore and lives in such person's household, or (5) is a bona fide participant in a study group charter.

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(Signature)

**§ 208.216 Statement of supporting information.**

Charterers shall execute and furnish to air carriers Section B of Part II of the Statement of Supporting Information attached hereto and made a part hereof at such time prior to flight as required by the carrier to afford it due time for review thereof.

## Subpart D—Provisions Relating to Single Entity Charters

**§ 208.300 Applicability of subpart.**

This subpart sets forth the special rules applicable to single entity charters, other than those subject to Part 295 of this subchapter.

**§ 208.301 Tariffs to be on file.**

The provisions of § 208.32(a) shall apply to charters under this subpart.

**§ 208.302 Terms of service.**

(a) The total charter price and other terms of service shall conform to those set forth in the applicable tariff filed in accordance herewith and the contract shall be for the entire capacity or less than the entire capacity of one or more aircraft as defined in § 208.3(s).

(b) The terms of service prescribed in §§ 208.10 through 208.15, inclusive, §§ 208.32(d), 208.33, and 208.33a shall be applicable in the case of single entity charters.

**§ 208.303 Commissions paid to travel agents.**

No direct air carrier shall pay a travel agent any commission in excess of 5 percent of the total charter price or more than the commission related to charter flights paid to an agent by a carrier certificated to fly the same route, whichever is greater.

## Subpart E—Provisions Relating to Mixed Charters

**§ 208.400 Applicable rules.**

The rules set forth in Subpart C of this part shall apply in the case of mixed charters, other than those subject to Part 295 of this subchapter.

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

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

NONTRANSATLANTIC CHARTERS—STATEMENT OF SUPPORTING INFORMATION*

Part I—To be completed by air carrier for each single entity, mixed, or pro rata charter. (Where more than one round-trip flight is to be performed under the charter contract, clearly indicate applicability of answers.)

1. Name of transporting carrier: _____

2. Commencement date(s) of proposed flight(s):
(a) Going _____
(b) Returning _____

3. Points to be included in proposed flight(s):
(a) From _____ to _____
(b) Returning from _____ to _____
(c) Other stops required by charterer: _____

4. (a) Type of aircraft to be used: _____
(b) Seating capacity: _____

5. (a) Total charter price: _____
(b) Does the charter price conform to tariff on file with the Board? _____
(c) If pro rata or mixed charter, explain construction of charter price in relation to tariff on file with the Board. (In case of mileage tariff, show mileage for each segment involved and indicate whether segment is live or ferry.) _____

6. (a) Has the carrier paid, or does it contemplate the payment of any commissions, direct or indirect, in connection with the proposed flight? Yes ☐ No ☐
(b) If "yes," give names and addresses of such recipients and indicate the amount paid or payable to each recipient. If any commission to a travel agent exceeds 5 percent of the total charter price, attach a statement justifying the higher amount under this regulation.

7. Name and address of charterer: _____

8. If charter is single entity, indicate purpose of flight: _____

9. On what date was the charter contract executed? _____

10. If the charter is pro rata, has a copy of Part 208 of the Civil Aeronautics Board's Economic Regulations been mailed to or delivered to the prospective charterer? Yes ☐ No ☐

Part II—*To be completed for pro rata or mixed charters only.*

Section A—To be supplied by travel agent, or, where none, by the air carrier or an affiliate under its control where either of the latter performs or provides any travel agency function or service (excluding air transportation sales but including tour arrangements).

1. Has the agent or, to his knowledge, have any of his principals, officers, directors, associates or employees compensated any member of the chartering organization in relation either to the proposed charter flight or any land tour? Yes ☐ No ☐

2. Does the agent have any financial interest in any organization rendering services to the chartering organization? Yes ☐ No ☐
If answer is "yes," explain: _____

VERIFICATION [1]

STATE OF _____
*County of* _____, *ss:*

_____, being duly sworn,
(Name)
deposes and says that to the best of his knowledge and belief all the information presented in Part II, section A of this statement is true and correct.

_____
(Signature and address of travel agent or, if none, of authorized official of air carrier where such carrier or an affiliate under its control performs any travel agency function or service (excluding air transportation sales but including land tour arrangements).)

Sworn to before me this day, the ____ of _____ 19__.

_____
(Signature of person administering oath. Also, set forth here below the name, address, and authority of such person.)

[SEAL]

WARRANTY

I, _____,
(Name)
represent and warrant that I have acted with regard to this charter operation (except to the extent fully and specifically explained in Part II, section A) and will act with regard to such operation in a manner consistent with Part 208 of the Board's Economic Regulations.

_____
(Signature and address of travel agent or, if none, of authorized official of air carrier where such carrier or an affiliate under its control performs any travel agency function or service (excluding air transportation sales but including land tour arrangements).)

Section B—*To be executed by charterer.*

1. All passengers were bona fide members of the chartering organization on the date when firm charter plans were first announced or are in the immediate families (spouse, dependent children, or parents living in a member's household) of such members. Yes ☐ No ☐

2. Date when firm charter plans were first announced: _____

3. There is a central membership list showing the date each person became a member. Yes ☐ No ☐

4. This central membership list is available for inspection at the following location _____

5. Administrative expenses being assessed against charter passengers will not exceed $_____

6. If the charter is round trip, the number of one-way passengers will not exceed: _____ on first leg; _____ on return leg.

7. No member of the chartering organization has received or will receive any compensation or benefit, directly or indirectly, from the air carrier, the travel agent, or any organization providing services in relation to the air or land portion of the trip.

VERIFICATION OF CHARTERER [1]

STATE OF _____,
*County of* _____, *ss:*

_____ and
(Name)
_____
(Name)
being duly sworn, hereby separately depose and say that to the best of the knowledge and belief of each of them all the information in Part II, section B, of this statement is true and correct.

_____
(Signature of person within organization in charge of charter arrangements.)

Sworn to before me this day, the ____ of _____ 19__.

_____
(Signature of person administering oath. Also, set forth here below the name, address and authority of such person.)

[SEAL]

_____
(Signature and title of officer. This should be the chief officer of the chartering organization except in the case of a school charter, in which case the verification must be by a school official not directly involved in charter.)

Sworn to before me this day, the ____ of _____ 19__.

_____
(Signature of person administering oath. Also, set forth here below the name, address and authority of such person.)

[SEAL]

WARRANTY OF CHARTERER

I, _____ and
(Name)
_____
(Name)
represent and warrant that the charterer has acted with regard to this charter operation (except to the extent fully and specifically explained in Part II, section B), and will act with regard to such operation, in a manner consistent with Part 208 of the Board's Economic Regulations.

_____
(Signature of person within organization in charge of charter arrangements.)

_____
(Signature and title of officer. This should be the chief officer of the chartering organization except in the case of a school charter, in which case the warranty must be by a school official not directly involved in charter.)

VERIFICATION OF EMPLOYER [1]

(To be furnished where eligibility to participate in charter is dependent upon employment by a particular entity.)

STATE OF _____,
*County of* _____, *ss:*

_____,
(Name)
being duly sworn, deposes and says that to the best of his knowledge and belief solicitation for this charter has been confined to persons employed by _____
(Name of employer entity)

*This must be retained by the air carrier for two years pursuant to the requirements of Part 249, but open to Board inspection, and to be filed with the Board on demand.

[1] Whoever, having taken an oath before a competent—person—that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall, except as otherwise expressly provided by law, be fined not more than $2,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C., § 1621.

or persons in the immediate families of such employees.

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(Signature and title of authorized official of employer.)

Sworn to before me this day, the ____ of ---------- 19__.

---

(Signature of person administering oath. Also, set forth here below the name, address, and authority of such person.)

[SEAL]

WARRANTY OF AIR CARRIER

To the best of my knowledge and belief, all the information presented in this statement including, but not limited to, those parts verified by the charterer and the travel agent, is true and correct. I represent and warrant that the carrier has acted with regard to this charter operation (except to the extent fully and specifically explained in this statement or any attachment thereto) and will act with regard to such operation in a manner consistent with Part 208 of the Board's Economic Regulations.[1]

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(Signature and title of authorized official of air carrier.)

NONTRANSATLANTIC CHARTERS—POSTFLIGHT REPORT (INSTRUCTIONS)

The charterer shall complete and file a report in this form with the air carrier within 15 days of each one-way or round-trip charter flight. A report in this form shall also be furnished each charter participant by the charterer within 15 days after completion of each one-way or round-trip charter flight.

1. Name of carrier: ----------

2. Name of chartering organization:

---

---

3. Analysis of charterer's receipts:

(a) ----------

(Number of one-way passengers)

× ----------

(Charge per passenger[1a] (including amounts later refunded))

= ----------

(b) ----------

(Number of round-trip passengers)

× ----------

(Charge per passenger[1a] (including amounts later refunded))

= ----------

(c) Receipts from other sources (explain)

= ----------

(d) Total receipts [(a)+(b)+(c)]=

---

4. Analysis of charterer's expenditures:

| Item of expenditure [2] | Paid to [3] | Amount |
|---|---|---|
| | | |
| | | |
| | | |
| Total [4] | | |

[2] As a separate item there should be listed here a total of all the amounts refunded to the charter participants; also list separately air transportation, land tour, and administrative expenses.

[3] Disclose any relationship to chartering organization.

[4] If this item does not agree with item 3(d), submit an explanatory statement as to the reasons therefor.

VERIFICATION [5]

STATE OF ------,

*County of* ------, *ss:*

I, ----------,

being duly sworn, hereby depose and say that this report has been prepared by me or under my direction, that I have carefully examined it and that to the best of my knowledge and belief it is a complete and accurate statement, and a copy hereof has been distributed to each charter participant.

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(Signature of person in charge of charter arrangements.)

Sworn to before me this day, the ____ of ---------- 19__.

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(Signature of person administering oath. Also, set forth here below the name, address, and authority of such person.)

[SEAL]

[F.R. Doc. 66-2890; Filed, Mar. 21, 1966; 8:45 a.m.]

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. No. SPR-14]

## PART 378—INCLUSIVE TOURS BY SUPPLEMENTAL AIR CARRIERS AND TOUR OPERATORS

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of March 1966.

By notice of proposed rule making, SPDR-6, dated January 5, 1965, and published in 30 F.R. 281, the Board gave notice that it had under consideration (1) the amendment of the interim certificates and interim operating authorizations of supplemental air cariers who the Board finds qualified to perform all-expense-paid (inclusive) tours in interstate and overseas air transportation, and (2) the promulgation of a new Part 378 of the Board's Special Regulations to authorize, subject to the conditions provided therein, inclusive tours by tour operators with the air transportation portion thereof provided by the supplemental air carriers. In response to this notice, comments were submitted by 12 trunkline air carriers,[1] 3 local service carriers,[2] 3 other route carriers,[3] 12 supplemental carriers,[4] 1 foreign air carrier,[5] 7 travel agencies (including travel agents' associations),[6] 4 labor unions,[7] 6 government agencies,[8] and 2 private Hawaiian associations.[9] In addition, reply comments were filed by 11 trunkline carriers,[10] 8 supplemental carriers,[11] 1 foreign air carrier,[12] 2 travel agents' associations,[13] 1 union,[14] and 1 government agency.[15]

After further consideration, the Board decided (supplemental notice of proposed rule making, SPDR-6A, April 27, 1965, 30 F.R. 6119) to defer further action in the rule making proceeding until after issuance of the examiner's Recommended Decision in the Supplemental Air Service Proceeding, Docket 13795 et al.

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[1] Any air carrier, or any officer, agent, employee, or representative thereof, who shall, knowingly and willfully, fail or refuse to keep or preserve accounts, records and memoranda in the form and manner prescribed by the Board, or shall, knowingly and willfully, falsify, mutilate, or alter any such report, account, record or memorandum, shall be guilty of a misdemeanor and, upon conviction thereof, be subject for each offense to a fine of not less than $100 and not more than $5,000. Title 49, U.S.C. § 1472.

[1a] If charter cost was not divided equally among all participants actually transported, indicate clearly the individual amounts collected and the number of passengers paying each such amount.

[5] Whoever, having taken an oath before a competent person, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall, except as otherwise expressly provided by law, be fined not more than $2,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C., § 1621.

[1] A joint comment was filed by American Airlines, Braniff Airways, Continental Air Lines, Delta Air Lines, Eastern Air Lines, National Airlines, Northwest Airlines, Pan American World Airways, Trans World Airlines, United Air Lines, and Western Air Lines. In addition, Northwest Airlines filed a supplemental comment and Northeast Airlines submitted a separate comment.

[2] Bonanza Air Lines, Lake Central Airlines, and Trans-Texas Airways.

[3] Aloha Airlines, Hawaiian Airlines, and Trans Caribbean Airways.

[4] AAXICO Airlines, American Flyers Airline, Capitol Airways, Modern Air Transport, Overseas National Airways (ONA), Purdue Aeronautics, Saturn Airways, Trans International Airlines (TIA), Vance Roberts, World Airways and Zantop Air Transport. A comment was also filed by Holiday Airways, a supplemental carrier which, unlike the others, lacked interim operating authority.

[5] Japan Air Lines.

[6] American Society of Travel Agents (ASTA), Camino Tours, Creative Tour Operators Association (CTOA), Fugazy Travel Bureau, Happiness Tours, Lafayette Travel Service, and Pan American Tours.

[7] Master Executive Councils of Pilots of Eastern Air Lines, etc.; United Public Workers of Honolulu; Hotel, Restaurant Employees, and Bartenders Union (Local No. 5, Honolulu); and International Association of Machinists (Honolulu Lodge).

[8] Port of New York Authority; Board of Supervisors of County of Maui, Hawaii; Board of Supervisors of County of Hawaii, Hawaii; Senate and House of the State of Hawaii; Council of City and County of Honolulu; and Department of Attorney General, State of Hawaii.

[9] Hawaii Hotel Association and Hawaii Restaurant Association.

[10] A joint reply by the same carriers which filed a joint comment (see footnote 1, supra).

[11] The same supplementals which filed comments, minus Modern, Purdue, Zantop and Holiday (see footnote 3, supra).

[12] Japan Air Lines.

[13] ASTA and CTOA.

[14] Master Executive Councils of Pilots of Eastern Air Lines, etc.

[15] St. Louis Airport Commission.

By supplemental notice of proposed rule making, SPDR–6B, dated October 11, 1965, and published in 30 F.R. 13077, the Board amended proposed Part 378 to correspond with the scope of inclusive tour authority which might be granted as a result of the Supplemental case and/or the Reopened Transatlantic Charter Investigation (All-expense Tour Phase), Docket 11908, et al. The amendments primarily involved (1) making the period of tour operator authorization coextensive with that awarded to supplemental carriers, and (2) extending the regulatory terms to include inclusive tours in foreign, as well as interstate and overseas, air transportation. Comments with respect to the amendments were filed by 11 trunkline air carriers,[16] 3 supplemental carriers,[17] and 2 travel agents (or associations).[18]

Interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matter presented. In view of the interrelationship between the rule making and the Supplemental case with respect to the inclusive tour question, and because Part 378 is being issued in conjunction with the decision in the domestic phase of the latter proceeding, the discussion of the regulatory provisions as adopted, which normally accompanies the rule, is contained in the Supplemental opinion.[19] For the reasons set forth therein, we have decided to adopt the attached new Part 378 of the Board's Special Regulations.

Accordingly, the Civil Aeronautics Board hereby amends the Special Regulations effective May 13, 1966, by adding thereto a new Part 378 (14 CFR Part 378) to read as follows:

Subpart A—General Provisions

Sec.
378.1 Applicability.
378.2 Definitions.
378.3 Exemption.
378.4 Approval of certain interlocking relationships.
378.5 Effect of exemption on antitrust laws.
378.6 Suspension of exemption authority.

Subpart B—Conditions and Limitations

378.10 Requirement of a Statement of Authorization.
378.11 Procedure for obtaining a Statement of Authorization.
378.12 Statement of Tour Operator's Qualifications.
378.13 Tour Prospectus.
378.14 Charter contract.
378.15 Tariffs to be filed for charter trips.
378.16 Surety bond.
378.17 Contract between tour operators and tour participants.
378.18 Procedure applicable to periods on or after January 1, 1968.

Subpart C—Post Tour Reporting Requirements

378.20 Post tour reporting.

Subpart D—Miscellaneous

Sec.
378.30 Waiver.
378.31 Enforcement.

AUTHORITY: The provisions of this Part 378 issued under sections 101(3), 204(a), 401, 409 and 414 of the Federal Aviation Act of 1958, as amended (72 Stat. 737; 49 U.S.C. 1301; 72 Stat. 743; 49 U.S.C. 1324; 72 Stat. 754 as amended by 76 Stat. 143; 49 U.S.C. 1371; 72 Stat. 768; 49 U.S.C. 1379; 72 Stat. 770; 49 U.S.C. 1384) and section 7 of Public Law 87–528 (76 Stat. 146; 49 U.S.C. 1371).

## Subpart A—General Provisions

### § 378.1 Applicability.

This part establishes the terms and conditions governing the furnishing of inclusive tours in interstate air transportation by supplemental air carriers and tour operators. This part also relieves tour operators from various provisions of the Act and the Board's regulations for the purpose of enabling them to provide inclusive tours to members of the general public utilizing aircraft chartered from supplemental air carriers. The provisions of this regulation shall not be construed as limiting any other authority to engage in air transportation issued by the Board. Nothing contained in this part shall be construed as repealing or amending any provision of any of the Board's regulations, unless the context so requires.

### § 378.2 Definitions.

As used in this part, unless the context otherwise requires—

(a) "Inclusive tour charter" means the charter of an entire aircraft by a tour operator for the carriage by a supplemental air carrier of persons traveling in interstate air transportation on inclusive tours.

(b) "Inclusive tour" means a round-trip tour which combines air transportation pursuant to an inclusive tour charter and land services, and which meets all of the following requirements:

(1) A minimum of seven (7) days must elapse between departure and return;

(2) The land portion of the tour must provide overnight hotel accommodations at a minimum of three places other than the point of origin, such places to be no less than 50 air miles from each other;

(3) The tour price shall include, at a minimum, all hotel accommodations and necessary air or surface transportation between all places on the itinerary, including transportation to and from air and surface carrier terminals utilized at such places other than the point of origin;

(4) The charge to the passengers for the tour, as set forth in the tour prospectus, shall be not less than 110 percent of any available fare or fares charged by a certificated route air carrier or combination of such carriers (including charge for stopovers) for individually ticketed service on the circle route beginning at the point of origin, to the various points where stopovers are made, and return to the point of origin, provided that the tour shall be subject to the terms and conditions which are applicable to such fare or fares, as set forth in the tariff of the certificated route carrier or carriers. For purposes of this provision, the term "available fare" includes promotional or discount fares, such as family fares, children's fares, excursion fares, fares applicable to special classes of persons, group fares, etc. Where similar promotional or discount fares are offered on both jet and propeller aircraft, the available fare shall be that charged for jet service. Where no regularly scheduled service is provided between the points involved, the available fare shall be based on the fares to the nearest point served by a certificated route air carrier; and

(5) An aircraft under charter to one tour operator may carry a maximum of three tour groups, provided that if more than one group is carried each of the groups shall consist of 40 or more tour participants.

(c) An "inclusive tour group" means an aggregate of persons who are assembled by a tour operator for the purpose of participation as a single unit in an inclusive tour.

(d) "Tour operator" means any person (other than a supplemental air carrier) authorized hereunder to engage in the formation of groups for transportation on inclusive tours.

(e) "Tour participant" means a member of the inclusive tour group.

(f) "Supplemental air carrier" means a supplemental air carrier as defined in § 200.8 of the Board's economic regulations and authorized under section 7 of Public Law 87–528 or section 401(d)(3) of the Act to perform inclusive tour charters.

(g) "Tour price" means the total amount of money paid by the tour participant to the tour operator for the inclusive tour.

### § 378.3 Exemption.

Subject to the provisions of this part and the conditions imposed, tour operators are hereby relieved from the following provisions of Title IV of the Federal Aviation Act of 1958, as amended, to the extent necessary to permit them to provide inclusive tours:

Section 401.
Section 403.
Section 404(a), except the requirement to provide safe and adequate service, equipment and facilities in connection with tours operated hereunder.
Section 405(b).
Section 407 (b) and (c).
Sections 408(a) and 409, except control or interlocking relationships with direct air carriers.
Section 412.

### § 378.4 Approval of certain interlocking relationships.

To the extent that any officer or director of a tour operator would be in violation of any of the provisions of section 409(a) (3) and (6) by participating in interlocking relationships covered by the exemption granted by § 378.3, such participation is hereby approved by the Board.

[16] Again, a joint comment by the carriers listed in footnote 1.
[17] TIA, World and Zantop.
[18] CTOA and American International Travel Service.
[19] Order E–23350, Mar. 11, 1966, pp. 16–21.

**§ 378.5 Effect of exemption on antitrust laws.**

The relief granted by §§ 378.3 and 378.4 from sections 408, 409, and 412 of the Act shall not constitute an order under such sections within the meaning of section 414 of the Act, and shall not confer any immunity or relief from operation of the "antitrust laws" or any other statute (except the Act) with respect to any transaction, interlocking relationship, or agreement otherwise within the purview of such sections.

**§ 378.6 Suspension of exemption authority.**

The Board reserves the power to suspend the exemption authority of any tour operator, without hearing, if it finds that such action is necessary in order to protect the rights of the traveling public.

## Subpart B—Conditions and Limitations

**§ 378.10 Requirement of a Statement of Authorization.**

No inclusive tour or series of tours scheduled to commence on or before December 31, 1967, shall be operated, nor shall any tour operator sell or offer to sell, solicit, or advertise such tour or tours, unless there shall be in effect a Statement of Authorization issued by the Board authorizing the specific tour or series of tours.

**§ 378.11 Procedure for obtaining a Statement of Authorization.**

(a) Applications for a Statement of Authorization shall be filed with the Civil Aeronautics Board (Director, Bureau of Operating Rights) jointly by the supplemental air carrier and the prospective tour operator at least 90 days in advance of the date of commencement of the proposed tour or series of tours. If a series of tours is to be operated for one tour operator pursuant to one charter contract, the application may cover the entire series, provided that the elapsed time between the commencement of the first tour and the completion of the last tour shall not be more than 180 days. Late filing of the application will not be permitted except for good cause shown.

(b) The application shall be verified, in the form set forth in the appendix, by a duly authorized officer of both the supplemental air carrier and the tour operator and shall include the Statement of Tour Operator's Qualifications and the Tour Prospectus. In the event of any change in the facts as reflected in the application, an amended application shall be filed no later than five (5) days following such change.

(c) Copies of the application shall be served upon each direct air carrier certificated to provide passenger service between any of the points involved in the proposed tour or tours, and on such other persons as the Board may require, and proof of such service shall accompany the application as provided in § 302.8 of this chapter. Answers to the application may be filed by interested persons no later than 10 days thereafter and shall conform to the requirements of § 302.1022 (a) and (b) of this chapter.

(d) If the Board finds that the proposed tour or tours comply with the requirements of this regulation and that the tour operator applicant is properly qualified, it will issue a Statement of Authorization for the conduct of the tour or tours set forth in the application. Among the factors which the Board will consider in determining whether the tour operator applicant is properly qualified to engage in the proposed tour operation are its financial resources, prior experience in the transportation business, and any other information bearing upon the ability of the applicant to perform successfully the proposed operations. The Statement of Authorization may be conditioned or limited by the Board in order to assure compliance with the requirements of this regulation.

(e) Deviations from the tour or tours authorized by the Board may not be made without Board permission except where they are compelled by circumstances beyond the control of the carrier or tour operator and there is insufficient time to request Board permission therefor.

**§ 378.12 Statement of Tour Operator's Qualifications.**

The Statement of Tour Operator's Qualifications shall be in the form set forth in the appendix. A tour operator who has filed a Statement of Tour Operator's Qualifications in connection with one application may, with respect to subsequent applications, file a verified statement to the effect that the facts contained in his previously filed Statement of Qualifications have not changed, except as set forth in such verified statement.

**§ 378.13 Tour Prospectus.**

The Prospectus shall include copies of the charter contract, the contract between the tour operator and tour participants, and the tour operator's surety bond, and shall contain the following information:

(a) Name and address of the tour operator;

(b) The proposed date and time of each flight;

(c) Equipment to be used, including the aggregate number of each type of aircraft and capacity;

(d) The tour itinerary, including hotels (name and length of stay at each), and sightseeing or other arrangements, if any;

(e) The tour price per passenger;

(f) The number of persons expected to participate in the tour;

(g) Charter price of the aircraft;

(h) The individually ticketed air fare, computed as provided in § 378.2(b)(4);

(i) Samples of solicitation material proposed by the tour operator (all sales advertising and solicitation materials employed by the tour operator shall state the name of the supplemental air carrier to be utilized).

**§ 378.14 Charter contract.**

The charter contract between the tour operator and the supplemental carrier shall evidence a binding commitment on the part of the carrier to furnish the air transportation required for the tour or tours covered by the contract.

**§ 378.15 Tariffs to be filed for charter trips.**

No supplemental air carrier shall perform any charter trips for inclusive tours unless such air carrier shall have on file with the Board a currently effective tariff showing all rates, fares, and charges for such charter trips and showing the rules, regulations, practices, and services in connection with such transportation.

**§ 378.16 Surety bond.**

The tour operator shall furnish a surety bond in an amount of not less than twice the amount of the charter price for the air transportation to be furnished in connection with such tour: *Provided, however*, That the liability of the surety to any tour participant shall not exceed the tour price. Such bond shall insure the financial responsibility of the tour operator and the supplying of the transportation and all other accommodations, services, and facilities in accordance with the contract between the tour operator and the tour participants, and shall be in the form set forth in the appendix. Such bond shall be issued by a reputable and financially responsible bonding or surety company which is legally authorized to issue bonds of that type in the State in which the tour originates. For purposes of this section, the term "State" includes any territory or possession of the United States, or the District of Columbia. The Board will consider that a bonding or surety company is prima facie qualified under this section if such company's surety bonds are accepted by the Interstate Commerce Commission under 49 CFR 174.8, and if such company is listed in Best's Insurance Reports (Fire and Casualty) with a general policyholders' rating of "A" or better. If the bond does not comply with the requirements of this section, or for any reason fails to provide satisfactory or adequate protection for the public, the Board will notify the supplemental air carrier and the tour operator, by registered or certified mail, stating the deficiencies of the bond. Unless such deficiencies are corrected within the time set forth in such notification, the subject tour or tours shall in no event be operated.

**§ 378.17 Contract between tour operators and tour participants.**

Where each participant in a tour receives the same accommodations, land tours, etc., the contract between the tour operator and the tour participants shall be the same. Contracts between tour operators and tour participants shall include provisions concerning the following matters:

(a) Method of payment, e.g., installment payments;

(b) Refunds in the event of the tour's cancellation or the passenger's change in plans;

(c) Carriers' liability limitations for passengers' baggage;

(d) Aircraft equipment substitutions;

(e) Seating accommodations; and
(f) Nonperformance of tour because of insufficient number of participants.

**§ 378.18 Procedure applicable to periods on or after January 1, 1968.**

(a) No inclusive tour or series of tours scheduled to commence on or after January 1, 1968, shall be operated, nor shall any tour operator sell or offer to sell, solicit, or advertise such tour or tours, unless there is on file with the Board a Tour Prospectus satisfying the requirements of § 378.13. If a series of tours is to be operated for one tour operator pursuant to one charter contract, the Prospectus may cover the entire series, provided the elapsed time between the commencement of the first tour and the completion of the last tour shall not be more than 180 days. The Tour Prospectus shall be verified by a duly authorized officer of both the supplemental air carrier and the tour operator and shall be filed at least 60 days before the commencement of the tour or tours. Late filing of the Prospectus will not be permitted except for good cause shown.

(b) In the event of any change in the facts as reflected in the Prospectus, an amended Prospectus shall be filed no later than five (5) days following such change. Deviations from the Tour Prospectus, or the amended Prospectus, may not be made except where they are compelled by circumstances beyond the control of the carrier or tour operator and there is insufficient time to file an amended Prospectus.

## Subpart C—Post Tour Reporting Requirements

**§ 378.20 Post tour reporting.**

(a) Within 30 days after completion of a tour or in the case of a series of tours, the last of the series, the supplemental air carrier and tour operator shall jointly file with the Board (Supplementary Services Division, Bureau of Operating Rights) a post tour report. This report shall be verified by both the supplemental air carrier and the tour operator and shall indicate whether or not the tours as authorized hereunder were, in fact, performed. To the extent that the operations differed from those authorized under § 378.11 or described in the Prospectus filed under § 378.18, such differences shall be fully detailed including the reasons therefor. However, the making of such explanation shall not of itself operate as authority for or excuse of any such deviation.

(b) The supplemental air carrier shall promptly notify the Board regarding any tours covered by a Statement of Authorization, or a Tour Prospectus filed under § 378.18, that are later canceled.

## Subpart D—Miscellaneous

**§ 378.30 Waiver.**

A waiver of any of the provisions of this regulation may be granted by the Board upon its own initiative, or upon the submission by a supplemental air carrier of a written request therefor, provided that such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein.

**§ 378.31 Enforcement.**

In case of any violation of the provisions of the Act, or this part, or any other rule, regulation, or order issued under the Act, the violator may be subject to a proceeding pursuant to sections 1002 and 1007 of the Act before the Board or a U.S. District Court, as the case may be, to compel compliance therewith, to civil penalties pursuant to the provisions of section 901(a) of the Act, or, in the case of willful violation, to criminal penalties pursuant to the provisions of section 902 (a) of the Act; or other lawful sanctions.

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

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
*Secretary.*

VERIFICATION OF APPLICATION UNDER PART 378 OF THE SPECIAL REGULATIONS OF THE CIVIL AERONAUTICS BOARD (14 CFR PART 378)

STATE OF _____,
*County of* _____, *ss:*

_____ and
(Name)
_____
(Name)

being duly sworn, hereby separately depose and say that I have carefully examined the attached application for a Statement of Authorization to engage in inclusive tour charters, and each of the documents comprising such application (Statement of Tour Operator's Qualifications and Tour Prospectus) and that to the best of my knowledge and belief the information contained therein is true and correct.

_____
(Signature and title of duly authorized official of the supplemental air carrier.)

Sworn to before me this day, the ____ of _____ 19__

_____
(Signature of person administering oath. Also, set forth here below the name, address and authority of such person.)

[SEAL]

_____
(Signature and title of duly authorized official of the tour operator.)

Sworn to before me this day, the ____ of _____ 19__

_____
(Signature of person administering oath. Also, set forth here below the name, address and authority of such person.)

[SEAL]

STATEMENT OF TOUR OPERATOR'S QUALIFICATIONS UNDER PART 378 OF THE SPECIAL REGULATIONS OF THE CIVIL AERONAUTICS BOARD (14 CFR PART 378)

1. Identification of tour operator applicant:
(a) Name: _____
(b) Trade names: _____
(c) Name in which applicant wishes to be issued the Statement of Authorization: _____
2. Address of principal office: _____
3. Mailing address: _____
4. Form of organization: ☐ Corporation; ☐ Partnership; ☐ Sole Proprietorship; ☐ Other (Specify): _____
5. State in which incorporated or under whose laws company is authorized to operate: _____
6. Date of incorporation or formation of company: _____
7. Full name, address, title, citizenship (country) and percent of stock or other interest of officers, owners, or members of applicant, and owners of more than 5 percent of outstanding stock of corporation or owners of more than 5 percent of company if other than corporation: _____
8. Full name, address, citizenship (country) and percent of stock or other interest of directors of applicant: _____
9. Percent of voting interest owned or controlled by citizens of the United States or one of its possessions: ☐ 75 percent or more; ☐ Less than 75 percent.
10. If more than 5 percent of applicant's stock is held by a corporation, percent of voting interest in such corporation owned or controlled by citizens of the United States or one of its possessions: ☐ 75 percent or more; ☐ Less than 75 percent.
11. Description of current business activities and length of time engaged therein: _____
12. Description of previous business experience related to transportation activities and dates engaged therein: _____
13. Kind of operating authority (such as broker, surface or air freight forwarder, motor carrier, ocean freight forwarder, etc.) issued to applicant by the U.S. Govenment, including (a) permit, registration or certificate number, or other evidence of registration, (b) issuing agency, and (c) effective dates of license held: _____
14. Has any operating authority or registration included in item 13, above, been revoked, canceled, suspended or otherwise terminated? ☐ Yes ☐ No
If "yes," give reasons: _____
15. Description of previous business experience of applicant's officers, managers and key personnel in air transportation or other transportation: _____
16. State any additional information or comments as desired in support of the application: _____
17. Give a brief account of any arrangement through which applicant will have available to it the financial resources and facilities of other companies or individuals: _____
18. Submit with this statement, in duplicate, the most recent balance sheet of applicant. Use footnotes to explain items fully, in order to avoid time-consuming correspondence for explanation of balance sheet entries.

TOUR OPERATOR'S SURETY BOND UNDER PART 378 OF THE SPECIAL REGULATIONS OF THE CIVIL AERONAUTICS BOARD (14 CFR PART 378)

Know all men by these presents, that we _____,
(Name of tour operator)
of _____, _____
(City) (State)
as Principal (hereinafter called Principal), and _____ a corpora-
(Name of Surety)

tion created and existing under the laws of the State of _____ as Surety (hereinafter called Surety) are held and firmly bound unto the United States of America in the sum of _____, for

(State)

(See § 378.16 of Part 378)

which payment, well and truly to be made, we bind ourselves and our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

Whereas the Principal intends to become a tour operator pursuant to the provisions of Part 378 of the Board's Special Regulations and other rules and regulations of the Board relating to insurance or other security for the protection of tour participants, and has elected to file with the Civil Aeronautics Board such a bond as will insure financial responsibility and the supplying of transportation and other services subject to Part 378 of the Board's Special Regulations in accordance with contracts, agreements, or arrangements therefor, and

Whereas this bond is written to assure compliance by the Principal as an authorized tour operator with Part 378 of the Board's Special Regulations, and other rules and regulations of the Board relating to insurance or other security for the protection of tour participants, and shall inure to the benefit of any and all tour participants to whom the Principal may be held legally liable for any of the damages herein described.

Now, therefore, the condition of this obligation is such that if the Principal shall pay or cause to be paid to tour participants any sum or sums for which the Principal may be held legally liable by reason of the Principal's failure faithfully to perform, fulfill, and carry out all contracts, agreements, and arrangements made by the Principal while this bond is in effect for the supplying of transportation and other services pursuant to and in accordance with the provisions of Part 378 of the Board's Special Regulations, then this obligation shall be void, otherwise to remain in full force and effect.

The liability of the Surety with respect to any tour participant shall not exceed the tour price (as defined in Part 378 of the Board's Special Regulations) paid by or on behalf of such participant.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penalty of the bond, but in no event shall the Surety's obligation hereunder exceed the amount of said penalty. The Surety agrees to furnish written notice to the Civil Aeronautics Board forthwith of all suits filed, judgments rendered, and payments made by said Surety under this bond.

This bond is effective the ____ day of _____ 19 __, 12:01 a.m., standard time at the address of the Principal as stated herein and shall continue in force until terminated as hereinafter provided. The Principal or the Surety may at any time terminate this bond by written notice to the Civil Aeronautics Board at its Office in Washington, D.C., such termination to become effective thirty (30) days after actual receipt of said notice by the Board. The Surety shall not be liable hereunder for the payment of any of the damages hereinbefore described which arise as the result of any contracts, agreements, undertakings, or arrangements made by the Principal for the supplying of transportation and other services after the termination of this bond as herein provided, but such termination shall not affect the liability of the Surety hereunder for the payment of any such damages arising as the result of contracts, agreements, or arrangements made by the Principal for the supplying of transportation and other services prior to the date such termination becomes effective.

In witness whereof, the said Principal and Surety have executed this instrument on the ____ day of _____ 19 __.

PRINCIPAL

Name _____

By _____

(Signature and title)

Witness _____

SURETY

Name _____ [SEAL]

By _____

(Signature and title)

Witness _____

Only corporations may qualify to act as surety and they must establish to satisfaction of the Civil Aeronautics Board legal authority to assume the obligations of surety and financial ability to discharge them.

[F.R. Doc. 66-2891; Filed, Mar. 21, 1966; 8:45 a.m.]

# Title 15—COMMERCE AND FOREIGN TRADE

## Chapter III—Bureau of International Commerce, Department of Commerce

### SUBCHAPTER B—EXPORT REGULATIONS

[10th Gen. Rev. of Export Regs., Amdt. 12]

### PART 384—GENERAL ORDERS

### Exports to Southern Rhodesia

Section 384.8, *Exports to Southern Rhodesia,* is amended to read as follows:

**§ 384.8 Exports to Southern Rhodesia.**

(a) *Additional requirements for validated licenses.* The requirements for a validated export license are increased as a result of the revisions in the general licenses described herein.

(1) *General License G–DEST.* Effective 12:01 a.m., e.s.t., March 18, 1966, only the commodities listed below in this § 384.8 may be exported to Southern Rhodesia under the provisions of General License G–DEST, except as provided in paragraph (a)(3) of this § 384.8. (See § 371.7 of the Comprehensive Export Schedule for provisions of General License G–DEST.) These commodities are deemed to be necessary for essential humanitarian and educational purposes.

*Export control commodity No. and Commodity description*

001–112 Live animals, beverages, and food, *except feeding-stuff (other than unmilled cereals) for animals.*
411–431 Animal and vegetable oils and fats.
51203 Synthetic organic medicinal chemicals.
54110–54990 Medicinal and pharmaceutical products.
82102 Hospital beds, hospital benches, etc.
84111–85100 Clothing, accessories, and footwear.
86111, 86120 Ophthalmic glass, lens blanks, and focus lenses, unmounted; and spectacles and goggles.
86171 Medical, dental, surgical, opthalmic and veterinary instruments and apparatus (other than electro-medical), *except apparatus wholly made of polytetrafluoroethylene.*
86248–86300 Developed photographic and motion picture film.
89120 Phonograph records.
89213–89242, 89294 Printed matter, n.e.c.
89961–89962 Hearing aids, orthopedic appliances and articles, artificial parts of body, and fracture appliances.

(2) *General License GLV.* Effective 12:01 a.m., e.s.t., March 18, 1966, no shipments may be made to Southern Rhodesia under the provisions of General License GLV, except as provided in paragraph (a)(3) of this § 384.8. (See § 371.10 of the Comprehensive Export Schedule for provisions of General License GLV.)

(3) *Saving clause exception.* Shipments to Southern Rhodesia removed from General License G–DEST or General License GLV as a result of changes set forth in subparagraph (1) or (2) of this § 384.8(a) and which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit prior to 12:01 a.m., e.s.t., March 18, 1966, may be exported under the previous General License G–DEST or GLV provisions up to and including April 18, 1966. Any such shipment not laden aboard the exporting carrier on or before April 18, 1966, requires a validated license for export.

(4) *General License GATS.* Effective 12:01 a.m. e.s.t., March 18, 1966, United States registered aircraft may no longer depart from the United States for a temporary sojourn in Southern Rhodesia under the provisions of General License GATS. Exporters should note that the rescission of General License GATS does not affect the departure of aircraft operating under an Air Carrier Operating Certificate, Commercial Operating Certificate or Air Taxi Operating Certificate issued by the Federal Aviation Agency, as set forth in § 371.15 of the Comprehensive Export Schedule.

(5) *Other general licenses.* Exports to Southern Rhodesia may continue to be made under the provisions of any general license except as described in subparagraphs (1), (2), and (4) of this § 384.8(a).

(b) *Consideration of license applications.* Under the terms of the restrictive policy on exports and reexports of commodities important to the economy of Southern Rhodesia, applications covering the following commodities will generally not be approved by the Office of Export Control.

*Export control commodity No. and commodity description*

23110–23140 Crude rubber, including synthetic and reclaimed rubber.
331–33296 Petroleum and petroleum products.
51209–51500 Chemicals, organic and inorganic, *except medicinal chemicals, pesticides and agricultural chemicals, and radioisotopes.*
57112–57140 Explosives and pyrotechnic products.
58110–58199 Plastic materials, and other chemical products, n.e.c., *except insecticides, fungicides, disinfectants and similar products.*
62101–62989 Rubber manufactures, n.e.c.
67120–67930 Iron and steel.
68050–68950 Nonferrous metals.

71110–71999 Nonelectric machinery, except agricultural equipment.
72210–72999 Electrical machinery, apparatus and appliances, *except medical and dental X-ray tubes and valves.*
73201–73300 Automotive vehicles and other vehicles, and parts and accessories.
73410–73492 Aircraft and parts.

(c) *Documentation in support of a license application.* A Form FC–842, Single Transaction Statement by Consignee and Purchaser; FC–843, Multiple Transactions Statement by Consignee and Purchaser; a foreign import certificate; or any similar documentation submitted to the Office of Export Control in support of an application for a license to export any commodity listed in paragraph (b) of this § 384.8 to any destination will not be acceptable if it shows that reexport may be, or will be, made to Southern Rhodesia.

(d) *Outstanding authorizations to export or reexport commodities to Southern Rhodesia.* No commodity listed in paragraph (b) of this § 384.8 may be exported to Southern Rhodesia under an outstanding Project License, an outstanding Periodic Requirements License, or pursuant to an outstanding Form FC–43, FC–143, or FC–243. These commodities may be exported to Southern Rhodesia only under the individual validated licensing procedure. Any other commodities may continue to be exported to Southern Rhodesia in accordance with the provisions of the outstanding Project License, Periodic Requirements License, or pursuant to an outstanding Form FC–43, FC–143, or FC–243. In addition, any commodity whether or not listed in paragraph (b) above, may continue to be exported under an outstanding individual validated license.

(e) *Revision of destination control Statement on shipping documents.* Section 379.10(c) of the Comprehensive Export Schedule requires the exporter to place a specified destination control statement on the Shipper's Export Declaration, the Bill of Lading and the commercial invoice for all validated license shipments and most general license shipments. In completing the specified destination control statement shown in § 379.10(c)(2) (ii) or (iii) of the Comprehensive Export Schedule for shipments to any destination except Southern Rhodesia, of any commodity which may not be exported to Southern Rhodesia under General License G–DEST (see paragraph (a)(1), the exporter is now required to add Southern Rhodesia to the list of excepted or prohibited destinations.

(f) *Reexportation requests.* If a request is submitted to the Office of Export Control for authorization to reexport to Southern Rhodesia a commodity previously exported from the United States, the request shall be supported by the additional information and documentation required under the previsions of § 372.12(c)(2)(ii) of the Comprehensive Export Schedule.

(g) *Amendments of export licenses.* Field Offices will not take action on requests to extend the validity period of, or otherwise amend, validated licenses covering exportations to Southern Rhodesia. These requests must be submitted to the U.S. Department of Commerce, Office of Export Control, Washington, D.C. 20230.

*Effective.* March 18, 1966.

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

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

[F.R. Doc. 66–3060; Filed, Mar. 21, 1966; 8:51 a.m.]

# Title 21—FOOD AND DRUGS

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

### SUBCHAPTER A—GENERAL

### PART 8—COLOR ADDITIVES

### Subpart D—Listing of Color Additives for Food Use Exempt From Certification

GRAPE SKIN EXTRACT (ENOCIANINA)

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(b), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376(b), (c)(2), (d)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), the Commissioner of Food and Drugs, based on a petition (CAP 25) filed by Cav. Geom. V. Nino Fornaciari, Milano, Italy, c/o Mr. Arthur A. Vioni, Attorney, 99 Joralemon Street, Brooklyn, N.Y., 11201, and other relevant material, finds that grape skin extract (anocianina) is safe for use as a color additive in or on foods under the conditions prescribed in this order and that certification is not necessary for the protection of the public health. *Therefore, it is ordered,* That Part 8 be amended by adding to Subpart D the following new section:

**§ 8.318 Grape skin extract (enocianina).**

(a) *Identity.* (1) The color additive grape skin extract (enocianina) is a purplish-red liquid prepared by the aqueous extraction (steeping) of the fresh deseeded marc remaining after grapes have been pressed to produce grape juice or wine. It contains the common components of grape juice; namely, anthocyanins, tartaric acid, tannins, sugars, minerals, etc., but not in the same proportions as found in grape juice. During the steeping process, sulphur dioxide is added and most of the extracted sugars are fermented to alcohol. The extract is concentrated by vacuum evaporation, during which practically all of the alcohol is removed. A small amount of sulphur dioxide may be present.

(2) Color additive mixtures for food use made with grape skin extract (enocianina) may contain only those diluents listed in Subpart D of this part as safe and suitable in color additive mixtures for coloring foods.

(b) *Specifications.* Grape skin extract (enocianina) shall conform to the following specifications:

Pesticide residues, not more than permitted in or on grapes by regulations promulgated under section 408 of the Federal Food, Drug, and Cosmetic Act.
Lead (as Pb), not more than 10 parts per million.
Arsenic (as As), not more than 1 part per million.

(c) *Uses and restrictions.* Grape skin extract (enocianina) may be safely used for the coloring of still and carbonated drinks and ades, beverage bases, and alcoholic beverages subject to the following restrictions:

(1) It may not be used to color foods for which standards of identity have been promulgated under section 401 of the act unless artificial color is authorized by such standards.

(2) Its use in alcoholic beverages shall be in accordance with the provisions of Parts 4 and 5, Title 27, Code of Federal Regulations.

(d) *Labeling requirements.* The label of the color additive and any mixtures prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 8.32. The common or usual name of the color additive is "grape skin extract" followed, if desired, by "(enocianina)".

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

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

*Effective date.* This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706(b), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376(b), (c)(2), (d))

Dated: March 14, 1966.

J. K. KIRK,
*Assistant Commissioner for Operations.*

[F.R. Doc. 66–2984; Filed, Mar. 21, 1966; 8:48 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

## PART 121—FOOD ADDITIVES

### Subpart D—Food Additives Permitted in Food for Human Consumption

POTASSIUM BROMATE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5A1690) filed by Northwestern Malt and Grain Co., 375 Grain Exchange, Minneapolis, Minn., 55415, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of potassium bromate in the malting of barley used in the production of fermented malt beverages and distilled spirits. Evidence is available to show that the bromate quickly degrades to bromide. The tolerance established for bromide in fermented malt beverages provides for the total of bromide residues from the treatment with potassium bromate in the malting of barley and from the authorized fumigation of barley. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), Part 121 is amended as follows:

1. Section 121.1020 is amended by redesignating paragraph (c) as paragraph (w), with changes, and by adding a new paragraph (c), as follows:

**§ 121.1020 Inorganic bromide.**

* * * * *

(c) When the food additive is present, as a result of the use of potassium bromate treated malt, in fermented malt beverages and distilled spirits, as described in § 121.1194.

(d)–(v) [Reserved]

(w) Where tolerances are established under sections 408 and 409 of the act on both the raw agricultural commodities and processed foods made therefrom, the total residues of inorganic bromide in or on the processed food shall not be greater than those specified in this section.

2. The following new section is added to Subpart D:

**§ 121.1194 Potassium bromate.**

The food additive potassium bromate may be safely used in the malting of barley under the following prescribed conditions:

(a) (1) It is used or intended for use in the malting of barley under conditions whereby the amount of the additive present in the malt from the treatment does not exceed 75 parts per million of bromate (calculated as Br), and the treated malt is used only in the production of fermented malt beverages or distilled spirits.

(2) The combined residue in fermented malt beverages resulting from the use of the treated malt and additional residues of inorganic bromides which may be present from fumigation of the grain in accordance with section 408 of the act does not exceed 25 parts per million of bromide (calculated as Br). (No tolerance is established for bromide in distilled spirits because there is evidence that inorganic bromides do not pass over in the distillation process.)

(b) To assure safe use of the additive, the label or labeling of the food additive shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive.

(2) Adequate directions for use.

(c) To assure safe use of the additive, the label or labeling of the treated malt shall bear, in addition to other information required by the act, the statement, "Brewer's Malt—To be used in the production of fermented malt beverages only," or "Distiller's Malt—To be used in the production of distilled spirits only," whichever is the case.

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

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

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 15, 1966.

J. K. KIRK,
*Assistant Commissioner for Operations.*

[F.R. Doc. 66-2985; Filed, Mar. 21, 1966; 8:48 a.m.]

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## PART 121—FOOD ADDITIVES

### Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1688) filed by Union Carbide Corp., 270 Park Avenue., New York, N.Y., 10017, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of an additional substance as an antioxidant and/or stabilizer for polyamide resins used in the manufacture of articles that contact food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 121.2566(b) is amended by inserting alphabetically in the list of substances the following new item:

**§ 121.2566 Antioxidants and/or stabilizers for polymers.**

* * * * *

(b) List of substances:

| | *Limitations* |
|---|---|
| * * * | * * * |
| *p-tert*-Amylphenol-formaldehyde resins produced when one mole of *p-tert*-amylphenol is made to react under acid conditions with one mole of formaldehyde. | For use only at levels not to exceed 2.1% by weight of polyamide resins that are:<br>1. Derived from dimerized vegetable oil acids (containing not more than 20% of monomer acids) and ethylenediamine.<br>2. Used in compliance with regulations in this Subpart F. |

* * * * * * * *

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

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

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 15, 1966.

J. K. KIRK,
*Assistant Commissioner for Operations.*

[F.R. Doc. 66-2986; Filed, Mar. 21, 1966; 8:49 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

### PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

### Use of Descriptions "Velvet" and "Suede" for a Flocked Fabric

§ 15.17 Use of descriptions "velvet" and "suede" for a flocked fabric.

(a) A Federal Trade Commission advisory opinion informed a manufacturer that the unmodified terms "velvet" and "suede" could not properly be used to describe a flocked fabric.

(b) The manufacturer had described the material in question as one formed of micro-cut flock fibres upstanding on end and adhered to a suitable backing. The resulting fabric, it was said, has the appearance and feel of velvet and suede.

(c) The Commission believes the consuming public understands the unmodified term "suede" to connote leather and the unmodified term "velvet" to connote, among other things, a particular kind of warp pile fabric.

(d) The fabric in question, therefore, may properly be designated only as "suede fabric", "suede cloth"; "velvet-like fabric" or "velvet-like cloth" or by words of similar import. The expressions "sueded fabric", "sueded cloth"; "velveted fabric" or "velveted cloth" or words of similar import are also unobjectionable.

(38 Stat. 717, as amended; 15 U.S.C. 41–58: 72 Stat. 1717, as amended; 15 U.S.C. 70)

Issued: March 21, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66–3017; Filed, Mar. 21, 1966; 8:51 a.m.]

# Title 29—LABOR

## Subtitle A—Office of the Secretary of Labor

### PART 20—OCCUPATIONAL TRAINING OF UNEMPLOYED PERSONS

### Eligibility for Training Allowance

Pursuant to authority contained in section 207 of the Manpower Development and Training Act of 1962 (42 U.S.C. 2587), I hereby amend Title 29, Part 20 of the Code of Federal Regulations as set forth below.

Section 4 of the Administrative Procedure Act (5 U.S.C. 1003) which requires notice of proposed rules, opportunity for public participation and delay in effective data is not applicable because these rules only relate to public benefits. I do not believe such procedure will serve a useful purpose here. Accordingly, this amendment shall become effective immediately.

The amendment reads as follows:

Section 20.30(a) is amended to read as follows:

§ 20.30 Eligibility for training allowances.

(a) An unemployed individual selected and referred to training pursuant to the provisions of section 202 of the Act and who is 17 years of age or older, or who is under age 17 but is the head of a family or head of a household, may be eligible for a training allowance in accordance with the provisions of this subpart, or the Railroad Retirement Board's account or a State's account in the Unemployment Trust Fund may be reimbursed, if he has had at least 2 years' experience in gainful employment prior to the week of training involved and, for the week for which an allowance is sought, has been enrolled in accordance with the requirements of the training facility in a training program: *Provided,* That not more than two persons in any family or household shall receive a training allowance, other than a youth training allowance, for any week except in an area designated as a redevelopment area under any Federal Act authorizing such designation.

* * * * *

(Sec. 207, 76 Stat. 29)

Signed at Washington, D.C., this 11th day of March 1966.

W. WILLARD WIRTZ, *Secretary of Labor.*

[F.R. Doc. 66–2996; Filed, Mar. 21, 1966; 8:50 a.m.]

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## Chapter XIII—Bureau of Labor Standards, Department of Labor

### PART 1505—GEAR CERTIFICATION

### Criteria Governing Accreditation

Pursuant to section 41 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941), I hereby amend paragraph (a) of 29 CFR 1505.6 by adding a new provision at the end thereof to read as set forth below.

Because this provision constitutes a general statement of agency policy, notice of proposed rule making, public participation, and delay in effective date are not required by section 4 of the Administrative Procedure Act (5 U.S.C. 1003). I do not believe such procedures will serve a useful purpose here. Accordingly, the amendment shall become effective immediately.

As amended 29 CFR 1505.6(a) reads as follows:

§ 1505.6 Criteria governing accreditation.

(a) (1) A person applying for accreditation to issue registers and pertinent certificates, to maintain registers and appropriate records, and to conduct initial, annual and quadrennial surveys, shall not be accredited unless he is engaged in one or more of the following activities:

(i) Classification of vessels;

(ii) Certification of vessels' cargo gear;

(iii) Shipbuilding or ship repairing, or both insofar as related to work on vessels' cargo handling gear;

(iv) Unit and loose gear testing of vessels' cargo handling gear.

(2) Applicants for accreditation under paragraph (a)(1) of this section for operations in coastal or Great Lakes ports who come within subdivisions (ii) or (iv) shall not be accredited unless they conduct at least 1,500 hours of cargo gear certification work per year.

* * * * *

(33 U.S.C. 941)

Signed at Washington, D.C., this 15th day of March 1966.

W. WILLARD WIRTZ, *Secretary of Labor.*

[F.R. Doc. 66–2976; Filed, Mar. 21, 1966; 8:47 a.m.]

# Title 32—NATIONAL DEFENSE

## Chapter V—Department of the Army

### SUBCHAPTER H—SUPPLIES AND EQUIPMENT

### PART 621—LOAN OF PROPERTY

### Loan of Army/DSA Owned Property to Recognized Veterans' Organizations for Use at National and State Conventions

In § 621.1, the section heading and paragraphs (b) and (e) are revised to read as follows:

§ 621.1 Loan of Army/DSA owned property to recognized veterans' organizations for use at National and State conventions.

* * * * *

(b) *Recognized organizations.* This section applies to the following veterans' organizations and their youth affiliates. Requests for youth affiliates to have loans of Army-owned property will be processed by the parent organizations:

(1) Veterans of Foreign Wars of the United States.

(2) American Legion.

(3) Blinded Veterans Association.

(4) Disabled American Veterans.

(5) Catholic War Veterans of the United States of America.

(6) Jewish War Veterans of the United States.

(7) Legion of Valor of the United States of America, Inc.

(8) Disabled Officers Association.

(9) The Military Order of the Purple Heart, Inc.

(10) United Indian War Veterans, U.S.A.

(11) Army and Navy Union, U.S.A.

(12) United Spanish War Veterans.

(13) Fleet Reserve Association.

(14) Military Order of the World Wars.

(15) Regular Veterans' Association.

(16) Marine Corps League.

(17) American Veterans of World War II (AMVETS).

(18) Coast Guard League.
(19) American Veterans Committee.
(20) Army Mutual Aid Association.
(21) National Tribune.
(22) Navy Mutual Aid Association.
(23) National Jewish Welfare Board.
(24) Italian American War Veterans of the United States, Inc.
(25) Congressional Medal of Honor Society, United States of America.
(26) Veterans of World War I of the U.S.A., Inc.

* * * * *

(e) *Processing of loan.* (1) After the army commander has received information as to the availability of the personal or real property for which loan is requested, he will notify the requesting veterans' organization of the following:

(i) The items and quantities available for loan and the source from which supply of property will be effected.

(ii) That no compensation will be required by the Government for the use of real property.

(iii) That no expense will be incurred by the United States in the loan of the property.

(iv) The estimated costs which will be required to be paid by the organization to cover transportation, packaging, packing, and handling of the property from source of supply to destination and return.

(v) Charges which may accrue from loan of DSA materiel, as prescribed in DSA Regulation 4140.27.

(vi) The bond that is required to be furnished to insure the return of real and personal property to the Department of the Army in the same condition as that in which it existed on the date of commencement of the loan. (In the case of personal property, this amount will be equal to the total value of the items, based on current prices indicated in applicable Department of the Army supply manuals.)

(vii) That the veterans' organization will furnish sufficient guards and such other personnel as may be necessary to protect, maintain, and operate the property involved in the loan.

(viii) That the veterans' organization will pay all charges for water, gas, heat, and electric current, if furnished, based on meter readings or such other methods as may be determined.

(ix) That any barracks building or barracks loaned will be utilized in place and will not be moved.

(x) That the period of the loan is limited to 15 days from date of delivery to the organization, except under unusual circumstances.

(xi) That used property will be loaned in all cases when available.

(xii) That upon termination of use, the veterans' organization will vacate the premises loaned, remove all of its own property therefrom, and turn over all Government property in accordance with the procedures described in pertinent army regulations.

(xiii) That the costs of renovation and repair after use at the conventions will be at the expense of the using organization and that renovation and repair will be accomplished in a manner agreed upon by the army commander and the requesting organization so as to expedite the return of items.

(xiv) That any transportation costs in connection with the repair and renovation of the property will also be at the expense of the using organization.

(2) When the veterans' organization has been made aware of the conditions under which the loan will be effected, an agreement will be executed between the army commander and the veterans' organization, embodying the conditions listed in subparagraph (1) of this paragraph.

[AR 725–56, Jan. 21, 1966] (Sec. 3012, 70A Stat. 157; 10 USC 3012. Interpret or apply sec. 2541, 70A Stat. 142; 10 USC 2541)

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

[F.R. Doc. 66–2952; Filed, Mar. 21, 1966; 8:45 a.m.]

# Title 33—NAVIGATION AND NAVIGABLE WATERS

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

SUBCHAPTER A—GENERAL

[CGFR 66–10]

## PART 3—COAST GUARD DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT AREAS

### Captain of the Port Areas in Seventh Coast Guard District and Factory Inspections at Sebring, Ohio

The amendments to 33 CFR 3.35–55 to 3.35–85, inclusive, revise the boundary descriptions of the Captain of the Port areas in the Seventh Coast Guard District to bring these descriptions up-to-date. The amendments to the notes following 33 CFR 3.10–50(b) and 3.45–5(b) provide that the factory inspections at the town of Sebring, Ohio, shall be conducted by marine inspectors assigned from the office of the Officer in Charge, Marine Inspection, at Cleveland, Ohio, rather than from the office of the Officer in Charge, Marine Inspection, at Pittsburgh, Pa., for economic reasons.

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 in Title 14, U.S. Code, and Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167–17, dated June 29, 1955 (20 F.R. 4976), as well as the statutes cited with the regulations below, the following amendments are prescribed and shall be in effect on and after the date of publication in the FEDERAL REGISTER:

### Subpart 3.10—Second Coast Guard District

1. The note following § 3.10–50(b) is amended to read as follows:

**§ 3.10–50 Pittsburgh Marine Inspection Zone.**

* * * * *

NOTE. Notwithstanding the foregoing, factory inspections at the towns of Alliance and Sebring, Ohio, shall be conducted by marine inspectors assigned from the office of the Officer in Charge, Marine Inspection, at Cleveland, Ohio, rather than from the office of the Officer in Charge, Marine Inspection, Pittsburgh, Pa.

### Subpart 3.35—Seventh Coast Guard District

2. Sections 3.35–55 to 3.35–85, inclusive, are amended to read as follows:

Sec.
3.35–55 Charleston Captain of the Port.
3.35–60 Jacksonville Captain of the Port.
3.35–65 Key West Captain of the Port.
3.35–70 Miami Captain of the Port.
3.35–72 Port Canaveral Captain of the Port.
3.35–75 San Juan Captain of the Port.
3.35–80 Savannah Captain of the Port.
3.35–85 Tampa Captain of the Port.

AUTHORITY: §§ 3.35–55 to 3.35–85 issued under sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–17, June 29, 1955, 20 F.R. 4976.

**§ 3.35–55 Charleston Captain of the Port.**

(a) The Charleston Captain of the Port Office is in Charleston, South Carolina.

(b) The Charleston Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from the eastern side of Little River Inlet at 33°41′ N. latitude, 78°33′ W. longitude, southwesterly to 33° N. latitude, 79°18′ W. longitude; thence to 32°20′ N. latitude, 80°04′ W. longitude; thence to Bay Point, Edisto Island; thence along the eastern shore of Edisto River to 32°41′ N. latitude; thence northeasterly to the South Carolina-North Carolina State boundary; thence to the point of beginning.

**§ 3.35–60 Jacksonville Captain of the Port.**

(a) The Jacksonville Captain of the Port Office is in Jacksonville, Fla.

(b) The Jacksonville Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line extending from a point located at 30°50′ N. latitude, 81°48′ W. longitude, east to 81°20′ W. longitude; thence southeasterly to 30°20′ N. latitude, 81°10′ W. longitude; thence south to 29°42.5′ N. latitude; thence west to 81°48′ W. longitude; thence north to the point of beginning.

**§ 3.35–65 Key West Captain of the Port.**

(a) The Key West Captain of the Port Office is in Key West, Fla.

(b) The Key West Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line extended from a point located at 25°16′ N. latitude, 80°26′ W. longitude, along southwest shoreline of Barnes Sound to eastern shoreline; thence 120° T. to 25°05′ N. latitude, 80°12′ W. longitude; thence southwesterly to 24°44′ N. latitude, 80°45′ W. longitude; thence to 24°37′ N. latitude, 81°07′ W. longitude;

thence to 24°27′ N. latitude, 81°44′ W. longitude; thence west to 82°40′ W. longitude; thence north to 24°39′ N. latitude; thence east to 81°44′ W. longitude; thence northeasterly to 25°05′ N. latitude, 81°10′ W. longitude; thence northwesterly to 25°41′ N. latitude, 81°39′ W. longitude; thence northeasterly to 25°48′ N. latitude, 81°21′ W. longitude; thence to 25°53′ N. latitude, 81°16′ W. longitude; thence southeasterly to the point of beginning.

**§ 3.35–70 Miami Captain of the Port.**

(a) The Miami Captain of the Port Office is in Miami, Fla.

(b) The Miami Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line extended from a point located at 27°09.5′ N. latitude, 80°18′ W. longitude, east to 80°05′ W. longitude; thence southeasterly to 26°40′ N. latitude, 79°55′ W. longitude; thence southerly to 25°30′ N. latitude, 80°02′ W. longitude; thence to 25°05′ N. latitude, 80°12′ W. longitude; thence 300° T. to the Key Largo western shoreline; thence along the southwest shoreline of Barnes Sound to 25°16′ N. latitude, 80°26′ W. longitude; thence northerly to 25°30′ N. latitude, 80°21′ W. longitude; thence to 26°40′ N. latitude, 80°11′ W. longitude; thence to the point of beginning.

**§ 3.35–72 Port Canaveral Captain of the Port.**

(a) The Port Canaveral Captain of the Port Office is in Port Canaveral, Fla.

(b) The Port Canaveral Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line extended from a point located at 29°42.5′ N. latitude, 81°28′ W. longitude, east to 81°10′ W. longitude; thence southeasterly to 28°30′ N. latitude, 80°27′ W. longitude; thence to 27°-09.5′ N. latitude, 80°05′ W. longitude; thence west to 80°18′ W. longitude; thence to the point of beginning.

**§ 3.35–75 San Juan Captain of the Port.**

(a) The San Juan Captain of the Port Office is in San Juan, P.R.

(b) The San Juan Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the United States' Commonwealth of Puerto Rico and territory of the Virgin Islands.

**§ 3.35–80 Savannah Captain of the Port.**

(a) The Savannah Captain of the Port Office is in Savannah, Ga.

(b) The Savannah Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line extended from Bay Point Edisto Island, southeasterly to 32°20′ N. latitude, 80°04′ W. longitude; thence southwesterly to 31°45′ N. latitude, 81° W. longitude; thence to 30°50′ N. latitude, 81°23′ W. longitude; thence west to 81°48′ W. longitude; thence northerly to 31°54′ N. latitude, 81°22′ W. longitude; thence to 32°30′ N. latitude, 80°55′ W. longitude; thence to 32°41′ N. latitude, and eastern shore of Edisto River; thence along the eastern shore of Edisto River to the point of the beginning.

**§ 3.35–85 Tampa Captain of the Port.**

(a) The Tampa Captain of the Port Office is in Tampa, Fla.

(b) The Tampa Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries: A line extended from a point located at 25°53′ N. latitude, 81°16′ W. longitude, to 25°48′ N. latitude, 81°21′ W. longitude; thence southwesterly to 25°41′ N. latitude, 81°39′ W. longitude; thence northwesterly to 26°20′ N. latitude, 82°00′ W. longitude; thence to 26°30′ N. latitude, 82°15′ W. longitude; thence to 27°00′ N. latitude, 82°30′ W. longitude; thence to 27°30′ N. latitude, 82°55′ W. longitude; thence west to 83°05′ W. longitude; thence north to 27°45′ N. latitude; thence east to 82°55′ W. longitude; thence north to 28°00′ N. latitude; thence to 28°30′ N. latitude, 82°50′ W. longitude; thence to 29° N. latitude, 83°05′ W. longitude; thence to 29°30′ N. latitude, 83°30′ W. longitude; thence to 29°50′ N. latitude, 84°00′ W. longitude; thence west to 84°20′ W. longitude; thence south to 29°40′ N. latitude; thence west to 84°40′ W. longitude; thence to 29°32′ N. latitude, 85°02′ W. longitude; thence 013° T. to eastern shore of Apalachicola River Inlet; thence along the eastern shoreline of Apalachicola River to 29°49.5′ N. latitude; thence to 30°10′ N. latitude, 84°20′ W. longitude; thence east to 84° W. longitude; thence southeasterly to 29°00′ N. latitude, 82°30′ W. longitude; thence south to 28°03′ N. latitude; thence east to 82°20′ W. longitude; thence south to 27°05′ N. latitude; thence east to 82°00′ W. longitude; thence southeasterly to 26°45′ N. latitude, 81°46′ W. longitude; thence to 26°00′ N. latitude, 81°36′ W. longitude; thence to the point of beginning.

## Subpart 3.45—Ninth Coast Guard District

3. The note following § 3.45–5(b) is amended to read as follows:

**§ 3.45–5 Cleveland Marine Inspection Zone.**

NOTE: Notwithstanding the forgoing, factory inspections at the towns of Alliance and Sebring, Ohio, shall be conducted by marine inspectors assigned from the office of the Officer in Charge, Marine Inspection, at Cleveland, Ohio, rather than from the office of the Officer in Charge, Marine Inspection, Pittsburgh, Pa.

Dated: March 16, 1966.

[SEAL] W. D. SHIELDS,
*Vice Admiral, U.S. Coast Guard,*
*Acting Commandant.*

[F.R. Doc. 66–2997; Filed, Mar. 21, 1966; 8:50 a.m.]

# Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

## Chapter 9—Atomic Energy Commission

## PART 9–16—PROCUREMENT FORMS

### Subpart 9–16.1—Forms for Advertised Supply Contracts

### Subpart 9–16.4—Forms for Advertised Construction Contracts

### Subpart 9–16.50—Contract Outlines

MISCELLANEOUS AMENDMENTS

1. In § 9–16.104–50 *AEC additions to Standard Form 32, General Provisions (Supply Contract) (September 1961 edition)*, the title is revised to read as follows:

**§ 9–16.104–50 AEC additions to Standard Form 32, General Provisions (Supply Contract) (June 1964 edition).**

2. In § 9–16.404–52 *AEC additions to Standard Form 23A, General Provisions (Construction Contract) (April 1961 edition)*, the title is revised to read as follows:

**§ 9–16.404–52 AEC additions to Standard Form 23A, General Provisions (Construction Contract) (June 1964 edition).**

3. The references cited in the following sections are revised to read as follows:

| Section | Present Reference | New Reference |
|---|---|---|
| 9-16.104-50(a)27 | (AECPR 9-7.5004-12) | (AECPR 9-7.5006-49). |
| 9-16.104-50(a)29 | (AECPR 9-7.5004-9) | (AECPR 9-7.5006-48). |
| 9-16.104-50(a)30 | (AECPR 9-7.5004-23) | (AECPR 9-7.5006-52). |
| 9-16.404-50(b)(1) | (AECPR 9-7.5004-8) | (AECPR 9-7.5006-47). |
| 9-16.404-50(b)(3) | (AECPR 9-7.5004-7) | (AECPR 9-7.5006-46). |
| 9-16.404-50(b)(7) | (AECPR 9-7.5004-23) | (AECPR 9-7.5006-52). |
| 9-16.404-52(a)23 | (AECPR 9-7.5004-8) | (AECPR 9-7.5006-47). |
| 9-16.404-52(a)27 | (AECPR 9-7.5004-12) | (AECPR 9-7.5006-49). |
| 9-16.404-52(a)28 | (AECPR 9-7.5004-23) | (AECPR 9-7.5006-52). |
| 9-16.5002-1(5) | (AECPR 9-7.5004-23) | (AECPR 9-7.5006-52). |
| 9-16.5002-2(2) | § 9-7.5006-28 | § 9-7.5007-4. |
| 9-16.5002-2(10) | § 9-7.5004-19 | § 9-7.5006-51. |
| 9-16.5002-2(17) | § 9-7.5004-12 | § 9-7.5006-49. |
| 9-16.5002-2(20) | § 9-7.5004-18 | § 9-7.5006-50. |
| 9-16.5002-2(26) | FPR 1-805-3(a) | FPR 1-1.805-3(a). |
| 9-16.5002-2(33) | 9-7.5004-7 | 9-7.5006-46. |
| 9-16.5002-2(34) | (AECPR 9-7.5004-23) | (AECPR 9-7.5006-52). |
| 9-16.5002-3-3(b) | (AECPR 9-7.5004-23) | (AECPR 9-7.5006-52). |
| 9-16.5002-4, Art. II | AECPR 9-7.5006-28 | AECPR 9-7.5007-4. |

| Section | Present Reference | New Reference |
|---|---|---|
| 9-16.5002-4, Art. VII | AECPR 9-7.5004-7 | AECPR 9-7.5006-46. |
| 9-16.5002-4, Art. XII | AECPR 9-7.5004-19 | AECPR 9-7.5006-51. |
| 9-16.5002-4, Art. XIV | AECPR 9-7.5004-18 | AECPR 9-7.5006-50. |
| 9-16.5002-4, Art. XVI | AECPR 9-7.5004-8 | AECPR 9-7.5006-47. |
| 9-16.5002-4, Art. XVIII | AECPR 9-7.5006-15 | AECPR 9-7.5007-2. |
| 9-16.5002-4, Art. XXIII | AECPR 9-7.5004-12 | AECPR 9-7.5006-49. |
| 9-16.5002-4, Art. XXIX | AECPR 9-7.5004-9 | AECPR 9-7.5006-48. |
| 9-16.5002-4, Art. XXXIV | AECPR 9-7.5004-23 | AECPR 9-7.5006-52. |
| 9-16.5002-5, Art. VII | AECPR 9-7.5004-7 | AECPR 9-7.5006-46. |
| 9-16.5002-5, Art. XIII | AECPR 9-7.5004-19 | AECPR 9-7.5006-51. |
| 9-16.5002-5, Art. XV | AECPR 9-7.5004-18 | AECPR 9-7.5006-50. |
| 9-16.5002-5, Art. XVII | AECPR 9-7.5004-8 | AECPR 9-7.5006-47. |
| 9-16.5002-5, Art. XIX | AECPR 9-7.5006-15 | AECPR 9-7.5007-2. |
| 9-16.5002-5, Art. XXVIII | AECPR 9-7.5004-9 | AECPR 9-7.5006-48. |
| 9-16.5002-5, Art. XXXVII | AECPR 9-7.5004-23 | AECPR 9-7.5006-52. |
| 9-16.5002-6, Art. VIII | AECPR 9-7.5004-7 | AECPR 9-7.5006-46. |
| 9-16.5002-6, Art. XII | AECPR 9-7.5006-15 | AECPR 9-7.5007-2. |
| 9-16.5002-6, Art. XIX | AECPR 9-7.5004-8 | AECPR 9-7.5006-47. |
| 9-16.50C2-6, Art. XX | AECPR 9-7.5004-9 | AECPR 9-7.5006-48. |
| 9-16.5002-8, Art. B-XXIII | AECPR 9-7.5004-23 | AECPR 9-7.5006-52. |
| 9-16.5002-8, Art. B-XXIV | FPR 1-805-2 | FPR 1-1.805-2. |
| 9-16.5002-9, Art. B-17 | AECPR 9-7.5004-8 (2 occurrences) | AECPR 9-7.5006-47. (2 occurrences). |
| 9-16.5002-9, Art. B-18 | AECPR 9-7.5004-9 | AECPR 9-7.5006-48. |
| 9-16.5002-9, Art. B-23 | AECPR 9-7.5004-19 | AECPR 9-7.5006-51. |
| 9-16.5002-9, Art. B-31 | FPR 1-710-3(b) | FPR 1-1.710-3(b). |
| | FPR Section 1-710-2 | FPR Section 1-1.710-2. |
| 9-16.5002-9, Art. B-34 | AECPR 9-7.5004-23 | AECPR 9-7.5006-52. |

4. In § 9–16.5002–2 *Outline of a cost-plus-a-fixed-fee supply contract (performed by commercial concerns in contractor's facilities)*, paragraphs (12), (14), and (23) are revised and new paragraphs (35), (36), (37), (38), (39), and (40) are added, as follows:

**§ 9–16.5002–2 Outline of a cost-plus-a-fixed-fee supply contract (performed by commercial concerns in contractor's facilities).**

* * * * *

(12) Taxes—§ 9–11.452.

* * * * *

(14) Patents—Appropriate patent article or articles in accordance with AECPR 9–9.

* * * * *

(23) Disputes—FPR 1–7.101–12, modified by substituting "Commission" for "Secretary". (See § 9–7.5004–3.)

* * * * *

(35) Excusable delays—FPR 1–8.708.

(36) Purchases from contractor-controlled sources—§ 9–7.5006–33.

(37) Permits—§ 9–7.5006–48.

(38) Price reduction for defective cost or pricing data—FPR 1–3.814–1(a), as required by that section.

(39) Subcontractor cost and pricing data—FPR 1–3.814–3(a), as required by that section.

(40) Consultant or comparable employment services of contractor employees—§ 9–7.5006–45(a).

5. In § 9–16.5002–4 *Outline of a cost-plus-a-fixed-fee construction contract, Article V—Allowable costs and fixed fee*, and Note A of *Article VI—Payments*, are revised to read as follows:

**§ 9–16.5002–4 Outline of a cost-plus-a-fixed-fee construction contract.**

* * * * *

*Article V—Allowable costs and fixed fee.* Insert contract clause set forth in AECPR 9–7.5006–9.

(Payments for the use of the contractor's own construction plant and equipment are made subject to an appendix to be attached at the time of execution of the construction contract or subsequently added by agreement of the parties. Payment for rental by the prime contractor of construction plant and equipment from third parties is made subject to rental agreements to be approved by the Contracting Officer. If such rental agreements are modified to include the services of operators, adjustments may be required to avoid conflicts with the labor provisions of the construction contract. See AECPR 9–58.)

*Article VI—Payments.* * * *

(NOTE A: An election is permitted between straight reimbursement for allowable costs incurred and claimed by the Contractor and the system approved by the AEC of advances to the Contractor. A firm agreement should be reached at the outset as to one or the other of these methods of making payment for allowable costs and the appropriate article included in the contract. Payments on account of the fixed fee will in any case be made only as earned and claimed, in accordance with contract provisions. See AECPR 9–30.)

* * * * *

6. In § 9–16.5002–5 *Outline of a cost-plus-a-fixed-fee architect-engineer contract, Article VI—Payments*, Note A is revised to read as follows:

**§ 9–16.5002–5 Outline of a cost-plus-a-fixed-fee architect-engineer contract.**

* * * * *

*Article VI—Payments.* * * *

(NOTE A: Normally, payment for architect-engineer allowable costs incurred and claimed, is made on the basis of straight reimbursement. Provision is made, however, for advancing funds to the contractor should that be deemed advisable. Payments on account of the fixed fee shall in any case be made only as earned and claimed in accordance with contract provisions. See AECPR 9–30.)

* * * * *

7. In § 9–16.5002–6 *Outline of a lump-sum architect-engineer contract (with cost reimbursement features), Article V—Payment*, Notes B and C are revised to read as follows:

**§ 9–16.5002–6 Outline of a lump-sum architect-engineer contract (with cost reimbursement features).**

* * * * *

*Article V—Payment.* * * *

* * * * *

(NOTE B: Include other items listed under AECPR 9–3.404–50 that are applicable.)

(NOTE C: Include the definitions for "labor cost" and "traveling expenses" as set forth in AECPR 9–3.404–50(f).)

* * * * *

8. In § 9–15.5002–8 *Outline of fixed-price contract for research and development with educational institutions*, Article B–XXVI—Soviet-Bloc Controls, is revised to read as follows:

**§ 9–16.5002–8 Outline of fixed-price contract for research and development with educational institutions.**

* * * * *

ARTICLE B–XXVI—SOVIET-BLOC CONTROLS

Insert the clause set forth in AECPR § 9–7.5006–53.

9. In § 9–16.5002–9 *Outline of cost-type contract for research and development with educational institutions*, Article B–36—Soviet-Bloc Controls, and Article B–38—Controls in the National Interest, are revised to read as follows:

**§ 9–16.5002–9 Outline of cost-type contract for research and development with educational institutions.**

* * * * *

ARTICLE B–36 SOVIET-BLOC CONTROLS

Insert the clause set forth in AECPR § 9–7.5006–53.

* * * * *

ARTICLE B–38 CONTROLS IN THE NATIONAL INTEREST

Insert the clause set forth in AECPR § 9–7.5006–54.

* * * * *

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

*Effective date.* These amendments are effective 45 days after publication in the FEDERAL REGISTER, but may be observed earlier.

Dated at Germantown, Md., this 14th day of March 1966.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
*Director, Division of Contracts.*

[F.R. Doc. 66–2951; Filed, Mar. 21, 1966; 8:51 a.m.]

# Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans Administration

## PART 3—ADJUDICATION

### Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

CHARACTER OF INCOME; EXCLUSIONS AND ESTATES

In § 3.261 (a), subparagraph (20) is amended to read as follows:

**§ 3.261 Character of income; exclusions and estates.**

* * * * *

(a) *Income:*

* * * * *

| | Dependency (parents) | Dependency and indemnity compensation (parents) | Pension; protected (veterans, widows, and children) | Pension; Public Law 86-211 (veterans, widows, and children) | See |
|---|---|---|---|---|---|
| (a) *Income:* | | | | | |
| (20) Veterans Administration payments: | | | | | |
| Pension | Excluded | Included | Excluded | Excluded | |
| Compensation and dependency and indemnity compensation. | do | Excluded | do | do | |
| World War I adjusted compensation | do | Included | do | Included | |
| U.S. Government Life Insurance or National Service Life Insurance for disability or death, maturity of endowment policies, and dividends, including special and termination dividends. | do | do | do | Excluded | |
| Servicemen's Group Life Insurance | do | do | do | Included | |
| Servicemen's indemnity | do | do | do | Excluded | |
| Death gratuity (Public Law 89-214) | do | do | do | Included | |
| Subsistence allowance (38 U.S.C. ch. 31) | Included | do | Included | do | |
| Veterans educational assistance in excess of amounts expended for training. (38 U.S.C. ch. 34) | do | do | do | do | |
| Educational assistance (38 U.S.C. ch. 35) | | | Excluded | Excluded | |
| Special allowance under 38 U.S.C. 412 | Excluded | Included | do | Included | |
| Statutory burial allowance | do | Excluded | do | Excluded | |
| Accrued | do | Included, except accrued as reimbursement. | do | Included, except accrued as reimbursement. | |

* * * * * * *

(72 Stat. 1114; 38 U.S.C. 210; Public Law 89-358)

This VA regulation is effective June 1, 1966.

Approved: March 15, 1966.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
*Deputy Administrator.*

[F.R. Doc. 66-2983; Filed, Mar. 21, 1966; 8:48 a.m.]

## PART 3—ADJUDICATION

### Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

REDUCTION; READMISSION TO HOSPITAL

1. Section 3.551, paragraph (e) is amended to read as follows:

**§ 3.551 Reduction because of hospitalization.**

* * * * *

(e) *Readmission*—(1) *Approved discharge.* Except as provided in paragraph (c) of this section, where a veteran has been given an approved discharge or release, readmission the next day to the same or any other Veterans Administration institution begins a new period of hospitalization, unless the veteran was released for purposes of admission to another Veterans Administration institution.

(2) *Unapproved discharge.* When a veteran whose award is subject to reduction under paragraph (b) of this section has been discharged or released from a hospital against medical advice or as the result of disciplinary action, reentry within 6 months from the date of a previous admission constitutes a continuation of that period of hospitalization, and his award will not be reduced prior to the first day of the seventh calendar month following the month of his original admission, exclusive of furloughs. Except as provided in the preceding sentence, if a veteran reenters a hospital within 6 months after his discharge or release against medical advice or as a result of disciplinary action, his award will be reduced as of the date of readmission. A reentry 6 months or more after such discharge or release will be considered as a new admission. (Public Law 89-362.)

* * * * *

2. In § 3.552(b), subparagraph (3) is amended to read as follows:

**§ 3.552 Adjustment of allowance for regular aid and attendance.**

* * * * *

(b) * * *

(3) Where a veteran affected by the provisions of subparagraphs (1) and (2) of this paragraph is discharged or released from the hospital against medical advice or as the result of disciplinary action, and is readmitted to such hospitalization within 6 months after that date, the allowance, additional compensation, or increased pension will be discontinued effective the day preceding the date of readmission. A readmission 6 months or more after such discharge or release will be considered as a new admission. (38 U.S.C. 3203(f); Public Law 89-362.)

* * * * *

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

These VA regulations are effective March 7, 1966.

Approved: March 16, 1966.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
*Deputy Administrator.*

[F.R. Doc. 66-2980; Filed, Mar. 21, 1966; 8:47 a.m.]

## PART 3—ADJUDICATION

### Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

VETERANS EDUCATIONAL ASSISTANCE; ACCRUED

In § 3.1000, paragraph (g) is added to read as follows:

**§ 3.1000. Under 38 U.S.C. 3021.**

* * * * *

(g) *Veterans educational assistance.* Educational assistance allowance under 38 U.S.C. ch. 34 remaining due and unpaid at the date of the veteran's death is payable under the provisions of this section.

(72 Stat. 1114; 38 U.S.C. 210; Public Law 89-358)

This VA regulation is effective June 1, 1966.

Approved: March 15, 1966.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
*Deputy Administrator.*

[F.R. Doc. 66-2981; Filed, Mar. 21, 1966; 8:47 a.m.]

## PART 3—ADJUDICATION

### Subpart B—Burial Benefits

PAYMENT OF BURIAL EXPENSES OF DECEASED VETERANS

In § 3.1600, the introductory portion preceding paragraph (a) is added and paragraphs (a) and (b) are amended to read as follows:

**§ 3.1600 Payment of burial expenses of deceased veterans.**

For the purpose of payment of burial expenses the term "veteran" includes a person who died during a period deemed to be active military, naval or air service under § 3.6(b)(6). (Public Law 89-360.)

(a) *Wartime veterans.* When a veteran of any war dies, an amount not to exceed $250 (250 Philippine pesos in those cases covered in § 3.8 (c) and (d)) is payable on the burial and funeral expenses and transportation of the body to the place of burial, if otherwise entitled within the further provisions of §§ 3.1600 through 3.1611. For this purpose the period of any war is as defined in § 3.2, except that World War I extends only from April 6, 1917, through November 11, 1918, or if the veteran served with the U.S. military forces in Russia, through April 1, 1920.

(b) *Peacetime veterans.* A veteran of service other than during a war period has basic entitlement:

(1) If he was discharged or retired from active service for a disability incurred or aggravated in line of duty. The official service department records showing that the veteran was discharged or released from service for disability incurred in line of duty will be accepted for this purpose, notwithstanding, that the Veterans Administration has determined, in connection with a claim for

monetary benefits, that the disability was not incurred in line of duty; or

(2) If he was at the time of his death in receipt of, or but for receipt of retirement pay would have been entitled to receive disability compensation; or

(3) Where the official service records show discharge for a reason other than disability but also show a service-connected disability for which the veteran was receiving treatment at time of discharge and the Veterans Administration determines that the facts were sufficient to have warranted a discharge for disability incurred in line of duty. If the veteran was not under treatment for such disability at time of discharge, entitlement exists if the Veterans Administration determines that the disability in medical judgment was of such character, duration and degree as to have justified a discharge for disability incurred in line of duty; or

(4) If he dies of a service-connected disability. (Public Law 89–360.)

Payments will be for the same purposes and in the same amounts as provided in paragraph (a) of this section.

* * * * *

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

This VA Regulation is effective March 7, 1966.

Approved: March 16, 1966.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
*Deputy Administrator.*

[F.R. Doc. 66-2982; Filed, Mar. 21, 1966; 8:48 a.m.]

# Title 42—PUBLIC HEALTH

## Chapter I—Public Health Service, Department of Health, Education, and Welfare

### SUBCHAPTER D—GRANTS

## PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES AND STUDENT LOANS

### Subpart C—Student Loans (Excluding Nursing Student Loans)

PHARMACY AND PODIATRY, PRACTICING IN SHORTAGE AREA; MISCELLANEOUS AMENDMENTS

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted in the issuance of the following amendments to Subpart C—Student Loans (Excluding Nursing Student Loans), which relate solely to loans to students of medicine, dentistry, osteopathy, optometry, pharmacy and podiatry. The purpose of these amendments is to implement those provisions of Public Law 89–290 which amended the Public Health Service Act to provide for the extension of and improvement in the health professions student loan program, including, among other things, the extension of such loans (effective July 1, 1966) to students at schools of pharmacy and podiatry, and provision for cancellation of a portion of the loan of a borrower who engages in the practice of medicine, dentistry, osteopathy or optometry in a "shortage area."

Except as otherwise specifically stated, the amendments below shall become effective on the date of publication in the FEDERAL REGISTER.

1. Section 57.201 is amended to read as follows:

**§ 57.201 Policy and purpose of the Health Professions Student Loan Program.**

Part C of Title VII of the Public Health Service Act, as amended, authorizes the Health Professions Student Loan Program. Under this program, Health Professions Student Loan funds will be established at participating schools of medicine, dentistry, osteopathy and optometry, and, effective July 1, 1966, at participating schools of pharmacy and podiatry, in a State. The purpose of these funds is to make long-term, low interest loans to qualified students who are in need of such financial assistance in order to pursue a full-time course of study leading to the degree of Doctor of Medicine, Doctor of Dental Surgery or an equivalent degree, Doctor of Osteopathy, Doctor of Optometry or equivalent degree, Bachelor of Science in Pharmacy or equivalent degree, or Doctor of Podiatry or equivalent degree.

2. Subparagraph (1) of paragraph (d), paragraph (f), subparagraph (3) of paragraph (g), and subparagraphs (1) and (3) of paragraph (n) of § 57.202 are amended to read as follows:

**§ 57.202 Definitions.**

* * * * *

(d) *School of medicine, dentistry, osteopathy, optometry, pharmacy or podiatry.* (1) The terms "school of medicine," "school of dentistry," "school of osteopathy," "school of optometry," "school of pharmacy," and "school of podiatry" mean a school which provides training leading respectively to a degree of Doctor of Medicine, Doctor of Dental Surgery or equivalent degree, Doctor of Osteopathy, Doctor of Optometry or equivalent degree, Bachelor of Science in Pharmacy or equivalent degree, or Doctor of Podiatry or equivalent degree, and which is accredited by a recognized body or bodies approved for such purpose by the Commissioner, except that a new school which (by reason of no, or an insufficient, period of operation) is not, at the time of entering into an agreement for Federal Capital Contributions, eligible for accreditation by such a recognized body or bodies, shall be deemed accredited for the purposes of such agreement if the Commissioner finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of the first entering class in such school or, if later, upon completion of a project for construction as provided under section 721(b)(1)(B)(ii) of the Act. Where the university has more than one such school, each is eligible to participate individually, and may only participate individually, in the Health Professions Student Loan Program.

* * * * *

(f) *Institution.* The term "institution" means a school of medicine, school of dentistry, school of osteopathy, school of optometry, school of pharmacy or school of podiatry. Where two or more such schools exist in a university, each such school is regarded as a separate institution for the purposes of the regulations in this subpart.

(g) *Institutional application to participate in the Health Professions Student Loan Program.* An "institutional application to participate in the Health Professions Student Loan Program" means:

* * * * *

(3) If the institution's capital contribution is to be financed in whole or in part through a Federal institutional loan, an application in such form as the Surgeon General may require, for a Federal institutional loan pursuant to section 744 of the Act.

* * * * *

(n) *Course of study; full-time course of study.* (1) "Course of study" means the curriculum offered by a school of medicine, dentistry, osteopathy, optometry, pharmacy or, podiatry, satisfactory completion of which entitles a student to receive a degree of Doctor of Medicine, Doctor of Dental Surgery or equivalent degree, Doctor of Osteopathy, Doctor of Optometry or equivalent degree, Bachelor of Science in Pharmacy or equivalent degree, or Doctor of Podiatry or equivalent degree, or, where a school offers only 2 years or other portion of such curriculum, the term applies to the portion of the curriculum offered by such school.

* * * * *

(3) These terms do not include that preprofessional training which is prerequisite to acceptance for enrollment in a school of medicine, dentistry, osteopathy, optometry, pharmacy or, podiatry, nor do they include internship or residency training.

* * * * *

3. Paragraph (c) of § 57.206 is amended to read as follows:

**§ 57.206 Eligibility and selection of student loan recipients.**

* * * * *

(c) *Limitations governing maximum amount of loans.* The total of the loans from any Fund or Funds for any academic year to any student may not exceed $2,500 or the amount of such student's financial need, whichever is the lesser. However, when a student during a 12-month period pursues the course of study for a longer period than an academic year, he may borrow more than $2,500 on an academic year equivalent basis.

* * * * *

4. Paragraph (a) of § 57.207 is amended to read as follows:

**§ 57.207 Advancement and repayment of student loans.**

(a) *Evidence of indebtedness—Note.* (1) The note which shall be executed by a student-borrower shall be in such form as shall be approved by the Surgeon General. Except for a provision reflecting an institution's election to require security or endorsement in cases permitted under paragraph (b) of this section, any substantive deviations from the promissory note form so approved shall be made only pursuant to approval by the Surgeon General prior to the making of any loans to be evidenced thereby. Each promissory note shall set forth the annual interest rate which is to be borne by the loan during the period the loan is repayable. Such interest rate shall be 3 percent per year or the "going Federal rate" as defined in section 741(e) of the Act, whichever rate is the higher. The rate of interest thus determined for the first loan obtained by a student shall also apply to any subsequent loan to such student from such fund during his course of study. Prior to the beginning of each Federal fiscal year, the Surgeon General shall advise each participating school of the amount of the going Federal rate of interest for the fiscal year.

(2) Each promissory note shall also contain a provision whereby the borrower agrees (i) that, for repayment purposes, all student loans made to him shall be combined into a total loan, and (ii) that each payment made by him shall be applied to the principal sum of the total loan and accrued interest thereon.

(3) A copy of each executed note shall be supplied to the student maker thereof.

* * * * *

5. Section 57.208 is amended by adding at the end thereof a new paragraph (c), to read as follows:

**§ 57.208 Provisions for student loan cancellations.**

* * * * *

(c) *Practicing in a shortage area.* (1) Subject to the provisions of section 741(f) of the Act and of this paragraph any person who obtained one or more loans from a loan fund established under Part C of Title II of the Act and who engages in the practice of medicine, dentistry, optometry, or osteopathy in an area having a shortage of and need for physicians, dentists, or optometrists, and whose practice is certified by the State health authority (as designated for purposes of section 314 of the Public Health Service Act) as helping to meet the shortage of and need for such professional services, shall be entitled, upon compliance with the statute, regulations, and instructions, to have a portion of such loans cancelled as follows: 10 per centum of the total of such loans (plus accrued interest on such amount) which are unpaid as of the date that such person's professional services begin in such area, for each year of such practice thereafter, up to 50 per centum of the total of such unpaid amount (plus accrued interest thereon).

(2) For purposes of subparagraph (1) of this paragraph, the State health authority may designate as areas in the State in which there is a shortage of and need for physicians, dentists, or optometrists any county (or established comparable political subdivision in those States in which there are no counties) in which the ratio of practicing physicians, dentists, or optometrists respectively to the most recent available estimated population in the county is lower than the following ratios:

Physicians (M.D. and D.O.)—1:800.
Dentists—1:2,300.
Optometrists—1:10,000.

*Provided,* That the State health authority may, with the approval of the Surgeon General, designate as shortage areas: (i) Geographical areas other than counties where he finds that the use of another classification of areas of the State will better reflect the administrative, geographical, or other needs of the State, and (ii) those counties or other geographical areas in which the ratio of such professional personnel to population is equal to or greater than the ratios specified above in special circumstances such as (*a*) in accessibility of medical services to the residents of the area, (*b*) age or incapacity of professionals rendering service, and (*c*) particular local health problems.

(3) For purposes of subparagraph (1) of this paragraph, in determining whether the practice of a physician, dentist, or optometrist in a shortage area helps to meet the shortage of and need for such professional services in the area, the State health authority shall take into consideration the amount of time which the practitioner devotes to serving the health needs of persons living in the area; the extent to which his services are generally available to residents of the area; and such other factors as will permit the State health authority to determine that the physician, dentist, or optometrist is substantially helping to meet the shortage of and need for professional services for residents of the area.

(4) For purposes of subparagraph (1) of this paragraph, a year of practice in a shortage area means any 12-month period of continuous practice (i) after the date the person begins practice in such area if the area is at that time designated as an area in which there is a shortage of and need for physicians, dentists, optometrists, or (ii) after the date the area is designated as such area if the area was so designated subsequent to the date that such person began practicing in such area: *Provided,* That, when an area's designation is changed, after a practitioner would otherwise be eligible for cancellation of a portion of his loan by practicing in such area, so that such area is no longer a shortage area, such change in designation shall not affect the eligibility of such practitioner to have a portion of his loan canceled for any year in which he continues to practice his profession in such area.

(5) For the purposes of subparagraph (1) of this paragraph, the State health authority shall certify to the Surgeon General in such form at such times as the Surgeon General may prescribe: (i) The areas of his State which he has determined to be shortage areas and (ii) the names of loan recipients whose practice in such areas he has determined help to meet the shortage of and need for physicians, dentists, or optometrists, in the designated area in accordance with the criteria prescribed in this paragraph.

Dated: March 3, 1966.

[SEAL] WILLIAM H. STEWART,
*Surgeon General.*

Approved: March 12, 1966.

WILBUR J. COHEN,
*Acting Secretary.*

[F.R. Doc. 66-2994; Filed, Mar. 21, 1966; 8:49 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter II—Bureau of Land Management, Department of the Interior

### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3950]

[Nevada 065561]

### NEVADA

### Withdrawal in Aid of Legislation

By virtue of the authority vested in the Secretary of the Interior by section 4 of the act of March 3, 1927 (44 Stat. 1347; 25 U.S.C. 398d), it is ordered as follows:

1. Subject to valid existing rights, the following described lands which are under jurisdiction of the Secretary of the Interior, are hereby temporarily withdrawn from all forms of appropriation under the public land laws, including the mining laws (Title 30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of legislation:

MOUNT DIABLO MERIDIAN

T. 41 N., R. 26 E.,
Sec. 7, lots 1 to 4, incl., S½NE¼ and NW¼ NE¼;
Sec. 8, N½.

The areas described aggregate 608.38 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
*Assistant Secretary of the Interior.*

MARCH 15, 1966.

[F.R. Doc. 66-2963; Filed, Mar. 21, 1966; 8:46 a.m.]

[Public Land Order 3951]

[Anchorage 062763]

## ALASKA

### Revoking Bureau of Land Management Order of June 12, 1953, and Public Land Order No. 1508 of September 12, 1957

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority contained in the act of May 31, 1938 (52 Stat. 593; 48 U.S.C. 353a), it is ordered as follows:

1. The order of the Bureau of Land Management of June 12, 1953, and Public Land Order No. 1508 of September 12, 1957, withdrawing public lands by metes and bounds for protection of the water supply of the Mount Edgecumbe Boarding School and Medical Center and the city of Sitka are hereby revoked. The lands are now described as

U.S. Survey 3695, Lots 1 and 2.

The areas described aggregate 68.28 acres.

2. A water system, the right or title to which is claimed by the city of Sitka, occupies a portion of the lands.

3. Until 10 a.m. on June 14, 1966, the State of Alaska shall have a preferred right to select the lands as provided by the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b), section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 2222.9.

4. This order shall not otherwise become effective to change the status of the lands until 10 a.m. on June 14, 1966. At that time they shall be open to the operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 14, 1966, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Manager, Anchorage District and Land Office, Bureau of Land Management, Anchorage, Alaska.

HARRY R. ANDERSON,
*Assistant Secretary of the Interior.*

MARCH 15, 1966.

[F.R. Doc. 66–2964; Filed, Mar. 21, 1966; 8:46 a.m.]

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[Public Land Order 3952]

[New Mexico 0558303]

## NEW MEXICO

### Revocation of National Forest Administrative Sites and Experimental Range Withdrawals

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The departmental orders of November 26, 1905, and October 23, 1907, November 19 and 25, 1907, and January 7, 1908, February 12, 1908, and October 6, 1908, and Public Land Orders No. 1120 of April 12, 1955, No. 1230 of September 27, 1955, No. 1663 of June 23, 1958, and No. 1902 of July 15, 1959, withdrawing lands as administrative sites and experimental ranges are hereby revoked so far as they affect the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN (PUBLIC LANDS)

BLANCO ADMINISTRATIVE SITE

T. 29 N., R. 9 W.,
Sec. 17, SW¼NE¼.

APACHE NATIONAL FOREST

MANGAS RANGER STATION

T. 2 S., R. 15 W.,
Sec. 36, SW¼NE¼, NW¼, N½SW¼, NW¼SE¼.

EL CASO LOOKOUT

T. 2 S., R. 16 W.,
Sec. 27, SE¼SE¼.

FOX MOUNTAIN LOOKOUT

T. 3 S., R. 18 W.,
Sec. 3, E½SE¼NW¼, NW¼SE¼.

JEWETT RANGER STATION

T. 4 S., R. 17 W.,
Sec. 8, S½NE¼, SE¼.

LUNA RANGER STATION

T. 5 S., R. 20 W.,
Sec. 32, NE¼.

CARSON NATIONAL FOREST

CEBOLLA MESA EXPERIMENTAL RANGE

T. 28 N., R. 12 E.,
Sec. 28, lots 3, 4, and S½NW¼;
Sec. 29, NE¼, E½NW¼, NW¼SE¼.

NO AGUA EXPERIMENTAL RANGE

T. 29 N., R. 9 E.,
Sec. 32, N½;
Sec. 33, N½.

CANJILON ADMINISTRATIVE SITE

T. 26 N., R. 5 E.,
Sec. 2, S½SE¼;
Sec. 11, N½NE¼.

VALLECITOS ADMINISTRATIVE SITE

T. 26 N., R. 7 E.,
Sec. 5, Metes and bounds survey as per plat attached to order of withdrawal.

FELIPITO ADMINISTRATIVE SITE

T. 27 N., R. 7 E.,
Sec. 9, Metes and bounds survey as per plat attached to order of withdrawal.

JICARILLA ADMINISTRATIVE SITE

T. 29 N., R. 4 W.,
Sec. 1, lots 12, 13, 15, S½NE¼SE¼, SE¼SE¼;
Sec. 12, lot 1, N½N½NE¼.

LOWER SAN ANTONE ADMINISTRATIVE SITE

T. 30 N., R. 7 E.,
Sec. 1, E½SE¼.

CIBOLA NATIONAL FOREST

CANON LOBO ADMINISTRATIVE SITE

T. 11 N., R. 8 W.,
Sec. 6, N½SE¼, SW¼SE¼.

LINCOLN NATIONAL FOREST

WEED ADMINISTRATIVE SITE

T. 17 S., R. 14 E.,
Sec. 19, SE¼SE¼;
Sec. 29, SW¼NW¼;
Sec. 30, N½NE¼.

The areas described aggregate approximately 2,758 acres.

2. At 10 a.m. on April 20, 1966, the national forest lands described above will be open to such forms of disposition as may by law be made of national forest lands.

3. At 10 a.m. on April 20, 1966, the public lands described as SW¼NE¼ Sec. 17, T. 29 N., R. 9 W., New Mexico Principal Meridian, New Mexico, which were withdrawn for use by the Forest Service as the Blanco Administrative Site, shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on April 20, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands described in paragraph 3 have been open to applications and offers under the mineral leasing laws. They will be open to location under the U.S. mining laws at 10 a.m. on April 20, 1966.

5. The State of New Mexico has waived the preference right of application granted to certain States by R.S. 2276 as amended (43 U.S.C. 852).

Inquiries concerning the lands should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Bureau of Land Management, Santa Fe, N. Mex.

HARRY R. ANDERSON,
*Assistant Secretary of the Interior.*

MARCH 15, 1966.

[F.R. Doc. 66–2965; Filed, Mar. 21, 1966; 8:46 a.m.]

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[Public Land Order 3953]

[Anchorage 060246]

## ALASKA

### Withdrawal for Bradley Lake Hydroelectric Project

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands in Alaska are hereby withdrawn as indicated, and reserved under jurisdiction of the Corps of Engineers, Department of the Army, for the Bradley Lake Hydroelectric Project, as authorized by the Flood Control Act of 1962 (76 Stat. 1193):

(a) From all forms of appropriation under the public land laws, including the mining laws (Title 30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws:

SEWARD MERIDIAN (PROTRACTED)

T. 5 S., R. 8 W.,
Sec. 19;
Sec. 20, W½;
Sec. 29, NW¼;
Secs. 30 and 31.
T. 6 S., R. 8 W.,
Sec. 5, SW¼;
Sec. 6;
Sec. 7, E½ and NW¼;
Sec. 8;
Sec. 9, SW¼;
Sec. 16, W½ and SE¼;
Sec. 17;
Sec. 18, NE¼;
Sec. 20, N½;
Sec. 21, N½.
T. 4 S., R. 9 W.,
Secs. 29 to 32, incl.
T. 5 S., R. 9 W.,
Sec. 3, SE¼;
Sec. 5, E½;
Secs. 6, 7, and 8;
Sec. 9, S½;
Sec. 10;
Sec. 11, SW¼;
Sec. 13, S½;
Secs. 14 to 18, incl.;
Sec. 19, N½ and SE¼;
Sec. 20, N½ and SW¼;
Sec. 21, N½;
Sec. 22, N½ and SW¼;
Secs. 23, 24, and 25;
Sec. 26, N½ and SW¼;
Sec. 29, NW¼;
Sec. 30, NE¼;
Sec. 36, E½.
T 4 S., R. 10 W.,
Sec. 25, area east of Sheep Creek;
Sec. 35, all south of Kachemak Bay;
Sec. 36.
T. 5 S., R. 10 W.,
Secs. 1 to 4, incl.;
Sec. 9, NE¼;
Secs. 10 to 14, incl.;
Sec. 15, N½SE¼;
Sec. 24, N½.

The areas described aggregate approximately 27,957 acres.

(b) From all forms of appropriation under the public land laws, except that the lands shall be open to operation of the U.S. mining laws, subject to the provisions of the act of August 11, 1955 (69 Stat. 681; 30 U.S.C. 621–625), and shall be open to leasing under the mineral leasing laws:

SEWARD MERIDIAN (PROTRACTED)

T. 4 S., R. 9 W.,
Sec. 33.
T. 5 S., R. 9 W.,
Secs. 1 and 2;
Sec. 3, N½, SW¼;
Sec. 4;
Sec. 5, E½;
Sec. 9, N½;
Sec. 11, N½, SE¼;
Sec. 12;
Sec. 13, N½;
Sec. 19, SW¼;
Sec. 20, SE¼;
Sec. 21, S½;
Sec. 22, SE¼;
Sec. 26, SE¼;
Secs. 27 and 28;
Sec. 29, E½, SW¼;
Sec. 30, W½, SE¼;
Secs. 31 to 35, incl.;
Sec. 36, W½.
T. 4 S., R. 10 W.,
Sec. 25, area west of Sheep Creek.
T. 5 S., R. 10 W.,
Sec. 15, SW¼.

The areas described aggregate approximately 10,146 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws, as the same apply to the lands described in subparagraph 1(a).

HARRY R. ANDERSON,
*Assistant Secretary of the Interior.*

MARCH 15, 1966.

[F.R. Doc. 66–2966; Filed, Mar. 21, 1966; 8:46 a.m.]

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[Public Land Order 3954]

[Washington 05071]

## WASHINGTON

### Powersite Modification No. 442, Columbia River, Wash.

By virtue of the authority contained in the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 1950 Reorganization Plan No. 3 (64 Stat. 1262; 5 U.S.C. 133z–15, note), it is ordered as follows:

The Departmental order of June 22, 1944, establishing Powersite Classification No. 349, and the order of April 4, 1950, of the Geological Survey creating Powersite Classification No. 405, are hereby modified to the extent necessary to permit the grant of a highway right-of-way under R.S. 2477 (43 U.S.C. 932), to Kittitas County, Wash., for construction of a public highway over the following described lands, as shown on a map on file with the Bureau of Land Management under Washington 05071:

WILLAMETTE MERIDIAN

T. 16 N., R. 23 E.,
Sec. 6, lot 2;
Sec. 18, E½SE¼.

Containing approximately 6 acres.

The lands are described in favorable determination DA–196–Washington of the Federal Power Commission, issued December 28, 1965.

HARRY R. ANDERSON,
*Assistant Secretary of the Interior.*

MARCH 15, 1966.

[F.R. Doc. 66–2967; Filed, Mar. 21, 1966; 8:46 a.m.]

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[Public Land Order 3955]

[Nevada 048015]

## NEVADA

### Partial Revocation of Public Land Order No. 2715 (Washoe Project)

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. Public Land Order No. 2715 of June 29, 1962, withdrawing lands for the Washoe Reclamation Project, is hereby revoked so far as it affects the following described lands:

MOUNT DIABLO MERIDIAN

T. 12 N., R. 20 E.,
Sec. 13, SE¼SW¼.

Containing 40 acres.

2. At 10 a.m. on April 20, 1966, the lands shall become subject to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on April 20, 1966, shall be considered as simultaneously filed at that time. Those filed thereafter shall be considered in the order of filing.

3. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the U.S. mining laws after 10 a.m. on April 20, 1966.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nev.

HARRY R. ANDERSON,
*Assistant Secretary of the Interior.*

MARCH 15, 1966.

[F.R. Doc. 66–2968; Filed, Mar. 21, 1966; 8:46 a.m.]

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[Public Land Order 3956]

[Fairbanks 010043, 034580]

## ALASKA

### Partial Revocation of Public Land Order No. 1173; Withdrawal for Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority contained in the act of May 31, 1938 (52 Stat. 593; 48 U.S.C. 353a), it is ordered as follows:

1. Public Land Order No. 1173 of June 24, 1955, so far as it withdrew the following described land under the jurisdiction of the Department of the Air Force for military purposes is hereby revoked:

BETHEL

Beginning at a point from which USC&GS Station "Bethel Mag" in latitude 60°47'08.-692" N., longitude 161°46'21.865" W., bears N. 89°40' E., 2,227.90 feet, S. 0°20' E., 2,650 feet, and N. 89°40' E., 9,300 feet; thence S. 89°40' W., 10,272.10 feet; S. 0°20' E., 7,500.00 feet; N. 89°40' E., 6,971.40 feet; N. 23°30' E., 8,168.15 feet along the northwest boundary of the area described in paragraph 2(b) of Public Land Order No. 1173 to the point of beginning, excepting 14.69 acres more particularly described as follows:

Beginning at a point which bears north 500 feet from a point found at latitude 60°46'44.107" N., longitude 161°52'59.969" W.; thence east 400 feet more or less to Corner No. 1; south 800 feet more or less to Corner No. 2; west 800 feet more or less to Corner No. 3; north 800 feet more or less to Corner No. 4; east 400 feet more or less to the point of beginning.

The tract described contains 1,467.31 acres, of which approximately 43 acres remain withdrawn by Public Land Order

No. 3445, for maintenance of an air navigation facility of the Federal Aviation Agency. The lands are situated in the Bethel, Alaska, area. Topography is generally rolling coastal tundra. All but the sandy hills are permanently frozen to a depth of 300 feet.

2. Subject to valid existing rights, the following described land which forms a part of that released from withdrawal by paragraph 1 of this order, is hereby withdrawn under the jurisdiction of the Secretary of the Interior from all forms of appropriation under the public land laws, including the mining laws (Title 30, U.S.C., Ch. 2), as an administrative site:

BETHEL

Beginning at a point which bears N. 36°49'-03" E., 1,842.83 feet from USC and GS "Bethel 1949", thence proceeding as follows: West 2,310 feet to a point; thence south 3,300 feet, more or less, to a point located 200 feet west of the northwest corner of the property reserved for the use of the U.S. Air Force and known as the Bethel White Alice Site; thence east 200 feet to a point identical with the northwest corner of the property reserved for use of the U.S. Air Force and known as the Bethel White Alice Site; thence east, along the northern boundary of said site, a distance of 3,430 feet, more or less, to a point due south of the southeast corner of the FAA H-Marker Site, PLO 3445; thence north 4,090 feet, more or less, to a point identical with the southeast corner of the FAA H-Marker Site, PLO 3445; thence south 57°46'23" W., 1,500 feet to the point of beginning.

The tract described contains approximately 275 acres.

3. Until 10 a.m. on June 14, 1966, the State of Alaska shall have a preferred right to select the land released from withdrawal by paragraph 1 of this order and not otherwise withdrawn, as provided by the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b), section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 2222.9. After that time the land shall be open to the operation of the public land laws generally, including the mining and mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 14, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The withdrawal made by paragraph 2 of this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

Inquiries concerning the land should be addressed to the manager, District and Land Office, Bureau of Land Management, Fairbanks, Alaska.

HARRY R. ANDERSON,
*Assistant Secretary of the Interior.*

MARCH 15, 1966.

[F.R. Doc. 66-2969; Filed, Mar. 21, 1966; 8:46 a.m.]

# Title 45—PUBLIC WELFARE

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

## PART 171—FINANCIAL ASSISTANCE FOR ACQUISITION OF EQUIPMENT TO IMPROVE UNDERGRADUATE INSTRUCTION IN INSTITUTIONS OF HIGHER EDUCATION

Chapter I of Title 45 of the Code of Federal Regulations is hereby amended by adding a new part, Part 171.

Grants made pursuant to the regulations set forth below are subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (P.L. 88–352).

Sec.
171.1 Definitions.
171.2 Institutional eligibility.
171.3 Conditions for grant approval.
171.4 Submission and processing of applications.
171.5 Criteria for standards and methods to determine relative priorities of eligible projects.
171.6 Criteria for standards and methods to determine Federal shares of eligible projects.
171.7 Fiscal control and fund accounting procedures.
171.8 Retention of records.
171.9 State plans.
171.10 Requirement for economical methods of purchase.
171.11 Determination of costs eligible for Federal participation.
171.12 Payment of grant funds on approved projects.

AUTHORITY: The provisions of this Part 171 issued under secs. 601 through 609, 801 through 803; 79 Stat. 1261–1266, 1269–1270; 20 U.S.C. 1121–1129, 1141–1143.

### § 171.1 Definitions.

As used in this part:

(a) "Act" means Public Law 89–329, the Higher Education Act of 1965. Unless otherwise indicated, title references are to titles of the Act. All terms defined in section 801 of the Act shall have the same meaning as given them in the Act. All references to sections are to sections of this part, unless otherwise indicated.

(b) "Assignable area" means square feet of area in facilities designed and available for assignment to specific functional purposes, as distinguished from area in a building used either for janitorial and building maintenance services or for nonassigned use (e.g., public washrooms and general service areas).

(c) "Audiovisual center" means a facility controlled and operated by one or more institutions of higher education, for: (1) The collection, production, custody, cataloguing, maintenance, or distribution of audiovisual materials for use in providing instruction in such institutions of higher education; or (2) the use by students of special audiovisual or other programed instructional equipment on an individual basis for self-instruction purposes; or (3) a combination of such purposes.

(d) "Basic educational and general expenditures" means the total of all expenditures (including the estimated value of nonsalaried or contributed personal services) no matter by whom made, for a particular institution or branch campus of such institution, for: General administration and general expense; instruction and departmental research; libraries; and operation and maintenance of the physical plant. For purposes of this definition:

(1) "Expenditures for general administration and general expense" includes all expenditures of the general executive and administrative offices serving the institution (or branch campus) as a whole, expenditures for deans of students and their staffs, and for the counseling and guidance program, the placement bureau, the student loan service, the student health service (where not an auxiliary enterprise intended to be self-supporting), and other expenditures which are of a general character not related to any specific division of the institution (other than libraries, and operation and maintenance of the physical plant, as separately defined in subparagraphs (3) and (4) of this paragraph);

(2) "Expenditures for instruction and departmental research" includes all expenditures of instructional departments (e.g., salaries, office expense and equipment, laboratory expense and equipment, and other expenses), including expenditures for departmental research but excluding separately organized or separately budgeted research;

(3) "Library expenditures" includes all expenditures for separately organized libraries, both general and departmental, including those for salaries, wages, other operating expenses, books, and binding costs;

(4) "Expenditures for operation and maintenance of the physical plant" includes salaries, wages, supplies, other expense, and equipment for operation and maintenance of the institutional plant, except those expenditures appropriately chargeable to "auxiliary enterprises," or to "organized activities relating to educational departments;"

(5) All other terms and account classifications used herein shall have the same meaning as given them in College and University Business Administration, Volume I, American Council on Education, Washington, D.C., 1952.

(e) "Branch campus" means a campus of an institution of higher education which is located in a community different from that in which its parent institution is located. A campus shall not be considered to be located in a community different from that of its parent institution unless it is located beyond a reasonable commuting distance from the main campus of the parent institution.

(f) "Capacity/enrollment ratio" means the ratio of square feet of assignable area of instructional and library

facilities (as defined in paragraph (m) of this section) to the total student clock-hour enrollment divided by 100. For purposes of this definition, "student clock-hour enrollment" means the aggregate clock hours (sometimes called contact hours) per week in classes or supervised laboratory or shop work for which all resident students (i.e., students taking residence credit, irrespective of the time of day or workload of the student) are enrolled as of a particular date. Where formally established independent study programs exist, systematically determined equivalents of class or laboratory hours may be included under "student clock-hour enrollment," subject to verification and adjustment by the State commission.

(g) "Classroom" means, for purposes of eligibility of projects under this part, a "general classroom," "instructional laboratory or shop," "other teaching facility," or "service area for teaching facilities," as such terms are defined in paragraph (m) (1), (2), (3), and (4) of this section. The term does not include faculty offices, library facilities, or any facilities under the categories of "instruction-related facilities" or "related facilities" or "related supporting facilities" as defined in § 170.1(d) (ii) and (iii) of this chapter.

(h) "Commissioner" means the U.S. Commissioner of Education or his designee.

(i) "Eligible subjects" means courses at the undergraduate level (as defined in paragraph (y) of this section) in science, mathematics, foreign languages, history, geography, government, English, other humanities, the arts, and education. As used herein:

(1) "Science" includes the physical, biological, engineering and social sciences, and subjects which are interdisciplinary within the sciences.

(i) "Biological sciences" means the division of the natural sciences which deals with life, including such fields as Agriculture, Biology, Botany, Zoology, Bacteriology, Cytology, Ecology, Embryology, Entomology, Anatomy, Genetics, Microbiology, Nutrition, Pathology, Virology, Physiology, Morphology, Marine Biology, Hydrobiology, and the biological aspects of Anthropology and Psychology.

(ii) "Physical sciences" means the division of the natural sciences which deals primarily with nonliving matter, including such fields as Physics, Chemistry, Geology, Paleontology, Astronomy, Meteorology, Metallurgy, Mineralogy, and branches of these fields.

(iii) "Engineering" means the applied sciences in which a knowledge of the mathematical and natural sciences is applied with judgment to develop ways to utilize, economically, the materials and forces of nature. Included in this definition, for the purposes of the Act, are the "engineering sciences" such as engineering physics, mechanics, and "engineering technology" such as aeronautical engineering technology, civil engineering technology, and electronic engineering technology.

(iv) "Social sciences" means the branch of science that deals with the institutions and functioning of human society and with the interpersonal relationships of individuals as members of society, including such fields as Anthropology, Area Studies (including American Civilization and Culture), Business and Commerce, Economics (including Agricultural Economics), Industrial Relations, Linguistics, Psychology, and Sociology. Fields such as History, Government, and Education, while considered branches of Social Science, are given separate, special emphasis in the Act and are separately defined below.

(v) Fields which are interdisciplinary or overlapping within the sciences, include such as the following: Biochemistry, Biophysics, Astrophysics, Geophysics, Geochemistry, Forestry, Oceanography, Home Economics, Library Sciences, and Information Sciences.

(2) "Mathematics" means the logical study of shape, arrangement, and quantity; the science of numbers and their operations, interrelations, combinations, transformations, and generalizations. Included under this definition are all fields dealing with mathematical and statistical theory and methodology as distinguished from fields of study or research the principal content of which is a natural, social or engineering science.

(3) "Foreign languages" means: (i) Any languages other than English; and (ii) English, as a foreign language.

(4) "History" means the study of past and contemporary events in relation to peoples and civilizations.

(5) "Geography" means the study of the spatial distributions and relationships on the earth's surface of those elements that give character to places. These include natural phenomena (such as land, water, air), biotic phenomena (plant and animal life), and human phenomena (such as population, occupations, transportation, and communications). The term includes the study of physical, political, social, economic, and historical geography.

(6) "Government," or "political science" means the study of political and governmental institutions and processes. This definition includes the study of American government, comparative government, international organization, and public administration.

(7) "English" means the study of the English language in its spoken and written forms, and training and practice in the communication skills of listening, speaking, reading, and writing. It includes speech, grammar, literature, language arts, journalism, creative writing, and remedial or supplemental reading training (when given to undergraduate students) in the English language.

(8) "Other humanities" includes such fields as jurisprudence and philosophy.

(9) "The arts" includes such fields as music, drama, dance, folk art, architecture and allied fields, painting, sculpture, photography, graphic arts, industrial design, fashion design, motion pictures, television, and similar major art forms.

(10) "Education" means the study of the learning process and of subjects related to teaching and to the organization and administration of education, including the history and philosophy of education, curriculum development, and programs to prepare students for specialized teaching fields such as physical education, education of the physically, mentally, or emotionally handicapped, agriculture education, business or commercial education, trade and industrial vocational education, music or art education.

(j) "Equipment" means any instrument, machine, apparatus, or set of articles which meets the following conditions: (1) It retains its original shape and appearance with use; and (2) it is nonexpendable; that is, if the article is damaged or some of its parts are lost or worn out, it is usually more feasible to repair it than to replace it with an entirely new unit.

(k) "Full-time equivalent number of students" means, for purposes of determining State allotments, the number of full-time students enrolled in programs which consist wholly or principally of work normally creditable toward a bachelor's or higher degree plus one-third of the number of part-time students enrolled in such programs, plus 40 percent of the number of students enrolled in programs which are not chiefly transferable toward a bachelor's or higher degree plus 28 percent of the remaining number of such students. Student enrollment figures for each fiscal year for the purpose of this computation shall be those listed in the most recent edition of the Office of Education publication Opening Fall Enrollment in Higher Education.

(l) "Institutional fiscal year" means for a particular institution or branch campus a period of 1 year, not necessarily corresponding with the school year, at the end of which financial accounts are closed and reports made, usually June 30 or December 31.

(m) "Instructional and library facilities" means all rooms or groups of rooms used regularly for instruction of students, for faculty offices, or for library purposes. A room intended and equipped for any of the purposes listed below should be counted in the appropriate category, regardless of the building (e.g., administrative building, library building, or field house) in which it is located. Instructional and library facilities are subdivided into the following categories:

(1) "General classrooms" means all instructional rooms used or intended and equipped to be used chiefly for lectures, recitations, and seminar types of class meetings, regardless of the size of the room. The seating area of an auditorium or theater, if regularly used for scheduled class meetings, should be classified and counted as a general classroom.

(2) "Instructional laboratories or shops" means all instructional rooms equipped for special purposes such as chemistry experiments, language practice, food preparation and service in home economics, shopwork in industrial

arts, painting, etc. (Adjoining areas such as a balance room, supply room, dark room, or projection room, are considered to be "service areas for teaching facilities" and are not to be counted with instructional laboratories and shops.)

(3) "Other teaching facilities" means all other rooms and areas regularly used or intended for scheduled class meetings or individual instruction, such as: Music practice rooms (for individual practice) and music studios (where an instructor's office serves also as a studio, the room should be counted under "faculty offices"); playing floors, wrestling and boxing rooms, indoor swimming pools, and indoor track and field areas used regularly for instructional purposes. Storage rooms for musical instruments, seating areas, locker and shower rooms, and equipment issue and storage rooms used in connection with scheduled classes and located in the gymnasium are considered to be "service areas for teaching facilities" and are not to be counted with other teaching facilities.

(4) "Service areas for teaching facilities" means all service areas which adjoin and are used in conjunction with any general classrooms, instructional laboratories or shops, or other teaching facilities. Examples of service areas for teaching facilities are: Closets in general classrooms or in instructional laboratories or shops; rooms adjoining and used in conjunction with instructional laboratories or shops, such as a balance room, a storeroom, supply room, dark room, or projection room; seating areas, locker and shower rooms, and equipment issue and storage rooms located in a gymnasium; instrument storage areas adjoining a music studio.

(5) "Library facilities" means rooms or groups of rooms used for the collection, storage, circulation, and use of books, periodicals, manuscripts, and other reading and reference materials, including the general library, departmental libraries, and rooms for special collections of documents, rooms for storage of films, records, and other audiovisual equipment and materials, rooms for the use by students of special audiovisual and other programmed instructional equipment on an individual basis for self-instruction purposes, library reading and listening rooms, acquisition rooms, cataloguing rooms, document reproduction rooms, circulation and reference desks, and any other similar library service area and the library administrative offices. Rooms used for any such purposes should be counted under library facilities. Library science laboratories and lecture classrooms located in a library building are to be counted as either general classrooms or instructional laboratories and shops.

(6) "Faculty offices" means all rooms or groups of rooms with office-type equipment, which are assigned to one or more faculty members for the performance of administrative, clerical, or faculty duties other than meeting of classes. A studio room in a department of music or fine arts, assigned to one or more faculty members for their own work, even though occasionally used for a student lesson, should be counted as a faculty office. Service areas for faculty offices (e.g., waiting rooms, office files and supply rooms, interconnecting corridors within a suite of offices, private toilets and clothes closets) should be counted together with the offices themselves.

(n) "Instructional television fixed service" (ITFS), as defined by the Federal Communications Commission (47 CFR 74.901 et seq.), means a fixed station operated by an educational organization and used primarily for the transmission of visual and aural instructional, cultural, and other types of education material to one or more fixed receiving locations. Instructional television fixed service stations operate in the portion of the microwave spectrum from 2500 to 2690 megacycles.

(o) "Laboratory and other special equipment and materials" means items of built-in or movable equipment, as defined in paragraph (j) of this section, and "materials," as defined in paragraph (p) of this section, which are suitable for use in providing instruction in institutions of higher education, and includes: (1) Audiovisual equipment, such as projectors, recording equipment, and television receivers which are not part of closed-circuit television systems; (2) devices (other than those used for printing, such as printing presses and offset printing machines) to be used for preparation of audiovisual and other instructional materials; (3) equipment for the maintenance and repair of materials in audiovisual centers; and (4) storage equipment to be used solely for the care and protection of the foregoing items when used in classrooms. Not included under the term are such items as general-purpose furniture, radio or television broadcast apparatus, public address systems, computers, or items for the maintenance and repair of equipment.

(p) "Materials" means those items which with reasonable care and use may be expected to last for more than one year and are suitable for and are to be used in providing instruction in institutions of higher education. The term includes such items as audio and video tapes; discs; slides and transparencies; films and filmstrips; books; models and mock-ups; pamphlets; periodicals for indefinite retention in reference collections, and other printed and published materials such as maps, globes, and charts. The term does not include such items as textbooks (as defined in paragraph (x) of this section); or chemicals, glassware and other supplies which are consumed in use.

(q) "Minor remodeling" means those minor alterations in a previously completed building in space used or to be used as a classroom (as defined in paragraph (g) of this section) or as an audiovisual center or as a closed-circuit television facility, which are needed to make effective use of equipment in providing instruction. The term may also include the extension of utility lines, such as water and electricity, from points beyond the confines of the spaces in which the minor remodeling is undertaken but within the confines of such previously completed building. The term does not include building construction, structural alterations to buildings, building maintenance, repair or renovation.

(r) "Pertinent expenditures for equipment, materials and minor remodeling" means: (1) In connection with projects for laboratory and other special equipment and materials (and directly associated minor remodeling) for improvement of undergraduate instruction in the eligible subjects, the total of all expenditures for such purposes, from both current funds and plant funds (as defined in College and University Business Administration, Volume I, American Council on Education, Washington, D.C., 1952), for the institution or branch campus for which the project application is submitted; and (2) in connection with projects for television equipment and materials (and directly associated minor remodeling) for closed-circuit direct instruction in the eligible subjects, the total of all expenditures for such purposes, from both current funds and plant funds, for the institution or branch campus for which the project application is submitted.

(s) "Project" means a separate proposal for improvement of undergraduate instruction in one or more of the eligible subjects through either: (1) The acquisition (by purchase, lease-purchase, or lease) and use of laboratory and other special equipment and materials (and directly associated minor remodeling); or (2) the acquisition (by purchase, lease-purchase, or lease) and use of television equipment and materials for closed-circuit direct 'nstruction (and directly associated minor remodeling).

(t) "Semester credit hour" means the unit of credit which the institution awards to a student for a class meeting one hour per week for a semester or a laboratory meeting two or three hours per week for a semester. For purposes of this definition the term "semester" means a period of approximately 15 weeks of instruction. Where credits are recorded at an institution or branch campus on the basis of some other length of term, such as a "quarter" or where credits are not normally recorded, the credit hours of other units of accomplishment so recorded are to be converted to semester hour equivalents for purposes of reporting in applications submitted under this part. Any such conversions to semester credit hour equivalents shall be supported by definitive explanations, satisfactory to the State commission, of the basis on which the conversions are calculated and shall in all cases be subject to adjustment by the State commission.

(u) "State commission" means the State agency designated or established pursuant to section 603 of the Act.

(v) "State plan" means the document submitted by the State commission and approved by the Commissioner, which sets forth the standards, methods, and administrative procedures whereby the State commission shall review projects

proposed by applicants in the State for Federal assistance under this part and shall determine and recommend the relative priority of each such project and the Federal share of the costs eligible for Federal financial participation.

(w) "Television equipment for closed-circuit direct instruction" means fixed or movable equipment items which are suitable for use in originating, distributing, and receiving programs or units of instruction by closed-circuit television, in institutions of higher education. The term includes studio equipment, control and recording equipment, transmitters, receivers and associated distribution equipment, antennas, and supporting towers for instructional television fixed service as defined by the Federal Communications Commission and for point-to-point microwave relay equipment, but does not include towers, antennas or broadcast transmitters designed to operate on VHF or UHF frequencies in the standard broadcast band. "Closed-circuit direct instruction" includes all uses of television equipment involving the distribution of television instruction from any source (such as television cameras, film chains, video-tape recording or playback apparatus, monoscope devices or receiving antenna) to one or more television monitors or receivers at one or more viewing locations. The term does not include closed-circuit installations for any noninstructional uses, such as monitoring for security purposes.

(x) "Textbook" means a book or workbook, or manual, which is used as a principal source of study materials for a given class or group of students, a copy of which is expected to be available for the individual use of each student in such a class or group.

(y) "Undergraduate level" programs of instruction means all courses of regular length which are intended primarily for meeting program requirements for students pursuing bachelor's degrees or first-professional degrees in programs which do not require 3 or more years of previous college work for entry and do not extend beyond the fifth year of college, students pursuing associate degrees, or students enrolled in terminal-occupational programs. Not included under this definition are courses which are intended primarily for meeting program requirements for students pursuing graduate degrees or first professional degrees in programs extending beyond the fifth year of college or requiring 3 or more years of previous college work for entry into the first professional degree program. Also excluded are noncredit courses and conferences.

### § 171.2 Institutional eligibility.

To qualify for a grant under this part an institution shall meet requirements specified in subsection 801(a) of the Act. An institution which is not accredited by a nationally-recognized accrediting agency or association listed pursuant to section 801 of the Act may qualify, alternatively, by obtaining a certification from the Commissioner (dated no earlier than two years prior to the date of application for a grant) that the institution meets requirements set forth in subsection 801(a)(5) of the Act.

### § 171.3 Conditions for grant approval.

(a) *Required assurances.* Before approving a grant under this part, the Commissioner shall verify fulfillment of the requirements set forth in subsection 605(b) of the Act.

(b) *Maintenance of effort.* An assurance that an institution or branch campus will meet the maintenance of effort provision in section 604(b) of the Act shall be supported by a comparison of the budgeted amounts for pertinent expenditures for equipment, materials and minor remodeling (as defined in paragraph (r) of § 171.1) for the Federal fiscal year in which the project application is submitted with the amount actually expended for such purposes for the preceding Federal fiscal year.

(c) *Items which may be included.* Projects under this part may cover only (1) laboratory and other special equipment and materials (and directly associated minor remodeling) or (2) television equipment and materials for closed-circuit direct instruction (and directly associated minor remodeling), to be used for improvement of instruction at the undergraduate level in one or more of the eligible subjects in institutions of higher education.

(d) *Costs which may be included.* Projects may be submitted under this part only for the costs of acquisition (including necessary installation) of equipment, acquisition of materials, and minor remodeling which have not been and will not be incurred prior to or under contracts entered into prior to, the filing of the project application with the appropriate State commission, and the cost of engineering studies contracted for within two years prior to such date in connection with projects for closed-circuit television. Costs eligible for inclusion in the project budget shall be further limited to those which will be incurred within 12 months after the grant is approved, or under contracts entered into within such time, and, in connection with lease purchase contracts or lease agreements, to payments made within 12 months after such contracts or agreements are entered into.

### § 171.4 Submission and processing of applications.

(a) *Closing dates for filing of applications.* Closing dates by which applications may be filed with and accepted by the State commission shall be established in the State plan. For each category of applications (i.e., laboratory and other special equipment and materials and directly associated minor remodeling; or television equipment and materials for closed-circuit direct instruction and directly associated minor remodeling) the State plan shall provide a single closing date for Federal fiscal year 1966, and not more than two closing dates for any subsequent Federal fiscal year. The closing dates for fiscal year 1966 shall be not later than April 30, and closing dates for subsequent Federal fiscal years shall in all cases be between October 1 and February 15. Each State plan may provide for apportionment of the State allotments from funds appropriated for each category of applications, so that specified portions of either or both allotments become available as of specified closing dates, but such an apportionment shall not be required, and in the absence of such a provision in the State plan, the total of each allotment shall be available for grants as of the first applicable closing date in each Federal fiscal year.

(b) *Submission of project applications.* Applications for grants under this part shall be submitted on forms supplied by the Commissioner, and shall contain such assurances as are required pursuant to the Act and the regulations in this part. Applications shall be submitted directly to the appropriate State commission in the number of copies specified by the State commission, together with such supplemental information as may be required by the State commission. Applications for projects of either category (i.e., laboratory and other special equipment projects or closed-circuit television projects) shall in all cases cover only a single institution or branch campus of an institution. Unless otherwise provided in the applicable State plan, not more than one laboratory and other special equipment application shall be submitted for any single institution or branch campus for a particular fiscal year. In no case may more than one closed-circuit television application be submitted for any single institution or branch campus for a particular fiscal year. The State commission shall accept all applications for grants under Part A of Title VI for institutions of higher education in the State, provided such applications are submitted on forms provided by the Commissioner, and shall officially record the date of receipt of each application by the State commission. Any application which is incomplete shall after its date of receipt is recorded, be returned promptly to the applicant with an explanation of deficiencies to be corrected before the application can be further processed by the State commission. Authorization from the Federal Communications Commission is required to construct and to operate each transmitter to be used in Instructional Television Fixed Service, as well as point-to-point microwave relay devices. In any case where a closed-circuit television project involves equipment requiring such authorization(s), the applicant shall be required to include documentary evidence either: (1) That the applicant holds such authorizations, or (2) that an application for such authorization has been accepted for filing by the Federal Communications Commission.

(c) *Verification of application data and institutional and project eligibility.* Before determining the relative priority or Federal share for any application for grant assistance under title VI of the Act, the State commission shall verify the validity of data contained in the application, and shall verify that the institution and the project appear to meet

basic eligibility requirements set forth in the Act and the regulations governing the administration of the Act. In any case where in the opinion of the State commission a question exists as to the eligibility of an institution or of a project, the State commission shall promptly forward a copy of the application to the Office of Education for a clarification of such eligibility. In any such case, the State commission shall continue to process and rank such application as if it were eligible, but shall delay final action on all applications under the same category considered as of the same closing date until receipt of notification by the Office of Education of the disposition of the eligibility question.

(d) *Determination of relative priorities and Federal shares.* All applications received by each specified closing date, and verified by State commission review to be accurate and complete, shall be considered together (projects for laboratory and other special equipment and materials will be considered separately from projects for television equipment and materials) and assigned relative priorities and recommended Federal shares in accordance with the provisions of the State plan.

(e) *Procedures where funds are insufficient to provide full Federal shares for all eligible projects.* In any case where the funds available in a State allotment for projects considered as of a particular closing date are insufficient to cover all eligible applications, the State commission shall nevertheless determine the full Federal share, calculated according to the State plan, for all projects in their order of relative priority, until the remaining available funds are insufficient to provide the full Federal share as calculated for the next project in order of priority.

(1) In such cases occurring for the first closing date in a Federal fiscal year, where a second closing date is provided under the State plan and the allotment is apportioned between the closing dates, all projects for which the full Federal share as calculated cannot be provided for by the available funds, together with the remainder of the funds apportioned to the first closing date, shall be carried over to the second closing date: *Provided, however,* That a State plan may specify, as an alternative procedure, that sufficient funds will be made available immediately from the funds apportioned to the second closing date, so that the full Federal share as initially calculated will be available for the first project for which only a part of the Federal share would otherwise have been available.

(2) In such cases occuring for the second closing date in a Federal fiscal year, or where all funds in the State allotment are apportioned to the first closing date or where only a single closing date is provided, the amount of the remaining funds shall be offered as a reduced Federal share for the first project in order of relative priority for which less than the full Federal share as calculated is available. An applicant offered such a reduced Federal share shall be entitled to reduce the scope of the project to a level not less than that required to qualify under the State plan for such a Federal share amount.

(f) *Recommendation by State commissions.* Promptly upon completing its consideration of applications as of each closing date, and no later than May 31 of the Federal fiscal year 1966 and March 31 of subsequent fiscal years, each State commission will forward to the Commissioner: (1) A current project report, on forms supplied by the Commissioner, for the pertinent category of applications, listing each application received for the particular fiscal year, each application returned to the applicant and the reason for return of such application, each application considered as of the closing date, and the priority and Federal share determined according to the State plan for each project considered; and (2) the application form and exhibits in the number of copies requested by the Commissioner, for each project assigned a priority high enough to qualify for a Federal grant within the amount of funds available in the allotment for the State.

(g) *Notification to applicants.* The State commission shall promptly notify each applicant of the results of all final determinations regarding its application as of each closing date, and the records of official State commission proceedings shall be a matter of public record within the State.

(h) *Disposition of applications which are not recommended for grants.* Applications which are not recommended for a grant within the fiscal year in which they are filed, shall be retained by the State commission until notified that all recommended applications for such fiscal year have been approved by the Commissioner. New applications shall be required to be filed each fiscal year for any project which does not receive a recommendation for a grant and which the applicant desires to have reconsidered in a subsequent year.

(i) *Offer and acceptance of grant.* For a project application which meets all eligibility requirements the Commissioner will approve the application and reserve Federal funds from the appropriate State allotment and will prepare and send to the applicant a grant award, which sets forth the pertinent terms and conditions, and which is contingent upon acceptance by the applicant within a specified period of time. The accepted grant award will constitute a formal grant agreement between the Commissioner and the applicant, for completion of the project and for Federal grant participation in the eligible costs of the project, according to the conditions contained therein.

(j) *Amendment of project applications.* Any time prior to a closing date for which an application is to be considered, the applicant may make changes in the application by written notification to the State commission. After any such closing date, no changes in applications shall be permitted, except corrections or submission of additional data as requested by the State commission and reductions in project scope as provided for in paragraph (e) of this section. Budgets for projects as approved, and the amount of Federal participation based thereon, shall be based upon tentative equipment lists which will be required with each application. Applicants may, however, without amending their applications, substitute other eligible items which are similar in nature and are in line with the plan for improvement of undergraduate instruction set forth in the application as originally approved. Approval by the Commissioner shall be required for changes of more than ten percent in the amount budgeted under the project for the improvement of instruction in any particular eligible subject. Once an application has been recommended for a grant by a State commission, no increase in recommended Federal grant funds for the particular project will be considered, except where funds become available to supplement reduced Federal shares for projects for which the full Federal share calculated under the State plan was not available at the time the project application was recommended by the State commission.

### § 171.5 Criteria for standards and methods to determine relative priorities of eligible projects.

(a) Each State plan shall set forth separately the standards and methods for determining the relative priorities of eligible projects for: (1) Acquisition of laboratory and other special equipment and materials; and (2) television equipment and materials for closed-circuit direct instruction.

(b) The standards applicable to projects for acquisition of laboratory and other special equipment and materials shall in every case include the following, each of which shall be assigned at least the indicated percentage of the total point scores possible for all standards applicable to such projects:

(1) The average of the basic educational and general expenditures per semester credit hour equivalent (with priority advantage given to lower averages), at the institution or branch campus for which the project is submitted, for the three completed institutional fiscal years (or for the completed years, if less than three) immediately preceding the closing date for which the application is filed with the State commission (at least 25 percent of total weight).

(2) Whether or not the equipment and materials to be purchased under the project are to be placed and used in: (i) Existing classrooms (as defined in paragraph (g) of § 171.1) or audiovisual centers; or (ii) classrooms (as defined in paragraph (g) § 171.1) or audiovisual centers to be made available by new construction and/or by major rehabilitation or conversion of existing facilities. Points for this standard shall be awarded according to the percentage of the total equipment and materials budget which is for equipment and materials to be placed and used in existing classrooms or audiovisual centers, with maximum points awarded for projects for which 100 percent of the budget is for such purposes (at least fifteen percent of total weight).

(3) The capacity/enrollment ratio (as defined in paragraph (f) of § 171.1) at the institution or branch campus for which the project is submitted, as of the fall term which opened preceding the closing date for which the application is filed (at least ten percent of total weight, with priority advantage given to lower ratios.)

(c) The standards applicable to projects for acquisition of television equipment and materials for closed-circuit direct instruction shall in every case include the standards listed below, each of which shall be assigned at least the indicated percentage of the total point scores possible for all standards applicable to such projects.

(1) The average of the basic educational and general expenditures per semester credit hour equivalent (with priority advantage given to lower averages) at the institution or branch campus for which the project is submitted, for the three completed institutional fiscal years (or for the completed years, if less than three) immediately preceding the closing date for which the application is filed with the State commission (at least 25 percent of total weight).

(2) The ability of the applicant to effectively utilize educational television as evidenced by the number of planned additional undergraduate level courses to be programed for closed-circuit instruction at the institution or branch campus covered by the project as of the opening of the second fall term after the fall term which opened preceding the closing date for which the application is filed (with higher priority value awarded for a greater number of additional courses to be programed). As used here, "course" means a particular course offering (such as "English I") rather than an individual section of the same course (at least 15 percent of total weight).

(3) The ability of the applicant to effectively utilize educational television as evidenced by the projected number of additional student enrollments in undergraduate level courses to be programed for closed-circuit instruction at the institution or branch campus covered by the project as of the opening of the second fall term after the fall term which opened preceding the closing date for which the application is filed (at least ten percent of total weight, with higher priority value awarded to a greater number of additional student enrollments).

(d) The State plan may include additional standards for determining relative priorities of either category of projects, which are not inconsistent with the criteria set forth in paragraphs (b) and (c) of this section and which will carry out the purposes of the Act.

(e) The methods for application of the standards shall provide for the assignment of point values for each standard applied, and shall provide specific objective methods for determining the number of points which each application considered shall be awarded for each standard. Unless otherwise provided for in the State plan, applications for institutions or branch campuses which have not been in operation for at least one academic year preceding the academic year in which the application is filed shall receive one-half of the points provided in the State plan for the standards required by paragraphs (b) (1) and (3) and (c) (1) of this section. Except as provided in paragraph (b) (2) of this section, the assignment of points for each standard may be by any one of the following methods, or by similar objective methods, a different one of which may be used in connection with each standard:

(1) Applications may be ranked according to relative performance for the standard, and assigned a point score for relative rank (e.g., 10 points for placement in the highest 10 percent, 9 points for placement in the second highest 10 percent, 8 points for placement in the third highest 10 percent, etc.).

(2) Applications may be compared to a scoring table for the standard and assigned points accordingly (e.g., for capacity/enrollment ratio, a scoring table might provide for 10 points for a ration of 100 or less, 9 points for a ratio of 101 to 150, 8 points for a ratio of 151 to 200, 7 points for a ratio of 201 to 250, 6 points for a ratio of 251 to 300, 5 points for a ratio of 301 to 350, etc.). In connection with standards required by paragraphs (b) (1) and (3) and (c) (1) of this section, State plans may provide for separate scoring scales for applications for different sizes or different educational or functional types of institutions or branch campuses, if such tables are supported by objective normative data based on recent research and analysis.

(3) Applications may be compared to a fixed requirement for the standard, and assigned points if they meet the requirement or denied points if they do not. This type of scoring should be used where comparison against the standard involves a "yes-no" decision.

(f) The method for application of the standards shall provide also for determination of relative priorities on the basis of the total of the points earned by each application for each applicable standard and shall specify factors to be applied in determining which application shall receive the higher priority in the case of identical scores for applications where funds available in the applicable State allotment are insufficient to provide full Federal shares for both or all of the tied applications.

(g) The standards and methods for determining relative priorities must be developed on the basis of information which is to be submitted on the application form prescribed by the Commissioner, required by the State commission to be submitted in connection with the filing of an application, or contained in reports or publications readily available to the State commission and the institutions within the State. In no event shall an institution's readiness to admit out-of-State students or the number of such out-of-State students be considered as a priority factor adverse to such institution, and in no event may the nature of the control or sponsorship of the institution be considered as a priority factor either in favor of, or adverse to, an institution.

### § 171.6 Criteria for standards and methods to determine Federal shares of eligible projects.

(a) Each State plan shall set forth separately the standards and methods for determining the Federal shares of eligible projects for: (1) Acquisition of laboratory and other special equipment and materials; and (2) television equipment and materials for closed-circuit direct instruction. Except as provided in paragraph (b) of this section, the Federal share to be provided for by such standards and methods shall not exceed 50 percent of the project cost.

(b) The State plan may provide for Federal shares of up to 80 percent of the project cost for institutions proving insufficient resources to otherwise participate in the program under this part and inability to acquire such resources. Any such provision in a State plan shall include specification of objective criteria which will have to be satisfied before such a determination will be made by the State commission. The Federal share may in no case be increased above 50 percent except where such provisions are included in the State plan as approved.

(c) Standards and methods for determining the Federal share pursuant to paragraphs (a) and (b) of this section: (1) Must be objective and simple to apply; (2) may involve the use only of data which are to be submitted on the application form prescribed by the Commissioner, required by the State commission to be submitted in connection with the filing of an application, or contained in reports or publications readily available to the State commission and the institutions of higher education within the State; (3) must be such as will enable an applicant to calculate in advance (on the assumption that sufficient funds will be available to cover all applications) the estimated Federal share which the State commission will certify to the Commissioner if it recommends the project for a Federal grant; and (4) must be consistent with the criteria published by the Commissioner with respect to the determination of relative priorities among projects and be promotive of the purposes of title VI.

### § 171.7 Fiscal control and fund accounting procedures.

(a) *State commissions.* Each State plan shall contain specific information regarding fiscal control and fund accounting procedures, as required by the Commissioner to ensure proper disbursement of and accounting for Federal funds which may be paid to the State commission for expenses necessary for the proper and efficient administration of the State plan.

(b) *Institutions.* Applicants shall maintain adequate and separate accounting and fiscal records and accounts of all funds provided from any source to pay the cost of equipment, materials, and minor remodeling for each approved project, and audit of such records by the Commissioner's designated representa-

tives shall be permitted and facilitated by applicants at any reasonable time. In addition, applicants shall make available for audit purposes financial accounting records and analyses which substantiate the total amount of pertinent expenditures for equipment, materials and minor remodeling for the particular institution or branch campus for the Federal fiscal year in which the grant is awarded, as well as the total amount of such expenditures for the preceding fiscal year.

**§ 171.8 Retention of records.**

(a) *State commissions.* (1) Accounts and documents supporting expenditures for expenses of State commissions shall be maintained until notification of completion of Federal audits for the Federal fiscal year concerned.

(2) State commissions shall: Establish a complete case file on each application received; inform applicants of official actions and determinations, by letter or similar type of correspondence; and retain records regarding each case for at least 2 years after final action with respect to the application is taken by the State commission. In addition, each State Commission shall maintain a full record of all proceedings by which it establishes relative priorities and recommended Federal shares for eligible projects considered according to each specified closing date and shall retain such records for at least 2 years after each such closing date.

(b) *Institutions.* All accounting records relating to approval projects and to verification of the applicant's maintenance of effort, as specified in paragraph (b) of § 171.7, including bank deposit slips, cancelled checks and other supporting documents and contract awards (or microfilm facsimiles thereof), shall be retained intact by the applicant for audit or inspection by authorized representatives of the Federal government for a period of 3 years after completion of the project or until the applicant is notified of the government's audit, whichever is later.

**§ 171.9 State plans.**

(a) The Commissioner shall approve a State plan only after he has received satisfactory assurance and explanation regarding the basis on which the State commission submitting the plan meets the requirements of section 601 of the Act. A State plan submitted in accordance with section 601 of the Act shall be submitted on forms or in a format supplied by the Commissioner and shall contain all provisions required by the Commissioner pursuant to section 603 of the Act and other sections of the regulations in this part, together with such additional organizational and administrative information as the Commissioner may request.

(b) All proposed amendments to the State plan shall be submitted to the Commissioner for his approval in such form and in accordance with such instructions as are established for that purpose. Such amendments shall apply uniformly to all applications to be considered together as of any closing date, and, unless otherwise provided in the State plan, shall become effective immediately upon approval by the Commissioner, except that in no event shall any amendment which affects the standards and methods for determining priorities or Federal shares or any amendment providing for an additional closing date or for the change in an existing closing date become effective sooner than 60 days after the date the proposal to make such amendment is received by the Commissioner and 30 days after the date of the Commissioner's approval of the amendments as a part of the State plan: *Provided, however,* That amendments which are required by amendments of the Act or are designed to promptly implement amendments of the Act may be made effective immediately upon their approval by the Commissioner.

**§ 171.10 Requirement for economical methods of purchase.**

All equipment, materials, and minor remodeling work, the cost of which is to be charged to an approved project, shall be procured in an economical manner consistent with sound business practice. Proposed methods of purchase shall be set forth by the applicant as part of each project application, and shall include specific justification for any proposal to follow procedures other than open, competitive bidding.

**§ 171.11 Determination of costs eligible for Federal participation.**

(a) Costs eligible for Federal participation in connection with any project shall include only those costs to the applicant which are determined to be eligible in accordance with paragraphs (c) and (d) of § 171.3, are consistent with the plan for improvement of undergraduate instruction set forth in the approved application, are incurred in an economical manner consistent with sound business practice, and are for items which are not overly elaborate or extravagant. Expenditures in which Federal participation is claimed also may include the cost of raw or processed materials or component parts to be made into finished products or into complete equipment units, including the cost (above and beyond salaries of any regular employees of the applicant) of making and assembling such equipment.

(b) Such determinations shall be finally made by the Commissioner at the time a final audit is made of the completed project and related financial accounts.

(c) In any case where the costs eligible for Federal participation, as determined by the final audit, exceed those provided for in the grant agreement for the project, the Federal share entitlement of the applicant shall be limited to that provided by the grant agreement.

(d) In any case where the costs eligible for Federal participation, as determined by the final audit, are less than those provided for in the grant agreement, the Commissioner shall redetermine the amount of the Federal share entitlement of the applicant in accordance with the maximum Federal share which would have been recommended for the project, based on the lesser eligible cost, under State plan provisions in effect at the time the project was recommended for a grant, if sufficient funds had been available in the State allotment at that time to provide the maximum possible Federal share provided for by the plan under such circumstances. If such redetermined Federal share entitlement is less than the amount provided in the grant agreement, the grant shall be reduced accordingly, and any overpayment of Federal funds, plus any interest earned thereon, shall immediately be due to the Government of the United States. If such redetermined Federal share is equal to or greater than the amount of the Federal share provided in the grant agreement, the final settlement shall be based on the Federal share amount provided in the grant agreement.

**§ 171.12 Payment of grant funds on approved projects.**

The Commissioner shall provide for payment of grant funds for the project pursuant to such methods as the Commissioner determines will best make the funds available as needed and eliminate unnecessary expense to the Federal Government.

Dated: February 24, 1966.

[SEAL] HAROLD HOWE II,
*Commissioner of Education.*

Approved: March 12, 1966.

WILBUR J. COHEN,
*Acting Secretary of Health, Education, and Welfare.*

[F.R. Doc. 66-2987; Filed, Mar. 21, 1966; 8:49 a.m.]

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## Chapter III—Bureau of Federal Credit Unions, Social Security Administration, Department of Health, Education, and Welfare

## PART 301—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

### Insured Loans to Student Members in Eligible Higher Education or Vocational Institutions

Notice of proposed rule making, public procedures thereon, and delay in effective date in the issuance of the following amendment have been omitted because of the following findings and reasons:

Title IV, Part B, P.L. 89-329, approved November 8, 1965, 79 Stat. 1236, and P.L. 89-287, approved October 22, 1965, 79 Stat. 1037, enlarged the powers of Federal credit unions with respect to making loans to members by authorizing in section 434, and section 16, respectively, the

making of insured loans to student members in accordance with the provisions of these Acts and on terms and conditions specified and required thereby. Each of these Acts specifically provides for the exercise of the power "pursuant to regulations of the Director of the Bureal of Federal Credit Unions * * *".

The Director believes that in order to carry out the legislative intent it is necessary and desirable to enable Federal credit unions to participate in the programs established by P.L. 89–329, and P.L. 89–287, as soon as possible, to the end that there will be minimum delay in making needed funds available under these programs to student members who are in eligible higher education or vocational institutions.

Accordingly, the Director finds it essential that the following amendment be effective immediately. Therefore, advance notice and procedure thereon is impracticable, unnecessary, and contrary to the public interest.

Part 301 is amended by adding the following section thereto:

**§ 301.25 Insured loans to student members in eligible higher education or vocational institutions.**

Notwithstanding the limitations of the Federal Credit Union Act with respect to loans to members, and the provisions of § 301.21, a Federal credit union, upon appropriate amendment of its Bylaws in compliance with § 301.4, may make insured loans to student members pursuant to the power conferred by the Higher Education Act of 1965, Title IV, Part B, section 434, P.L. 89–329, 79 Stat. 1247, approved November 8, 1965, and the National Vocational Student Loan Insurance Act of 1965, section 16, P.L. 89–287, 79 Stat. 1048, approved October 22, 1965. The exercise of this power by a Federal credit union, including the aggregate and individual amounts, terms, and conditions of insured loans to student members, and the necessary practices and procedures in connection therewith, shall be in accordance with the provisions of Title IV, Part B, of the Higher Education Act of 1965, the National Vocational Student Loan Insurance Act of 1965, and the regulations issued thereunder.

(Sec. 434, 79 Stat. 1247; sec. 16, 79 Stat. 1048)

*Effective date.* This regulation shall become effective upon the date of publication in the FEDERAL REGISTER.

Dated: January 26, 1966.

[SEAL] J. DEANE GANNON,
*Director,*
*Bureau of Federal Credit Unions.*

Approved: February 18, 1966.

ROBERT M. BALL,
*Commissioner of Social Security.*

Approved: March 14, 1966.

WILBUR J. COHEN,
*Acting Secretary of Health, Education, and Welfare.*

[F.R. Doc. 66–2993; Filed, Mar. 21, 1966; 8:49 a.m.]

# Title 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

### SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 975]

### PART 95—CAR SERVICE

### Railroad Operating Regulations for Freight Car Movement

At a session of the Interstate Commerce Commission held in Washington, D.C., on the 16th day of March A.D. 1966.

It appearing, that the unprecedented level of the economy is placing tremendous pressures on railroad transportation facilities, causing such acute shortages of freight cars in all sections of the country as to close industrial plants, impede the movements of agricultural products and other goods to market; that delays in transportation threaten to cause unwarranted increases in the prices of certain commodities; that car owners and shippers in all sections of the country are being deprived of the use of the cars acquired to handle their traffic; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of freight cars are not promoting the most efficient utilization of cars. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

*It is ordered,* That:

**§ 95.975 Service Order No. 975.**

(a) *Railroad operating regulations for freight car movement.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) *Placing of cars.* (i) Loaded cars, which after placement will be subject to demurrage rules applicable to detention of cars awaiting unloading, shall be actually or constructively placed within 24 hours, exclusive of Sundays and holidays, following arrival at destination.

(ii) Actual placement means placing of a car on industrial interchange tracks or other-than-public-delivery tracks serving the consignee, or on public delivery tracks preceded or accompanied by proper notice.

(iii) When delivery of a car, either empty or loaded, consigned or ordered to an industrial interchange track or to other than a public delivery track cannot be made because of any condition attributable to the consignee, such car will be held at destination or, if it cannot reasonably be accommodated there, at an available hold point, and constructive placement notice shall be sent or given the consignor or consignee, in writing, within 24 hours, exclusive of Sundays and holidays, after arrival of car at destination or other hold point.

(iv) Loaded cars held at destination for accessorial terminal services described in the applicable tariffs, such as holding for orders or inspection, shall be placed on unloading or inspection tracks, and proper notice given within 24 hours, exclusive of Sundays and holidays, after arrival at destination. On cars set off and held short of billed destination, a written notice shall be sent or given to consignee or other party entitled to receive such notice, within 24 hours of arrival, exclusive of Sundays and holidays, at the hold point.

(2) *Removal of cars.* (i) Empty cars must be removed from point of unloading or interchange tracks of industrial plants within 24 hours, exclusive of Sundays and holidays, following unloading or release by consignee or shipper, unless such empty cars are ordered or appropriated by the shipper with approval of carrier for reloading within such 24-hour period. Empty cars not ordered for loading at point where made empty must be forwarded in line-haul service within 24 hours, following removal of empty cars.

(ii) Outbound loaded freight cars must be removed from point of loading or interchange tracks of industrial plants within 24 hours, exclusive of Sundays and holidays, following acceptance by carrier of the shipping instructions covering the cars. Such cars must be forwarded in line-haul service within 24 hours, following release and removal.

(iii) Cars subject to subdivisions (i) and (ii) of this subparagraph not made accessible to the carrier shall be subject to demurrage until such time as they become, and remain, accessible to the carrier.

(3) *Forwarding of cars.* (i) Loaded and empty cars of foreign or private ownership, and empty system freight cars when the holding line is the beneficiary of Car Distribution Directions or Orders issued by this Commission applicable to the kind of car held, shall not be held in excess of 24 hours for any purpose, except as follows:

(ii) Loaded cars held subject to instructions of consignee, consignor, or other qualified owner of the freight contained therein.

(iii) Cars held for repairs.

(iv) Cars held because no train or switch engine service is available between hold point and destination. (See subparagraph (6) of this paragraph).

(4) *Cars held for repairs.* (i) Loaded cars and empty cars of foreign or private ownership, and empty system cars when the holding line is the beneficiary of Car Distribution Directions or Orders issued by this Commission applicable to the kind of car held, which are held for light repairs shall be placed on repair tracks not later than the first 7 a.m., ex-

clusive of Sundays and holidays after time carded for repairs. Light repairs shall be made on same calendar day, exclusive of Sundays and holidays, that cars are placed on repair tracks; except that when necessary to order from car owner the material necessary to make light repairs to foreign or private cars, light repairs to foreign or private cars held awaiting such material shall be completed prior to 11:59 p.m., of the calendar day which includes the first 7 a.m., inclusive of Sundays and holidays, after receipt of such material at the station at which the repair point is located.

(ii) Light repairs are defined as repairs requiring less than 20 man-hours by repair track forces to complete.

(5) *Railroad operating regulations for the movement of freight cars.* (i) No common carrier by railroad subject to the Interstate Commerce Act shall delay the movement of cars by holding such cars in yards, terminals, or sidings for the purpose of increasing the time in transit of such loaded cars.

(ii) Cars shall not be set out between terminals except in cases of emergencies or sound operating practices.

(iii) Backhauling cars for the purpose of increasing the time in transit is prohibited.

(iv) Through cars shall not be handled on local or way freight trains for the purpose of increasing the time in transit of such cars.

(v) The use by any common carrier by railroad for the movement of cars over its line, of any route other than its usual and customary fast freight route from point of receipt of the car from consignor, or connecting line, to point of delivery to consignee, or to next connecting line, except for the purpose of according a lawfully established transit privilege (not including a diversion or reconsignment privilege) is hereby prohibited.

(6) *Availability of service.* (i) The availability for movement of forty (40) or more cars, whether loaded or empty, in territory normally served by a single train or engine, shall be considered sufficient to justify the train or engine service required to place, remove, or forward all such cars on any given day. Where side-trip operations are necessary, the availability of 10 such cars for each 25 miles of round-trip service required to move such cars will be considered sufficient to warrant the side-trip.

(ii) When the volume of available traffic is less than that described in subdivision (i) of this subparagraph, placement, removal, or forwarding of all cars which are available 1 hour or more prior to departure of a train or engine serving the station or terminal where such cars are held, by that train shall be deemed compliance with subparagraph (1), (2), or (3) of this paragraph. Nothing in this paragraph shall be interpreted as to require the movement of a car in a direction opposite to its proper direction of movement, unless such back haul will expedite the overall movement of the car to its proper destination.

(b) *Application.* (1) The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(2) Holidays shall be those listed in item 25 of Agent H. R. Hinsch's Tariff ICC H–17 naming Car Demurrage Rules and Charges, supplements thereto or successive issues thereof.

(c) *Regulations suspended—announcement required.* The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9(k) of the Commission's Tariff Circular No. 20, announcing such suspension.

(d) *Effective date.* This order shall become effective at 12:01 a.m., March 21, 1966.

(e) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15 and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

*It is further ordered,* That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-3071; Filed, Mar. 21, 1966; 8:51 a.m.]

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[S.O. 979]

## PART 95—CAR SERVICE

### Demurrage and Detention on Freight Cars

At a session of the Interstate Commerce Commission held in Washington, D.C., on the 16th day of March A.D. 1966.

It appearing, that the unprecedented level of the economy is placing tremendous pressures on railroad transportation facilities, causing such acute shortages of freight cars in all sections of the country as to close industrial plants, impede the movements of agricultural products and other goods to market; that delays in transportation threaten to cause unwarranted increases in the prices of certain commodities; that car owners and shippers in all sections of the country are being deprived of the use of the cars acquired to handle their traffic; that present rules, regulations, and charges for demurrage and detention of cars are not promoting the most efficient utilization of cars. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

*It is ordered,* That:

**§ 95.979 Service Order No. 979.**

(a) *Demurrage and detention on freight cars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce and obey the following rules, regulations, and practices with respect to its demurrage and car detention rules, practices, and charges:

(b) *Description of cars subject to this order.* This order shall apply to freight cars which are subject to demurrage and detention rules applicable to detention of cars.

(c) *Saturdays to be included in computing demurrage and detention on freight cars.* (1) Each common carrier by railroad subject to the Interstate Commerce Act shall include all Saturdays when computing free time and demurrage or detention charges on all freight cars described in paragraph (b) of this section whether or not the cars are subject to monthly average demurrage agreement or other periodic settlement period.

(d) *Increased demurrage and detention charges.* Except as provided in paragraph (g) of this section, each common carrier by railroad subject to the Interstate Commerce Act shall assess demurrage for each day, or fraction of a day, each car described in paragraph (b) of this section is held after the expiration of the free time at not less than the following rates:

(1) *Cars not subject to average demurrage agreement.* $10.00 for each of the first 4 days, or fraction of a day after the expiration of the free time. $15.00 for each subsequent day, or fraction of a day.

(2) *Cars subject to average demurrage agreement.* On cars subject to Average Demurrage Agreement, as provided in Rule 9, Item 940, Freight Car Demurrage Tariff 4–G, ICC, H–17, issued by H. R. Hinsch, supplements thereto or reissues thereof, or to similar time-period demurrage settlement rules in other tariffs lawfully in effect, demurrage will be assessed as follows: $10.00 for each debit not offset by a credit. After a car has accrued four debits, a charge of $15.00 will be assessed for each subsequent day, or fraction of a day.

(e) The inclusion of Saturdays in computing free time and demurrage or detention charges as required by paragraph (c) of this section, and the demurrage or detention charges established by paragraph (d) of this section, shall apply to all detention accruing on or after 7 a.m., April 1, 1966.

(f) Nothing in this order shall be construed to require or permit the reduction of any higher demurrage charges resulting from the application of any tariff lawfully in effect.

(g) The charges and provisions of section (g) of Rule 8 of Car Demurrage

Tariff 4–G, ICC, H–17, issued by H. R. Hinsch, supplements thereto or reissues thereof, or of similar rules in other demurrage tariffs lawfully in effect, will remain in effect for the periods defined in such items.

(h) *Regulations suspended—announcement required.* The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9(k) of the Commission's Tariff Circular No. 20, announcing such suspension.

(i) *Effective date.* This order shall become effective at 7 a.m., April 1, 1966.

(j) *Expiration date.* This order shall expire at 6:59 a.m., December 1, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

*It is further ordered,* That copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON,
*Secretary.*

[F.R. Doc. 66–3072; Filed, Mar. 21, 1966; 8:51 a.m.]

# Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

## PART 32—HUNTING

### Necedah National Wildlife Refuge, Wis.

On page 2784 of the FEDERAL REGISTER of February 16, 1966, there was published a notice of a proposed amendment to § 32.21 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide public hunting of upland game on the Necedah National Wildlife Refuge, Wis., as legislatively permitted.

Interested persons were given 20 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting, it shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 10; 45 Stat. 1224; 16 U.S.C. 715i; sec. 4, 48 Stat. 451 16 U.S.C. 718d)

Section 32.21 is amended by the addition of the following area as one where hunting of upland game is authorized.

**§ 32.21 List of open areas; upland game.**

* * * * *

WISCONSIN

NECEDAH NATIONAL WILDLIFE REFUGE

* * * * *

JOHN A. CARVER, JR.,
*Under Secretary of the Interior.*

MARCH 16, 1966.

[F.R. Doc. 66–2979; Filed, Mar. 21, 1966; 8:47 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### [ 43 CFR Parts 5400, 5430, 5440 ]

### FOREST PRODUCT DISPOSALS

### Notice of Proposed Rule Making

*Basis and purpose.* Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of August 28, 1937 (50 Stat. 874) and the Act of July 31, 1947 (61 Stat. 681) as amended, it is proposed to amend 43 CFR Group 5400 as set forth below.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Department of the Interior, Washington 25, D.C., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

### PART 5400—FOREST PRODUCT DISPOSALS; GENERAL

#### Subpart 5400—Forest Product Disposals; General

1. Section 5400.0–5 is amended by clarifying the wording of paragraphs (a) and (f) and the deletion of the paragraph defining "Logging unit" to read as follows:

**§ 5400.0–5 Definitions.**

Except as the context may otherwise indicate, as the terms are used in Parts 5410–5450 of this chapter and in contracts issued thereunder:

(a) "Bureau" means the Bureau of Land Management, Department of the Interior.

(b) "Director" means the Director of the Bureau of Land Management.

(c) "Authorized Officer" means an employee of the Bureau of Land Management, to whom has been delegated the authority to take action.

(d) "O. and C. Lands" means the Revested Oregon and California Railroad and Reconveyed Coos Bay Wagon Road Grant Lands and other lands administered by the Bureau of Land Management under the provisions of the Act of August 28, 1937 (50 Stat. 874).

(e) "Public Lands" means the public domain and its surface resources under the jurisdiction of the Bureau of Land Management and lands from which the vegetative resources may be sold in accordance with the provisions of § 5400.0–3(a)(2)(ii).

(f) "Timber" means standing trees, downed trees or logs which are capable of being measured in board feet.

(g) "Other vegetative resources" means all vegetative material which cannot be measured in units of board feet of timber.

(h) "Set-aside" means a designation of timber for sale which is limited to bidding by small business concerns as defined by the Small Business Administration in its regulations (13 CFR Part 121) under the authority of section 15 of the Small Business Act of July 18, 1958 (72 Stat. 384).

(i) "Third party scaling" means the measurement of logs by a scaling organization, other than a Government agency, approved by the Bureau.

(j) "Sale value" means the contract value of the stumpage sold under the contract.

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### PART 5430—PRESALE PREPARATION, ADVERTISEMENT AND CONTRACT PREPARATION

#### Subpart 5433—Bids and Awards of Contract

2. Section 5433.1 is amended by deleting paragraph (b) from § 5433.1 and incorporating it in § 5436.1; § 5433.1 will then read as follows:

**§ 5433.1 Qualification of bidders and purchasers.**

A bidder or purchaser for the sale of timber must be (a) an individual who is a citizen of the United States, (b) a partnership composed wholly of such citizens, or (c) an unincorporated association composed wholly of such citizens, or (d) a corporation authorized to transact business in the states in which the timber is located. A bidder must also have submitted a deposit in advance, as required by § 5433.2. To qualify for bidding to purchase set-aside timber, the bidder must accompany his deposit with a self-certification statement that he is qualified as a small business concern as defined by the Small Business Administration (13 CFR Part 121).

#### Subpart 5436—Contract Forms

3. Section 5436.1 is amended by the addition of paragraph (b) requiring a bidder to notify the authorized officer of his intent to apply for an SBA road construction loan, and is intended to facilitate action on the loan application rather than being a bid qualification. As so amended § 5436.1 reads as follows:

**§ 5436.1 Provisions.**

(a) All sales shall be made on contract forms approved by the Director. The authorized officer may include additional provisions in the contract to cover conditions peculiar to the sale area, such as road construction, logging methods, silvicultural practices, reforestation, snag felling, slash disposal, fire prevention, fire control, and protection of improvements, watersheds, and recreational values. Such additional provisions shall be made available for inspection by prospective bidders during the advertising period.

(b) Where a timber sale notice provides that the successful bidder may use a Small Business Administration road construction loan, and the bidder has reason to believe that he qualifies for such road construction loan under SBA regulations (13 CFR PART 121), the bidder shall submit to the authorized officer a statement of his intention to file with SBA for such SBA road construction loan. The purpose of the filing is to facilitate action by the Authorized officer and the Small Business Administration on the loan application.

#### Subpart 5437—Performance Bonds

4. Section 5437.1 is amended by rewording paragraph (b) to delete reference to a logging unit and permit cutting of timber against the increase in value of the minimum performance bond. It will also permit payment for timber so cut in the regular installment manner. As amended § 5437.1(b) reads as follows:

**§ 5437.1 Requirements.**

* * * * *

(b) The authorized officer may permit the cutting of timber before payment of the second or subsequent installments as provided in this paragraph. The purchaser must increase the minimum performance bond required by paragraph (a) of this section by an amount equal to one or more installment payments. The adjusted bond must be approved by the authorized officer in writing prior to cutting any timber. The unenhanced value of timber allowed to be cut in advance of payment is limited to the amount of the increase over and above the minimum performance bond required by paragraph (a) of this section and in no event shall the unenhanced value of the timber cut exceed 50 percent of the total contract purchase price. The increased amount of the bond shall be used to assure payment for such timber. Timber cut pursuant to this paragraph may be paid by installments. Upon payment, the increased amount of the bond may be applied to other timber sold under the contract to permit its cutting in advance of payment.

* * * * *

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### PART 5440—SALE ADMINISTRATION

#### Subpart 5441—Contract Performance

5. Section 5441.2 is amended to conform to the provisions of 5437.1 by rewording paragraph (c)(2) to require installment payment prior to removal of timber cut against the bond. Paragraph

(d) is reworded to require payment in full prior to expiration of the time for cutting and removal. As so amended, § 5441.2 (c) (2) and (d) read as follows:

**§ 5441.2 Payment.**

* * * * *

(c) * * *

(2) Payment in advance of skidding, yarding or removal. The first installment shall be paid in the same manner as provided in subparagraph (1) of this paragraph. If cutting is permitted before payment of the second installment, as provided by § 5437.1(b) of this chapter, payment by installment shall be made prior to the skidding, yarding, or removal of the timber sold. Each subsequent installment shall be due and payable without notice when the sale value of the timber skidded, yarded or removed equals the sum of all the payments minus the first installment.

(d) The total amount of the contract purchase price must be paid prior to expiration of the time for cutting and removal under the contract. For a cruise sale the purchaser shall not be entitled to a refund even though the amount of timber cut, removed, or designated for cutting may be less than the estimated total volume shown in the contract. For a scale sale, if it is determined after all designated timber has been cut and measured that the total payments made under the contract exceed the total sale value of the timber measured, such excess shall be refunded to the purchaser within 60 days after such determination is made.

**Subpart 5443—Extension of Contracts**

6. Section 5443.1 is amended to permit receipt of application for contract extension prior to the expiration of the time for cutting and removal. As amended § 5443.1 reads as follows:

**§ 5443.1 Time.**

If the purchaser shows that his delay in cutting or removal was due to causes beyond his control and without his fault or negligence, the authorized officer may grant an extension of time, not to exceed one year, upon written request of the purchaser. Additional extensions may be granted upon written request of the purchaser. Written requests for extension must be received prior to the expiration of the time for cutting and removal. No extension may be granted without reappraisal as provided in § 5443.2.

7. Section 5443.2(b) is amended to permit the authorized officer to waive the payment in full requirement as a condition of granting a contract extension. As so amended § 5443.2(b) reads as follows:

**§ 5443.2 Reappraisal.**

* * * * *

(b) For a cruise sale the timber sold remaining on the contract area shall be reappraised for the purpose of computing the reappraised total purchase price. The reappraised total purchase price shall not be less than the total purchase price established by the contract or last extension. The authorized officer may require that the reappraised total purchase price shall be paid in advance as a condition of granting an extension.

* * * * *

HARRY R. ANDERSON,
*Assistant Secretary of the Interior.*

MARCH 16, 1966.

[F.R. Doc. 66-2970; Filed, Mar. 21, 1966; 8:46 a.m.]

# DEPARTMENT OF AGRICULTURE

## Consumer and Marketing Service

## [ 7 CFR Part 51 ]

## MUSHROOMS

### Proposed Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering the revision of the U.S. Standards for Mushrooms pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same in duplicate, not later than April 15, 1966, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, where they will be available for public inspection during official hours of business (paragraph (b) of § 1.27, as amended at 29 F.R. 7311).

*Statement of considerations leading to the proposed revision of the grade standards.* Representatives of the mushroom industry have for some time indicated a need for changes in the grade standards for mushrooms. The present U.S. standards have been in effect since October 1928 and need to be brought in line with current marketing practices. Consumer demands have changed greatly in past years and so have the marketing methods of the mushroom industry. The proposed revision to the extent practical is designed to reflect current quality marketing practices.

The proposed revision would provide two grades, U.S. No. 1 and U.S. No. 2 instead of only one grade, U.S. No. 1, as provided by the current standards. The U.S. No. 1 grade would not allow open veils at shipping point, but would permit a 10-percent tolerance for this factor en route or at destination. The proposal would also permit a 10-percent tolerance for open veils in the U.S. No. 2 grade, at shipping point, and a 25-percent tolerance en route or at destination. Only two size classifications would be provided, whereas existing standards provide four. The two prescribed size classifications are "Small to Medium", which would include mushrooms ranging up to 1⅝ inches in diameter, and "Large" composed of mushrooms over 1⅝ inches in diameter. The size classification section would permit other size designations which may be specified by the seller or buyer.

The proposed revision of the standards results from extensive study and consultation with industry representatives. A study draft incorporating their recommendations was distributed to industry members in September 1965. Only minor changes have been made in the text of that draft.

The proposed revised standards, are as follows:

GRADES

Sec.
51.3385 U.S. No. 1.
51.3386 U.S. No. 2.

UNCLASSIFIED

51.3387 Unclassified.

APPLICATION OF TOLERANCES

51.3388 Application of tolerances.

DEFINITIONS

51.3389 Similar varietal characteristics.
51.3390 Mature.
51.3391 Fairly well shaped.
51.3392 Well trimmed.
51.3393 Open veils.
51.3394 Spots.
51.3395 Damage.
51.3396 Length of stem.
51.3397 Diameter.

METRIC CONVERSION TABLE

51.3398 Metric conversion table.

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADES

**§ 51.3385 U.S. No. 1.**

"U.S. No. 1" consists of fresh mushrooms of similar varietal characteristics which are mature, at least fairly well shaped, well trimmed, free from open veils, disease, spots, insect injury, and decay, and from damage by any cause.

(a) *Size.* Size is specified in terms of diameter and unless otherwise specified meets the requirements of one of the following size classifications:

(1) Small to medium—up to 1⅝ inches in diameter.

(2) Large—over 1⅝ inches in diameter.

(b) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances, by weight, are provided as specified:

(1) *At shipping point.*[2] 5 percent for mushrooms in any lot which fail to meet the requirements of this grade, but not more than one-fifth of this amount or 1 percent shall be allowed for mushrooms affected by disease, spots, or decay.

(2) *En route or at destination.* 10 percent for mushrooms in any lot which have open veils. 5 percent for mush-

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

[2] Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment or, in the case of shipments from outside the continental United States, the port of entry into the United States.

rooms in any lot which fail to meet the remaining requirements of this grade, but not more than one-fifth of this latter amount or 1 percent shall be allowed for mushrooms affected by disease, spots, or decay.

(3) *For off-size.* 10 percent for mushrooms in any lot which fail to meet the specified size requirements.

* * * * *

**§ 51.3386 U.S. No. 2.**

"U.S. No. 2." The requirements for this grade are the same as for U.S. No. 1 except for a greater tolerance for open veils and a larger tolerance for defects.

(a) *Size.* Size is specified in terms of diameter and unless otherwise specified meets the requirements of one of the following size classifications:

(1) Small to medium—up to 1⅝ inches in diameter;

(2) Large—over 1⅝ inches in diameter.

(b) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances, by weight, are provided as specified:

(1) *At shipping point.*[3] 10 percent for mushrooms in any lot which have open veils. 10 percent for mushrooms in any lot which fail to meet the remaining requirements of this grade, but not more than one-tenth of this latter amount or 1 percent shall be allowed for mushrooms affected by disease, spots or decay.

(2) *En route or at destination.* 25 percent for mushrooms in any lot which have open veils. 10 percent for mushrooms in any lot which fail to meet the remaining requirements of this grade, but not more than one-tenth of this latter amount or 1 percent shall be allowed for mushrooms affected by disease, spots or decay.

(3) *For off-size.* 10 percent for mushrooms in any lot which fail to meet the specified size requirements.

UNCLASSIFIED

**§ 51.3387 Unclassified.**

"Unclassified" consists of mushrooms which have not been classified in accordance with either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

APPLICATION OF TOLERANCES

**§ 51.3388 Application of tolerances.**

The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations:

(a) For a tolerance of 10 percent or more, individual packages in any lot shall have not more than one and one-half times the tolerance specified: *Provided,* That the average for the entire lot is within the tolerance specified for the grade.

(b) For a tolerance of less than 10 percent, individual packages in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package: *Provided,* That the average for the entire lot is within the tolerance specified for the grade.

DEFINITIONS

**§ 51.3389 Similar varietal characteristics.**

"Similar varietal characteristics" means that the mushrooms are of the same general color. For example, white and brown mushrooms shall not be mixed in the same container.

**§ 51.3390 Mature.**

"Mature" means that the mushroom is firm and well developed; the veil area may be stretched but not broken.

**§ 51.3391 Fairly well shaped.**

"Fairly well shaped" means that the mushroom cap is not flattened, scalloped, indented or otherwise deformed to an extent which materially detracts from the appearance or marketing quality.

**§ 51.3392 Well trimmed.**

"Well trimmed" means that the stems are smoothly cut, fresh from rough fleshy butts, the flared portion of the butt is removed and the remaining portion of the stem does not exceed the depth of the cap.

**§ 51.3393 Open veils.**

"Open veils" means that the cap has expanded to the extent that the protective covering or "veils" joining the margin of the cap to the stem have broken and exposed the gills or underside of the cap.

**§ 51.3394 Spots.**

"Spots" means pitted or discolored areas.

**§ 51.3395 Damage.**

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects which materially detracts from the appearance, or the edible or marketing quality of the individual mushroom or of the mushrooms in the lot. The following specific defects shall be considered as damage:

(a) Discoloration when the color of the cap or stem materially affects the appearance or marketing quality of the mushrooms.

(b) Dirt when any amount is embedded in the cap or stem.

**§ 51.3396 Length of stem.**

"Length of stem" means the greatest distance as measured from the point of attachment of the "veils" on the stem to the butt.

**§ 51.3397 Diameter.**

"Diameter" means the greatest dimension of the cap measured at right angles to the stem.

METRIC CONVERSION TABLE

**§ 51.3398 Metric conversion table.**

METRIC CONVERSION TABLE

| *Inches* | *Millimeters (mm)* |
|---|---|
| ⅛ equals | 3.2 |
| ¼ equals | 6.4 |
| ⅜ equals | 9.5 |
| ½ equals | 12.7 |
| ⅝ equals | 15.9 |
| ¾ equals | 19.1 |
| ⅞ equals | 22.2 |
| 1 equals | 25.4 |
| 1¼ equals | 31.8 |
| 1½ equals | 38.1 |
| 1¾ equals | 44.5 |
| 2 equals | 50.8 |
| 3 equals | 76.2 |
| 4 equals | 101.6 |

Dated: March 17, 1966.

G. R. GRANGE,
*Deputy Administrator,*
*Marketing Services.*

[F.R. Doc. 66-3011; Filed, Mar. 21, 1966; 8:51 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

## [ 47 CFR Part 73 ]

[Docket No. 16538; FCC 66-265]

## TABLE OF TELEVISION ASSIGNMENTS, TELEVISION BROADCAST STATIONS

### Notice of Proposed Rule Making

1. On February 9, 1966, the Commission adopted the fifth report and order in Docket 14229, revising the UHF Television table of assignments. The new assignment plan was developed through the use of an electronic computer. One of the criticisms[1] raised when this plan was first advanced was that the geographic flexibility provided was inefficient and wasteful of channels. In the fifth report and order we stated:

"The use of geographic flexibility and the attendant reduction in efficiency is one of the penalties of a preplanned table of assignments. Television broadcast stations are required by rule to meet certain geographic separations in order to prevent destructive interference between stations on the channel and on a number of technically related channels. Where the exact transmitter location is known as in the case of applications these distances can be determined accurately and asisgnments made at or very near the required separations. In a preplanned assignment table, many assignments are made for future use where there is no advance knowledge of transmitter sites which might be used. Thus, such a table must take into account the possibility that available land, local zoning require-

[1] See NAEB petition for reconsideration of the fourth report and order in Docket No. 14229.

ments and aeronautical hazard considerations might limit the choice of sites in any direction around the city listed in the table. This is done by using a reference point in the city for the computation of distance and then making the assignments at somewhat more than the required minimum geographic separation. The reference point used in the city is usually the location of the main post office. Main post offices were chosen because every city or town likely to be included in a table of assignments will have a main post office.

"If assignments could be made at exactly the required geographic separation the greatest number of assignments on each channel could be realized. However, cities are not so ideally spaced and most assignments are at more than the minimum separation. This reduces the efficiency of any plan and when the separations are lengthened to provide flexibility in the future selection of transmitter sites the inefficiency is increased."

2. In the plan adopted in the fourth report and order the computer was instructed to provide at least 10 miles of geographic flexibility for cochannel assignments. The same geographic flexibility was incorporated in the fifth report and order; however, in a number of instances the efficiency of the plan was not impaired by making minor deviations in individual areas. Other cases may come to light where, for example, the exact transmitter site is known and the assignments can be made at shorter distances thus increasing the efficiency of the plan or more nearly fulfilling the stipulated priorities. One such case is in the Akron-Canton, Ohio area, where a petition was filed on January 2, 1963, by the present licensee of Channel 49 in Akron to switch with Channel 23 in Massillon. Although this reassignment was proposed for rulemaking (Docket 15027) and later incorporated into the further notice of proposed rule making in Docket 14229 adopted October 24, 1963, it was not adopted in the fourth report and order. When the computer originally selected corrected assignments for the Akron-Canton area it retained Channel 49 in Akron because of the outstanding license on that channel. Even if there had been no outstanding authorization the computer would have selected Channel 49 for assignment to Akron because with the added geographic flexibility, no lower channel could be assigned either at the post office location or the site of Channel 49. However, a subsequent examination of the area, prompted by a desire to review the earlier petitions which had been denied in the fourth report and order, showed that by considering flexibility unnecessary where there are existing stations at known sites, Channel 23 could be assigned to Akron at the same efficiency as the assignment to Canton. Such an assignment would also meet more of the priorities used in developing the overall plan since Akron is the larger city. The computer program provided that in case of ties in impact, preference would be given to the largest city.

In view of the above, and the fact that Akron is substantially larger than Canton,[2] comments are requested on the desirability of amending § 73.606 of the rules to read as follows:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Akron, Ohio | 49, *55, 67 | 23, *49, 55 |
| Canton, Ohio | 17, 23 | 17, 67 |

application is on file for Channel 23 at Canton. This application was filed in the latter part of December 1965, after the Commission's announcement of September 15, 1965 (FCC 65–813, Mimeo No. 72543) which stated that an effort would be made to retain channels for applicants which had filed prior to that date. Applicants filing later were on notice that the assignments contained in the fourth report table would likely be changed.

4. If it is determined by the Commission that the rule amendment proposed herein will serve the public interest, the Commission will take such further action as may be appropriate with respect to outstanding authorizations.

5. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before April 18, 1966, and reply comments on or before April 29, 1966. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

7. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: March 16, 1966.

Released: March 17, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 66–3000; Filed, Mar. 21, 1966; 8:50 a.m.]

# FEDERAL HOME LOAN BANK BOARD

## [ 12 CFR Parts 522, 524 ]

[No. 19,783]

## FEDERAL HOME LOAN BANK SYSTEM

### Compensation and Budgets

MARCH 16, 1966.

Resolved that, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508), it is hereby proposed that paragraph (a) of § 522.71 and § 524.6 of the regulations for the Federal Home Loan Bank System (12 CFR 522.71(a) and 524.6) be amended by amendments the substance of which are as follows:

Amend paragraph (a) of § 522.71 to read as follows:

**§ 522.71 Compensation.**

(a) The board of directors of each Bank shall annually adopt and submit to the Board appropriate resolutions showing the contemplated compensation of officers and legal counsel, to be effective during the next calendar year. The Board will, for each Bank, either approve or disapprove, in whole or in part, such proposed compensation and will advise the Bank of its action relating thereto. Each Bank may establish the amount and form of compensation of all other employees within the limits set forth in its approved budget. No bonus shall be paid by any Bank to any director, officer, employee or other person.

* * * * *

Amend § 524.6 to read as follows:

Each Bank shall prepare and submit to the Board for its approval a budget of operations in the manner and according to the procedure prescribed in its bylaws. Each Bank shall submit to the Board with its budget a certificate signed by its president as to the compliance by each of its officers, legal counsel and employees with the provisions of § 522.70 of this subchapter. The Board will either approve the budget as submitted by each Bank or approve such budget with such adjustments therein as to it appears proper. A Bank may at any time adopt and request the Board's approval of an amendment to its approved budget and, upon approval of any such amendment by the Board, such Bank shall be operated within such amended budget.

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C., 20552, not later than April 22, 1966, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 66–3004; Filed, Mar. 21, 1966; 8:50 a.m.]

[2] 1960 U.S. Census populations for Akron and Canton are 290,351 and 113,631, respectively.

[3] Commissioner Loevinger absent.

# Notices

## DEPARTMENT OF JUSTICE

### Office of Alien Property

### HERTA HOFFMANN ET AL.

### Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimants, Claim No., Property, and Location*

Herta Hoffmann, 8951 Bertoldshofen Nr. 551/2, Über Kaufbeuren, Allgäu, Germany; Claim No. 37669; Vesting Order No. 1669; $66.84 in the Treasury of the United States.

Irene Zita, Korachstr. 40, 205 Hamburg 80, Germany; Claim No. 37669; Vesting Order No. 1669; $11.14 in the Treasury of the United States.

Friedrich (Fritz) Appelt, Wilhelm-Oswald-Strasse 19, 52 Siegburg/Rheinland, Germany; Claim No. 37669; Vesting Order No. 1669; $11.14 in the Treasury of the United States.

Josef Appelt, Bismarckstrasse 50, 52 Siegburg/Rheinland, Germany; Claim No. 37669; Vesting Order No. 1669; $11.14 in the Treasury of the United States.

For the Attorney General.

Executed at Washington, D.C., on March 11, 1966.

ANTHONY L. MONDELLO,
*Deputy Director,*
*Office of Alien Property.*

[F.R. Doc. 66-2908; Filed, Mar. 21, 1966; 8:45 a.m.]

### HENRIETTE JEDLICKOVA ET AL.

### Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses, and also subject to the provisions of Treasury Circular No. 655, as amended, 31 CFR 211.3, and of Executive Order No. 8389, as amended, 5 F.R. 1400, 6 F.R. 2897:

*Claimants, Claim No., Property, and Location*

Henriette Jedlickova, Jeronymova 7, Liberec VII, Czechoslovakia; Claim No. 37669; Vesting Order No. 1669; $66.84 in the Treasury of the United States.

Bertha (Berta) Appelt, Lössau bei Schleiz, Thüringen, East Germany; Claim No. 37669; Vesting Order No. 1669; $66.84 in the Treasury of the United States.

Hugo Wagner, namesti Gottvaldovo 67/6, Trutnov, Czechoslovakia; Claim No. 37669; Vesting Order No. 1669; $22.28 in the Treasury of the United States.

Anna Wagnerova, c. 139, ul. 5, kvetna, Jaromer II, Czechoslovakia; Claim No. 37669; Vesting Order No. 1669; $22.28 in the Treasury of the United States.

Bedrich Wagner, cp. 139, ul. 5, kvetna, Jaromer II, Czechoslovakia; Claim No. 37669; Vesting Order No. 1669; $22.28 in the Treasury of the United States.

Grete Fenik, Dukelska 3, Krasna Lipa, Czechoslovakia; Claim No. 37669; Vesting Order No. 1669; $11.14 in the Treasury of the United States.

Otto Appelt, Ul. Bozeny Nemcove No. 15, Liberec V, Czechoslovakia; Claim No. 37669; Vesting Order No. 1669; $11.13 in the Treasury of the United States.

For the Attorney General.

Executed at Washington, D.C., on March 11, 1966.

ANTHONY L. MONDELLO,
*Deputy Director,*
*Office of Alien Property.*

[F.R. Doc. 66-2909; Filed, Mar. 21, 1966; 8:45 a.m.]

## DEPARTMENT OF THE INTERIOR

### National Park Service

### CAPE HATTERAS NATIONAL SEASHORE

### Notice of Intention To Extend Concession Contract

Pursuant to the provisions of section 5, Public Law 89-249, public notice is hereby given that the Department of the Interior, through the Superintendent of Cape Hatteras National Seashore, National Park Service, proposes, thirty (30) days after the date of publication of this notice, to extend for the period January 1, 1966, through December 31, 1966, the concession contract under which Cape Hatteras Fishing Pier, Inc. provides concession facilities and services for the public in Cape Hatteras National Seashore.

The foregoing concessioner has performed his obligations under prior contract to the satisfaction of the National Park Service and, therefore, pursuant to the act cited above is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the act cited above the Service is also required to consider and evaluate all proposals received as a result of this notice.

THOMAS W. MORSE,
*Acting Superintendent of*
*Cape Hatteras National Seashore.*

FEBRUARY 28, 1966.

[F.R. Doc. 66-2971; Filed, Mar. 21, 1966; 8:47 a.m.]

### LEHMAN CAVES NATIONAL MONUMENT

### Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5, Public Law 89-249, public notice is hereby given that the Department of the Interior, through the Superintendent of Lehman Caves National Monument, National Park Service, proposes, thirty (30) days after the date of publication of this notice, to issue for the period March 31, 1966, through December 31, 1968, the concession permit under which Mrs. Thelma Gregory Bullock provides concession facilities and services for the public in Lehman Caves National Monument.

The foregoing concessioner has performed her obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the act cited above is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the act cited above the Service is also required to consider and evaluate all proposals received as a result of this notice.

PETER L. PARRY,
*Superintendent,*
*Lehman Caves National Monument.*

FEBRUARY 11, 1966.

[F.R. Doc. 66-2972; Filed, Mar. 21, 1966; 8:47 a.m.]

### Office of the Secretary

### DIRECTOR, BUREAU OF MINES

### Delegation of Authority

The following delegation is a portion of the Department of the Interior Manual and the numbering system is that of the Manual.

PART 215—BUREAU OF MINES DELEGATIONS

*215.6.1 Delegation of Authority—Solid Waste Disposal.* The Director, Bureau of Mines, is authorized except as provided in 200 DM 2.1, to exercise the authority conferred upon the Secretary of the Interior by the Solid Waste Dis-

posal Act, Act of October 20, 1965, 79 Stat. 997.

STEWART L. UDALL,
*Secretary of the Interior.*

MARCH 12, 1966.

[F.R. Doc. 66-2973; Filed, Mar. 21, 1966; 8:47 a.m.]

## DIRECTOR, BUREAU OF MINES

### Delegation of Authority

The following delegation is a portion of the Department of the Interior Manual and the numbering system is that of the Manual.

PART 215—BUREAU OF MINES DELEGATIONS

*215.7.1 Delegation of Authority—Contributions from Public and Private Sources, and Cooperative Agreements.* Except as provided in 200 DM 1, the Director, Bureau of Mines, is authorized to exercise the authority of the Secretary of the Interior to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private.

STEWART L. UDALL,
*Secretary of the Interior.*

MARCH 12, 1966.

[F.R. Doc. 66-2974; Filed, Mar. 21, 1966; 8:47 a.m.]

# DEPARTMENT OF AGRICULTURE

## Consumer and Marketing Service

## ONIONS

### Notice of Purchase Program GMP 45a

In order to encourage the domestic consumption of onions by diverting them from the normal channels of trade and commerce in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, an onion purchase program was made effective on March 14, 1966, in onion producing areas in New York State. Purchases will be made on an announced price basis as a surplus removal activity. Onions purchased under the program will be distributed to eligible schools and institutions. Details regarding price, container, and other program specifications are contained in purchase announcements issued by the Agricultural Stabilization and Conservation (ASCS) Committee in New York State. Quantities purchased will depend upon marketing conditions at the time of purchase, and availability of outlets for use of the onions without waste. Information concerning this purchase program may be obtained from the Fruit and Vegetable Division, Consumer and Marketing Service, Department of Agriculture, Washington, D.C., 20250.

(Sec. 32, 49 Stat. 774, as amended, 7 U.S.C. 612c)

Dated: March 17, 1966.

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

[F.R. Doc. 66-3012; Filed, Mar. 21, 1966; 8:51 a.m.]

## GLEN EDGAR LIVESTOCK COMMISSION CO., INC., ET AL.

### Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

| *Original name of stockyard, location, and date of posting* | *Current name of stockyard and date of change in name* |
|---|---|
| ARKANSAS | |
| Glen Edgar Livestock Commission Company, Inc., Batesville, June 28, 1957. | Davis Livestock Auction, Sept. 22, 1965. |
| Taylor Auction Company, Searcy, Feb. 17, 1959___ | Carson's Livestock Auction, Feb. 4, 1966. |
| GEORGIA | |
| Waycross Hog and Cattle Market, Waycross, July 13, 1959. | Waycross Hog & Cattle Market, Oct. 3, 1965. |
| IDAHO | |
| Emmett Livestock Commission Company, Inc., Emmett, Dec. 10, 1951. | Emmett Livestock Commission Co., Inc., Feb. 1, 1966. |
| IOWA | |
| Fairfield Livestock Commission Co., Fairfield, May 19, 1959. | Fairfield Livestock Commission, Inc., Sept. 1, 1965. |
| KANSAS | |
| Fort Scott Sale Company, Fort Scott, June 6, 1959_ | Fort Scott Sale Co., Inc., Dec. 1, 1965. |
| Manhattan Sales Company, Inc., Manhattan, Oct. 25, 1957. | Manhattan Commission Company, Inc., Nov. 1, 1965. |
| MISSOURI | |
| Davis-Johnston-Patrick Sales & Commission Co., Inc., Boonville, May 13, 1959. | Means Auction Company, Jan. 1, 1966. |
| Moberly Livestock Auction Co., Moberly, May 9, 1959. | Moberly Livestock Auction Company, July 14, 1965. |
| Dale D. Seabaugh Auction Barn, Sedgewickville, Nov. 25, 1959. | Sedgewickville Auction Company, Jan. 1, 1966. |
| NEBRASKA | |
| National Service Corporation, Plattsmouth, Apr. 25, 1959. | Plattsmouth Sale Barn, January 15, 1966. |
| OKLAHOMA | |
| Hugo Sales Commission, Hugo, Feb. 25, 1954_____ | Hugo Sales Commission, Inc., Jan. 17, 1966. |
| Pawnee Sale Company, Pawnee, May 11, 1959_____ | Pawnee Livestock Marketing Center, Dec. 15, 1965. |
| OREGON | |
| Dan B. Roth Auction Market, Albany, Aug. 15, 1961. | Roth's, Sept. 8, 1965. |
| SOUTH DAKOTA | |
| Madden Livestock Market, Inc., St. Onge, Dec. 7, 1961. | Madden's Livestock Market, Inc., Dec. 11, 1965. |
| TEXAS | |
| Clarksville Livestock Exchange, Clarksville, Apr. 7, 1960. | Clarksville Livestock Exchange, Inc., Oct. 1, 1965. |
| Conroe Cow Palace Livestock Auction, Conroe, May 15, 1962. | Conroe Cow Palace, Jan. 24, 1966. |
| Hardin Livestock Auction Company, Hardin, Apr. 18, 1959. | Hardin Livestock Commission Company, May 13, 1965. |
| VIRGINIA | |
| Piedmont Livestock Sales, Inc., Marshall, Mar. 2, 1959. | Marshall Auction Sales, Oct. 15, 1965. |
| WISCONSIN | |
| Fennimore Livestock Exchange, Fennimore, Apr. 29, 1960. | Fennimore Livestock Exchange, Inc., Feb. 4, 1966. |

Done at Washington, D.C., this 10th day of March 1966.

GLEN G. BIERMAN,
*Acting Director, Packers and Stockyards Division, Consumer and Marketing Service.*

[F.R. Doc. 66-3013; Filed, Mar. 21, 1966; 8:51 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

### CIBA PHARMACEUTICAL CO.

#### Notice of Filing of Petitions for Food Additive Sulfachlorpyridazine

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that petitions (FAPs 6D1873, 6D1885) have been filed by CIBA Pharmaceutical Co., Summit, N.J., 07901, proposing the issuance of a regulation to provide for the safe use of sulfachlorpyridazine (*N'*-(6-chloro-3-pyridazinyl)-sulfanilamide) for intravenous or intraperitoneal administration to calves for treatment of diarrhea caused by *E. coli* (colibacillosis) and for intraperitoneal administration to swine for treatment of diarrhea caused by *E. coli* (colibacillosis) and *V. coli* (vibriosis).

Dated: March 15, 1966.

J. K. KIRK,
*Assistant Commissioner for Operations.*

[F.R. Doc. 66-2988; Filed, Mar. 21, 1966; 8:49 a.m.]

### ELANCO PRODUCTS CO.

#### Notice of Filing of Petition for Food Additive Tylosin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 6D1951) has been filed by Elanco Products Co., a division of Eli Lilly & Co., Indianapolis, Ind., 46206, proposing that § 121.217 *Tylosin* be amended to provide for the safe use of tylosin for intramuscular injection of cattle at 1 to 2 milligrams per pound of body weight daily as an aid in the treatment of pneumonia, bronchitis, metritis, contagious calf pneumonia, foot rot, diphtheria, pneumoenteritis of calves, secondary bacterial infections associated with virus diseases, and infections associated with surgery or injuries.

Dated: March 15, 1966.

J. K. KIRK,
*Assistant Commissioner for Operations.*

[F.R. Doc. 66-2989; Filed, Mar. 21, 1966; 8:49 a.m.]

### FMC CORP.

#### Notice of Filing of Petition for Food Additive Coated Polycarbonate Film

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 6B1853) has been filed by FMC Corp., American Viscose Division, Marcus Hook, Pa., 19061, proposing the issuance of a regulation to provide for the safe use of coated polycarbonate film for the packaging of food.

Dated: March 14, 1966.

J. K. KIRK,
*Assistant Commissioner for Operations.*

[F.R. Doc. 66-2990; Filed, Mar. 21, 1966; 8:49 a.m.]

### TENNECO CHEMICALS, INC.

#### Notice of Withdrawal of Petition for Food Additives Rosins and Rosin Derivatives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Tenneco Chemicals, Inc., Newport Division, Post Office Drawer 911, Pensacola, Fla., 32502, has withdrawn its petition (FAP 6B1894), published in the FEDERAL REGISTER of November 30, 1965 (30 F.R. 14820), proposing that paragraph (a)(2)(iii) of § 121.2592 *Rosins and rosin derivatives* be changed to read as follows:

(iii) Partially dimerized rosin, dimerized by sulfuric acid or zinc chloride catalyst to a drop-softening point of 95° C.–120° C., and a color of N or paler.

The withdrawal of this petition is without prejudice to a future filing.

Dated: March 14, 1966.

J. K. KIRK,
*Assistant Commissioner for Operations.*

[F.R. Doc. 66-2991; Filed, Mar. 21, 1966; 8:49 a.m.]

### UNION CARBIDE CORP.

#### Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Union Carbide Corp., Post Office Box 65, Tarrytown, N.Y., 10592, has withdrawn its petition (FAP 2B0756), published in the FEDERAL REGISTER of April 24, 1962 (27 F.R. 3890), proposing the issuance of a regulation to provide for the safe use of triethylene glycol in ink employed in printing food-packaging materials and in printing other materials that contact food.

The withdrawal of this petition is without prejudice to a future filing.

Dated: March 14, 1966.

J. K. KIRK,
*Assistant Commissioner for Operations.*

[F.R. Doc. 66-2992; Filed, Mar. 21, 1966; 8:49 a.m.]

## Office of the Secretary

### CERTAIN DESIGNATED OFFICIALS

#### Delegation of Authority To Certify Copies of Documents

The Delegation of Authority to certify copies of documents (30 F.R. 13908) is hereby amended by adding the following items:

2. d. Director, Bureau of Drug Abuse Control.

6. With respect to documents on file in the Administration on Aging:

a. Commissioner on Aging;
b. Deputy Commissioner; and
c. Executive Officer

Dated: March 14, 1966.

DONALD F. SIMPSON,
*Assistant Secretary for Administration.*

[F.R. Doc. 66-2995; Filed, Mar. 21, 1966; 8:49 a.m.]

# ATOMIC ENERGY COMMISSION

### STATE OF NEW HAMPSHIRE

#### Proposed Agreement for Assumption of Certain AEC Regulatory Authority

On January 26, 1966; February 2, 1966; February 9, 1966; and February 16, 1966, the U.S. Atomic Energy Commission published for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of New Hampshire for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended. The effective date proposed by the State of New Hampshire for the agreement is May 16, 1966. Republication of the proposed New Hampshire agreement is necessary to reflect the recently established proposed effective date.

A résumé, prepared by the State of New Hampshire and summarizing the State's proposed program, was also submitted to the Commission and is set forth below as an appendix to this notice. Attachments referenced in the appendix are included in the complete text of the program. A copy of the program, including proposed New Hampshire regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C., 20545. All interested persons desiring to submit comments and sug-

gestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuances of February 14, 1962; 27 F.R. 1351; April 3, 1965; 30 F.R. 4352 and September 22, 1965; 30 F.R. 12069. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Washington, D.C., this 3d day of March 1966.

For the Atomic Energy Commission.

W. B. McCOOL,
*Secretary.*

PROPOSED AGREEMENT BETWEEN THE U.S. ATOMIC ENERGY COMMISSION AND THE STATE OF NEW HAMPSHIRE FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8 and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor and Council of the State of New Hampshire is authorized under Chapter 229, New Hampshire Laws of 1963, to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of New Hampshire certified on _____, that the State of New Hampshire (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on _____, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement, and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ART. II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ART. III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor or producer of any equipment, device, commodity or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ART. IV. This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ART. V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ART. VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ART. VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ART. VIII. This Agreement shall become effective on May 16, 1966, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

Done at Concord, State of New Hampshire, in triplicate, this day of _____.

For the United States Atomic Energy Commission.

GLENN T. SEABORG,
*Chairman.*

For the State of New Hampshire.

JOHN W. KING,
*Governor.*

WILLIAM A. STYLES,
AUSTIN F. QUINNEY,
EMILE SIMARD,
ROBERT L. MALLAT, JR.,
JAMES H. HAYES,
*Executive Council.*

NEW HAMPSHIRE RADIATION PROTECTION AND RADIATION CONTROL PROGRAM

POLICIES AND PROCEDURES FOR THE CONTROL OF IONIZING RADIATION

FOREWORD

The following narrative sets forth a brief description of the history, practices, capabilities, and proposed activities of the New Hampshire State Radiation Control Agency (hereafter referred to as "the Agency") of the New Hampshire State Department of Health and Welfare, Division of Public Health Services, as they relate to the assumption of certain regulatory functions of the U.S. Atomic Energy Commission and to the control of all sources of ionizing radiation, including naturally occurring isotopes and radiation producing machines.

The U.S. Atomic Energy Commission is authorized by section 274 of the Atomic Energy Act of 1954, as amended, to enter into an agreement with the Governor of a State to transfer to the State certain functions of licensing and regulatory control of byproduct, source, and special nuclear material in quantities not sufficient to form a critical mass. The transfer of responsibility with respect to these sources of ionizing radiation is made upon the determination by the Atomic Energy Commission that the State has the competency to administer licensing and regulatory authority of such sources.

The New Hampshire regulatory program for the control of sources of ionizing radiation will be conducted in such a manner as to effectively protect the public health and safety, and to further the economic growth of the State through the encouragement of the constructive and safe and proper uses of radiation. The program will be maintained so as to ensure compatibility with the regulatory program of the U.S. Atomic Energy Commission and with the programs of other agreement States insofar as possible.

*Authority.* The New Hampshire General Court, in 1963, enacted enabling legislation (RSA125, Chapter 229) designating the New Hampshire Department of Health and Welfare, Division of Public Health Services, as the New Hampshire State Radiation Control Agency, with the authority to promulgate, amend, and repeal codes and rules and regulations, subject to public hearing; to require the registration of sources of radiation as may be necessary to prohibit and prevent

unnecessary radiation exposure; to enter at all reasonable times upon any private or public property for the purpose of determining whether there is compliance with or violations of the provisions of RSA 125 and the rules and regulations issued thereunder; and to conduct inspections and surveys of radiation sources and their shielding and immediate surroundings.

RSA 125 further authorizes the Governor and Council, on behalf of the State, to enter into an agreement with the U.S. Atomic Energy Commission providing for the discontinuance of certain licensing responsibilities of the Federal Government with respect to sources of ionizing radiation and the assumption thereof by the State.

*History.* The New Hampshire State Department of Health and Welfare became involved with radiological health in 1938 when the Division of Industrial Hygiene was established. The Department's activities in this field were limited initially to the industrial uses of X-ray and radium for the most part, with some work being done in hospitals and in physicians' and dentists' offices on request.

Emphasis on radiation safety became greater with the advent of the atomic energy program and the availability of radioisotopes in the late 1940's; and in 1950 one of the Division engineers attended a 6-week course in radiation safety at the Brookhaven National Laboratory. The Division staff also took advantage of the training programs in radiological health and safety sponsored by the U.S. Department of Health, Education, and Welfare at Cincinnati, Ohio.

Division personnel were employed on a part-time basis in the Radiological Defense Program of the New Hampshire Civil Defense Agency in the early 1950's and were authorized to acquire and use Cobalt 60 sources in the training of radiological monitors within State departments in 1953. Two of these personnel attended an instructor's school sponsored by the Federal Civil Defense Administration and one engineer was temporarily attached to the Civil Effects Test Group of the AEC's Operation Plumbob at Mercury, Nev., in 1957. These personnel have since participated on a part-time basis in a formal training program for community radiological monitoring teams and have been licensed by the AEC for the use of a 5-curie Cobalt 60 source and a 120-curie Cesium 137 source, for instrument calibration purposes.

When the AEC's licensing program was established in 1957, Division personnel began accompanying the Commission's inspectors on joint inspections of licensed users of radioisotopes in both the industrial and medical fields. At about this time inspections and surveys of the medical uses of X-ray were intensified and in 1959 a survey of all dental office personnel in the State was conducted at the request of the New Hampshire Dental Society.

Training in health physics has been furthered by the attendance of two of the Division personnel, a chemist and an engineer, at a 10-week course at the Oak Ridge Institute of Nuclear Studies in 1964 and training in the AEC's licensing procedures was accomplished through a 2-week course at the AEC offices in Bethesda, Md.

The recommendations of the National Bureau of Standards with regard to radiation shielding and limits of radiation exposure for humans have been adhered to until the present time and primary emphasis has been placed on radiation sources not regulated or otherwise under the jurisdiction of the Atomic Energy Commission.

*Personnel.* The backgrounds of training and experience in radiation of persons employed in the future to fill vacancies on the New Hampshire Radiation Control Agency staff will be equivalent to those of the present prospective staff. Following are the résumés of the backgrounds of the proposed Agency staff:

FORREST H. BUMFORD

EDUCATION

University of New Hampshire—1937, B.S., Mech. Eng.
Special courses in Industrial Hygiene, Radiological Defense, and Radiological Health, USPHS—DOD—AEC.

MILITARY

U.S. Army Reserve 1936–1944 (1st Lieut.).
U.S. Public Health Service (R), Active Duty 1941–1946 (Lieut., S.G.).
U.S. Public Health Service (R), 1946–Date (Comm.).

EXPERIENCE

1937–1940—The Trane Co., La Crosse, Wis., Heating, Ventilating and A.C. Engineer.
1940–1941—State of New Hampshire, Dept. of Health, Division of Industrial Hygiene, Industrial Hygiene Engineer.
1941–1946—U.S. Public Health Service, Industrial Hygiene Engineer, Stationed N.H., District of Columbia, Tenn.
1946–1947—State of Ohio, Youngstown, Ohio, District Industrial Hygiene Engineer.
1947–1952—State of New Hampshire, Concord, N.H., Industrial Hygiene Engineer, Acting Director of Division 1951.
1952–Date—State of New Hampshire, Director, Division of Industrial Hygiene or Bureau of Occupational Health.

RADIATION EXPERIENCE

1941–Date—Experience in industrial, diagnostic, therapeutic, and fluoroscopic X-ray machines—safety and health. Health and safety in use of radium in hospitals, clinics, and industry.
1951–Date—State RADEF Officer in Civil Defense program. Charge of radiological defense for State; training of monitors and care and maintenance of instruments.
1957–Date—Hold AEC licenses for use of sealed sources for use in training and calibration of instruments, including multicurie (5) Cobalt 60 sources, Cesium 137 source (120 curie), including leak testing.
1961–Date—Appointed Director, State Radiation Control Agency, Division of Public Health, Department of Health and Welfare.

RICHARD S. DUMM

EDUCATION

University of New Hampshire—1951, B.S., Agr. Engineering.
Special courses:
- Industrial Ventilation, Michigan State Univ., 1954 (1 week).
- Radiological Defense Instructor, OCDM, 1957 (1 week).
- Civil Effects Test Group, AEC Nevada Test Site, 1957 (2 weeks).
- Civil Defense for Food and Drug Officials, USFDA, 1963 (1 week).
- Radiological Health Physics, Oak Ridge Institute of Nuclear Studies, 1964 (10 weeks).

MILITARY

Enlisted USNR Nov. 1943–June 1946 (27 mos. active).
Enlisted USNR Apr. 1950–Jan. 1952 (12 mos. active).
Commissioned USNR Jan. 1952–date (13 mos. active).

EXPERIENCE

U.S. Naval Reserve (active) Feb. 1951–Mar. 1953.
State of New Hampshire, Dept. of Health, Division of Industrial Hygiene, Apr. 1953–date.

RADIATION

Health and safety of medical and industrial uses of X-ray and radium; 1953–date.
Teaching radiological defense to local town and city organizations; 1957–date.
Special courses (see Education).

JOHN R. STANTON

EDUCATION

St. Anselm's College, Manchester, N.H.—1955, A.B. Chemistry. Member St. Anselm's Chemical Society, 1952–55.

MILITARY

Two years active duty with U.S. Army, 1955–57; duty, weather observer. Seven years with New Hampshire National Guard, 1957 to date.

SPECIAL TRAINING

Weather Observer School, Fort Monmouth, N.J., 1956 (13 weeks).
Industrial Hygiene Chemistry Course—DOH USPHS Cincinnati, Ohio, 1963 (2 weeks).
Dust Evaluation Techniques Course—DOH USPHS Cincinnati, Ohio, 1963 (1 week).
Civil Defense for Food and Drug Officials course—USFDA, Concord, N.H., 1963 (1 week).
Radiological Health course—AEC—ORINS—Oak Ridge, Tenn., 1964 (10 weeks).

EXPERIENCE

Chemist (Highway Materials Testing)—New Hampshire Department of Public Works and Highways, 1957–1962. Immediate Supervisor, Paul S. Otis. Principal duties: chemical analysis of paints, tar, asphalt and other highway construction materials.
Industrial Hygiene Chemist—Occupational Health Service, New Hampshire Department of Health and Welfare, 1962 to present. Immediate Supervisor, Forrest H. Bumford. Principal duties: (1) Chemical analysis of trace metals, solvents and metabolic products of toxins using infrared spectroscopy, ultraviolet spectrophotometry and gas chromatography; (2) monitoring of daily air samples for beta activity.

GOVERNOR'S RADIATION ADVISORY COMMITTEE

Robert Normandi, Ph. D., Chairman, Professor of Biology and Radiation Biology, St. Anslem's College, Manchester, N.H. Holds AEC license.
Frank Lane, M.D., Chief Roentgenologist, Mary Hitchcock Memorial Hospital, Hanover, N.H., Radiation Safety Officer, Mary Hitchcock Memorial Hospital, Hanover, N.H. Charge of 1,000 curie cobalt 60 teletherapy units. Holds AEC licenses.
Laurence Bixby, M.D., Roentgenologist, Dover City Hospital, Dover, N.H., Roentgenologist, Frisbie Memorial Hospital, Rochester, N.H.
John Lockwood, Sc. D., Chairman, Department of Physics, University of New Hampshire, Durham, N.H. Considerable experience with various isotopes and member of University Radiation Committee. Holds AEC license.
J. Copenhaver, Ph. D., Chairman, Dept. of Biological Sciences, Dartmouth College, Hanover, N.H. Holds AEC license.
Gene Likens, Ph. D., Dept. of Biological Sciences, Dartmouth College, Hanover, N.H. Holds AEC license.
Richard D. Brew, President, Brew Co., Concord, N.H. Representing industrial interests on committee.
Paul Simpson, Sanders Associates, Nashua, N.H. Representing industrial interests on committee.
Leonard Hill, Comptroller, State of New Hampshire, State House, Concord, N.H. Representing Governor on State Committee.

The committee membership will be changed somewhat after January 1966, to give a more balanced membership amongst the various professions concerned with radiological health. This committee will keep the Governor and Council informed on matters relative to radiation problems within the State.

They will also recommend programs and policies to the Radiation Control Agency and act as advisors to the Director of the Agency. They or certain members of the committee will also serve the Agency as an isotope committee similar to that in use by the AEC.

*Licensing and registration.* The State program provides for the issuance of both specific and general licenses for radioactive materials. The specific license will be issued to authorize the possession of such quantities of special nuclear material, source material, byproduct material, and other naturally occurring radioactive materials, such as radium, as are not generally licensed or exempted from licensing under the regulations General licenses are established in the regulations for the possession of such quantities of certain radioactive materials as are considered to be unlikly to present a hazard to the health and safety of the public under the filing of applications with the Agency or the issuance of licensing documents to the particular persons using the radioactive material.

Persons possessing less than certain quantities of radioactive materials, as stated in the regulations, or who possess items containing certain specified radioactive materials are exempted from the licensing requirements of the regulations.

The program also requires that persons having possession of any source of ionizing radiation other than exempt radioactive material and radioactive material licensed under the regulations, including machines or devices capable of producing ionizing radiation, shall register such machines or devices with the Agency on a form provided by the Agency.

The Agency is responsible for evaluating applications for and the issuing of licenses. Provision has been made, however, for a radiation advisory committee to assist the Agency in evaluations which require technical consultation. The board will consist of persons highly qualified in the fields of the medical uses of radiation, physics, and industry whenever possible. In addition, the Agency will utilize the applicable licensing criteria of the U.S. Atomic Energy Commission in making its evaluations.

*Inspection.* Inspections of activities using radiation sources will be made on a periodic basis. The most hazardous uses of radiation will be inspected at least once in each 6-month period, and other uses on a less frequent basis, depending upon the relative hazard. All licensed or registered activities will be inspected at least once in each 2-year period.

Announcement of an intended inspection may or may not be made prior to its execution.

Inspection visits will usually include a comprehensive review by the inspector of the licensee's equipmcnt, facilities, and handling or storage of radioactive material, the procedures, in effect, including actual operation, and interviewing of personnel actually involved. The inspector will review the user's survey methods and results, personnel monitoring practices and results, the posting and labeling used, the instructions to personnel, and the methods and apparent effectiveness of maintaining control of people in the controlled area. He will review the user's records of receipts, transfers, and inventory of licensed materials, if any. He may physically check the inventory. He will examine records concerning any disposal of radioactive material which might have been made. He may make measurements of radiation levels. Prior to the termination of each inspection, the inspector will meet with the management to discuss the results of his inspection. At this time he will present tentative oral recommendations or suggestions, and will attempt to answer questions concerning the regulatory program.

The inspector will prepare a detailed report to inform his superior and the licensee or registrant of all the facts and circumstances observed during the inspection, including recommendations for the abatement of noncompliance matters. The report will provide the basis for any necessary enforcement action by the Agency.

In addition, there will be investigations of incidents and complaints involving licensed or registered sources of radiation to determine the cause, and measures taken by the licensee or registrant to cope with the incident, whether or not there was noncompliance with the regulations, and the steps the licensee or registrant is taking to ensure that a recurrence of the incident will not take place.

*Enforcement.* Minor items of noncompliance, such as improper signs, failure to label, etc., will be included in the inspector's report and, if the licensee or registrant agrees to correct these irregularities at the time of the inspection, the corrective action taken will be reviewed with the licensee or registrant during the next periodic inspection. If the inspection reveals a noncompliance of a more serious nature, the licensee or registrant will be required to accomplish corrective action prior to a time fixed by the director of the Agency, which time shall be not more than ten days subsequent to formal written notification of the item of noncompliance by the Agency. The licensee or registrant will be required to inform the Agency in writing, usually within 15 days of formal notification, as to corrective action taken and the date it was accomplished. In these cases, the Agency's representative will either conduct a prompt follow-up inspection or the matter will be reviewed during the next regular inspection to insure that corrective action has, in fact, been accomplished. If the reply does not satisfactorily explain the noncompliance and assure that further violations will be prevented, the Agency will take such administrative actions as are available to it.

Where administrative enforcement of the rules and regulations of the Agency does not prove successful, a civil action may be instituted on behalf of the Agency for injunctive relief to prevent the violation of the provisions of the rules and regulations.

The director of the Agency has legal authority, in an emergency situation, to issue an order reciting that such an emergency does, in fact, exist and requiring that such action as he deems necessary be taken to meet the emergency. Any person to whom such an order is directed is required by law to comply with the order immediately.

Any person who receives a notice of violation of the regulations of the Agency and an order of abatement of the violation, or who is required to comply immediately with the orders of the director of the Agency, in an emergency situation, may apply for a hearing before the director of the Division of Public Health Services, New Hampshire State Department of Health and Welfare, and a hearing will be afforded within 15 days.

Any person who wilfully violates any of the provisions of the rules and regulations of the Agency, or who violates an order of the Agency, may be guilty of a crime and upon conviction may be punished by a fine or imprisonment or both, as provided by law.

*Reciprocity.* The Agency will exempt persons from the licensing requirement of the regulations who use, transfer, possess, or receive byproduct, source, or special nuclear material in quantities not sufficient to form a critical mass pursuant to a license issued by the U.S. Atomic Energy Commission or by another agreement state provided that such persons notify the Agency immediately of the presence of such materials within the state.

*Compatibility.* It is the policy of the State of New Hampshire to institute and maintain a regulatory program for sources for ionizing radiation so as to provide for a system consonant insofar as possible with the standards and regulatory programs of the Federal government and with those of other agreement States.

[F.R. Doc. 66-2396; Filed, Mar. 7, 1966; 8:50 a.m.]

# DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

## Office of the Secretary

## ACTING DIRECTOR, OFFICE OF TRANSPORTATION

### Designation

The officer appointed to the position of Deputy Director, Office of Transportation, is hereby designated to serve as Acting Director, Office of Transportation, during the present vacancy in the position of Director, Office of Transportation, with all the powers, functions, and duties delegated or assigned to the Director, Office of Transportation.

In the absence of the Deputy Director and during the present vacancy in the position of Director, Office of Transportation, David J. Speck, Attorney-Advisor, Office of General Counsel, is hereby designated to serve as Acting Director, Office of Transportation.

(79 Stat. 670, 5 U.S.C. 624d(d))

Effective as of the 12th day of March 1966.

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

[F.R. Doc. 66-2998; Filed, Mar. 21, 1966; 8:50 a.m.]

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## DIRECTOR, DIVISION OF FINANCE AND ACCOUNTS, ET AL. ADMINISTRATORS

### Delegation of Authority To Execute Legends on Obligations Evidencing Loans

1. The Director, Division of Finance and Accounts, and each Regional Administrator of the Department of Housing and Urban Development except the Regional Administrator, Region VII, is hereby authorized to execute, on behalf of the Secretary of Housing and Urban Development, any legend appearing on any bond, note, or other obligation being acquired by the Federal Government from a local public agency on account of a loan to such local public agency pursuant to Title I of the Housing Act of 1949, as amended (42 U.S.C. 1450 et seq.), which legend indicates the Federal Government's acceptance of the delivery of the particular bond, note, or other obli-

gation and its payment therefor on the date specified in the particular legend.

2. The Director, Division of Finance and Accounts, and each Regional Administrator is authorized to redelegate any of the authority herein delegated to one or more employees under his jurisdiction.

3. This delegation of authority supersedes the delegation effective January 25, 1955, as amended (20 F.R. 556, as amended at 23 F.R. 1612), respecting this same subject.

(79 Stat. 670, 5 U.S.C. 624d(d))

Effective as of the 22d day of March 1966.

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

[F.R. Doc. 66-2999; Filed, Mar. 21, 1966; 8:50 a.m.]

# CIVIL SERVICE COMMISSION

## PROFESSIONAL ENGINEERS, CERTAIN PHYSICAL SCIENTISTS, AND MATHEMATICIANS

### Notice of Adjustment of Minimum Rates and Rate Ranges

*Correction*

In F.R. Doc. 66-2868 appearing at page 4529 in the issue for Thursday, March 17, 1966, the salary rate for the first level of GS-6 now reads "$6,654". It is corrected to read "$6,854".

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14755-14757; FCC 66M-387]

## JUPITER ASSOCIATES, INC., ET AL.

### Order Regarding Procedural Dates

In re applications of Jupiter Associates, Inc., Matawan, N.J., Docket No. 14755, File No. BP-14178; William S. Halpern and Louis N. Seltzer, doing business as Somerset County Broadcasting Co., Somerville, N.J., Docket No. 14756, File No. BP-14234; Radio Elizabeth, Inc., Elizabeth, N.J., Docket No. 14757, File No. BP-14812; for construction permits.

The Hearing Examiner having under consideration motion filed March 14, 1966, on behalf of Jupiter Associates, Inc., requesting rescheduling of certain procedural dates heretofore set by order of the Hearing Examiner (FCC 66M-310) released March 3, 1966;

It appearing that good cause exists why said motion should be granted and movant pleads that counsel for all parties have indicated that they will interpose no objection to the immediate consideration and grant of the instant motion;

*Accordingly, it is ordered,* This 17th day of March 1966, that the motion is granted and that the exchange of exhibits shall be accomplished on or before April 8, 1966, in lieu of March 22, 1966; that the notification of witnesses desired for cross-examination shall be accomplished on or before April 18, 1966, in lieu of April 1, 1966;

*It is further ordered,* That the hearing now scheduled for April 26, 1966, be and the same is hereby rescheduled for April 25, 1966, 2 p.m., in the Commission's offices, Washington, D.C.

Released: March 17, 1966.

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

[F.R. Doc. 66-3001; Filed, Mar. 21, 1966; 8:50 a.m.]

[Docket No. 14855; FCC 66R-92]

## NORTHERN INDIANA BROADCASTERS, INC.

### Memorandum Opinion and Order Enlarging Issues

In re application of Northern Indiana Broadcasters, Inc., Mishawaka, Ind., Docket No. 14855, File No. BP-14771; for construction permit.

1. The Review Board has before it for consideration the Broadcast Bureau's petition to enlarge issues and remand the proceeding to the Examiner for further hearing, filed January 7, 1966, together with supporting and opposition pleadings addressed thereto; and a petition for consolidated oral argument of the Bureau request with the exceptions to the Initial Decision and Supplemental Initial Decision, filed by Northern Indiana Broadcasters, Inc., on February 4, 1966, together with pleadings ancillary thereto.

2. Northern Indiana Broadcasters, Inc. (Northern Indiana) seeks a construction permit for a new Class III-B standard broadcast station to operate day and night with different directional arrays (DA-2) on 910 kc, 1 kw, at Mishawaka, Ind. The Hearing Examiner in an Initial Decision, released December 2, 1963 (FCC 63D-138), and a Supplemental Initial Decision, released October 25, 1965 (FCC 65D-46), recommended grant of the application. Exceptions were filed in each instance. Pending the scheduling of oral argument after the release of the Supplemental Initial Decision, the Commission issued its Policy Statement on section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities,[1] applicable in those situations where "the applicant's proposed 5 mv/m daytime contour would penetrate the geographic boundaries of any community with a population of over 50,000 persons and having at least twice the population of the applicant's specified community." Such circumstances, the Commission stated, will raise a presumption that "the applicant realistically proposes to serve the larger community rather than his specified community.", and if not rebutted, applicant will be required to meet the technical provisions of the Commission's rules for stations assigned to the larger community. Failure to meet such technical standards will require denial of the application.

3. The Bureau in its moving petition points out that since Mishawaka with its population of 33,361 persons is less than half the size of the contiguous larger community of South Bend with a population of 132,445 persons, and since the proposed operation is directionalized toward South Bend with the 5 mv/m daytime contour encompassing the entire city of South Bend, the presumption applies and the application should therefore be remanded to the Examiner in order to afford Northern Indiana an opportunity to rebut this presumption in accordance with the considerations set forth by the Commission in its policy statement. The Bureau therefore seeks enlargement of the issues so that, in addition to the usual 307(b) evidence concerning the independence of a suburban community from its central city, the parties may fully explore all matters relating to the need for the proposed operation, by demonstrating the extent to which the specified station location has separate and distinct programing needs, the extent to which these needs are not being met by existing standard broadcast stations, and the extent to which this program proposal will meet these needs; and further to adduce evidence as to whether the projected sources of advertising revenues from within the specified station location are adequate to support the proposal as compared with the projected sources from all other areas; or in the alternative that evidence may be adduced pursuant to the technical requirements of the rules. South Bend Tribune, licensee of Station WSBT, in support of the Bureau's request, points out that since it was not permitted to adduce evidence to show how Station WSBT, a 5 kw regional station in South Bend, does serve the needs of Mishawaka, on its face the record does not contain all the necessary information sought by the policy statement, and that the proceeding must therefore be remanded.

4. Northern Indiana in its opposition urges first that the Commission did not by its policy statement establish any guidelines other than to seek a reasonable assurance that the applicant intends to provide a local transmission service to the suburban community and that it is not in fact circumventing its inability to meet certain technical requirements for assignment to the larger city, and since the record establishes that its application is in fact for Mishawaka and not South Bend, the Commission concern is satisfied. Northern Indiana does not dispute the fact that the South Bend stations serve the needs of Mishawaka since Mishawaka is included in their service areas, but argues essentially that they are primarily South Bend oriented stations and that the need for the first local transmission service in Mishawaka, oriented and geared to the needs of the local community is paramount and should take precedent over any other presumptions which may be raised by the policy statement. Northern Indiana contends that

[1] Public Notice released December 27, 1965, FCC 65-1153, 2 FCC 2d 190, 6 RR 2d 1901.

the record contains the information with respect to the needs of the community and how its programing will meet these needs, and that it is not possible, save to attempt to prove that the South Bend stations are not meeting the requirements of their licenses, to show that they do not meet at least some of the needs of the community. It therefore alleges that no useful purpose will be served by reopening this record and remanding the proceeding for further hearing. Northern Indiana requests in the alternative that rather than remand the proceeding, that the Review Board permit oral argument on the petition to reopen the record coincidentally with oral argument on the exceptions to the Examiner's Initial Decision, thus facilitating the proceeding.

5. As indicated, Northern Indiana's position is not that all of the information sought by the policy statement is in fact contained in the record, but rather that the policy statement does not set out the quantum of proof required to rebut the presumption. It urges that if the Review Board were to set out and establish proper guidelines, the record could in fact be found to be complete and a remand avoided. The Board does not agree with this position. The evidence in the existing record is not sufficient to resolve the issues being sought by the Broadcast Bureau in accordance with the Commission's criteria set out in the policy statement. The policy statement is clear and concise with respect to what evidence is needed to rebut the presumption that the applicant intends to serve the larger of the two communities as opposed to the suburban community. Absent this information in the record, the Board is required to remand the proceeding to the Examiner on the enlarged issues so that additional evidence may be adduced.[2] The Board will therefore remand the proceeding accordingly. In the event applicant fails to rebut this presumption, evidence may be adduced to permit a determination whether applicant meets all of the technical provisions of the rules for a station assigned to the appropriate larger community. Further, where the applicant would comply with the "10 Percent Rule" if the proposal is deemed to be one for the specified station location, in the event the proposal is determined to be one for the larger community, applicant will also be required to establish that the proposal for the latter community complies with the "10 Percent Rule" or that waiver is warranted.[3] The burden of proof with respect to each additional issue is upon the applicant. Northern Indiana's alternative request will be denied. Since the information is not in the record, the Board does not agree that it is feasible to permit oral argument without affording the respondents ample opportunity to avail themselves of the relief granted during the course of the hearing.

*Accordingly, it is ordered,* This 10th day of March 1966, That the petition to accept the late-filed opposition to petition to enlarge issues, filed on February 4, 1966, by Northern Indiana Broadcasters, Inc., is granted, and the opposition tendered therewith is accepted; and

*It is further ordered,* That this proceeding is remanded to the Hearing Examiner for further hearing and for preparation of a Supplemental Initial Decision consistent with this Memorandum Opinion and Order; and

*It is further ordered,* That the issues in this proceeding are hereby enlarged as follows:

(a) To determine whether the proposal of Northern Indiana Broadcasters, Inc., will realistically provide a local transmission facility for its specified station location or for another larger community, in light of all of the relevant evidence, including, but not necessarily limited to, the showing with respect to:

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

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

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

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

(b) To determine, in the event that it is concluded pursuant to the foregoing issue (a) that the proposal will not realistically provide a local transmission service for its specified station location, whether each such proposal meets all of the technical provisions of the rules, including §§ 73.30, 73.31, and 73.188(b) (1) and (2), for standard broadcast stations assigned to the most populous community for which it is determined that the proposal will realistically provide a local transmission service.

(c) To determine, in the event that it is concluded, pursuant to the foregoing issue (a) that Northern Indiana Broadcasters, Inc., will not realistically provide a local transmission service for Mishawaka whether South Bend has any existing standard broadcast nighttime facility, and if so, whether the interference which would be received by the applicant would affect more than 10 percent of the population within its normally protected primary service area in contravention of § 73.28(d)(3) of the rules, and, if so, whether circumstances exist which would warrant a waiver of that section of the rules.

*It is further ordered,* That the petition for oral argument, filed by Northern Indiana Broadcasters, Inc., on February 4, 1966, is denied.

Released: March 11, 1966.

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

[F.R. Doc. 66-3002; Filed, Mar. 21, 1966; 8:50 a.m.]

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[Docket Nos. 16388, 16389; FCC 66M-375]

## D. H. OVERMYER COMMUNICATIONS CO. AND MAXWELL ELECTRONICS CORP.

### Order Scheduling Hearing

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; for construction permits.

The Hearing Examiner having under consideration communication dated March 11, 1966, on behalf of D. H. Overmyer Communications Co. requesting that the evidentiary hearing in this proceeding be scheduled for June 13, 1966;

It appearing, that good cause exists why said request should be granted and counsel for Overmyer indicates that counsel for Maxwell Electronics Corp. and the Commission's Broadcast Bureau concur in said request;

*Accordingly, it is ordered,* This 16th day of March 1966, that the request is granted and the evidentiary hearing be and the same is hereby scheduled for June 13, 1966, 10 a.m., in the Commission's offices, Washington, D.C.

Released: March 16, 1966.

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

[F.R. Doc. 66-3003; Filed, Mar. 21, 1966; 8:50 a.m.]

# FEDERAL MARITIME COMMISSION

## CITY OF NEW YORK AND GRACE LINE, INC.

### Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers,

[2] Charles W. Jobbins, FCC 65-1154, 2 FCC 2d 197, 6 RR 2d 574; Monroevfile Broadcasting Co., FCC 65-1155, 2 FCC 2d 200; Jupiter Associates, Inc., FCC 65-1156, 2 FCC 2d 203, 6 RR 2d 578, all released Dec. 27, 1965; Boardman Broadcasting Co., Inc., FCC 66R-19, 2 FCC 2d 335, released Jan. 14, 1966.

[3] As is made abundantly clear in Charles W. Jobbins, supra, the "10 Percent Rule" is applicable in such situations. Special note is made of this fact to assure adherence to express Commission policy on the part of the Hearing Examiner, who, in his Supplemental Initial Decision, supra, resolved the "10 Percent Rule" issue in accordance with his personal views of the law.

New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreements filed for approval by:

City of New York, Department of Marine and Aviation, Battery Maritime Building, New York, N.Y., 10004.

Agreements No. T–1922 and T–1923 between the City of New York, Department of Marine and Aviation (City) and Grace Line, Inc. (Grace), provide for a 5-year lease of Pier 57 (T–1922) and a 4-year lease of Pier 58 (T–1923) North River, New York, N.Y. Grace agrees to use the leased premises as a marine terminal facility in connection with its ocean transportation business. The agreements also provide that Grace assess certain vessels wharfage charges as fixed by the City and apportion the wharfage revenues received on a 50–50 basis with the City. As compensation for Pier 57, Grace agrees to pay the City $275,000 annually, and for Pier 58, a fixed annual rental plus additional amounts based on the amount of cargo handled per year.

Dated March 17, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
*Secretary.*

[F.R. Doc. 66–3005; Filed, Mar. 21, 1966; 8:50 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. G–4809, etc.]

## CALIFORNIA CO. ET AL.

### Order Amending Orders Issuing Certificates, Redesignating Proceedings, and Redesignating FPC Gas Rate Schedules

MARCH 14, 1966.

The California Co., a division of Chevron Oil Co. (formerly The California Co., a division of California Oil Co.).

On July 2, 1965, The California Co., a division of Chevron Oil Co., formerly The California Co., a division of California Oil Co., filed a notice of change in name to advise the Commission that the name of the company had been changed effective July 1, 1965.

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity to The California Co., a division of California Oil Co., in the following dockets are amended by changing the name of the certificate holder to The California Co., a division of Chevron Oil Co.; in all other respects the orders issuing certificates shall remain in full force and effect; and the related rate schedules are redesignated accordingly:

| *Certificate Docket No.* | *FPC gas rate schedule* |
|---|---|
| G–5720 | [1] 1 |
| G–5719 | 2 |
| G–4809 | [1] 3 |
| G–8817 | [1] 4 |
| G–8810 | 5 |
| G–13078 | 6 |
| G–13222 | [1] 7 |
| G–13947 | 8 |
| G–15262 | [1] 9 |
| G–16108 | 11 |
| G–13293 | 12 |
| G–16167 | 13 |
| G–17339 | [1] 14 |
| G–19343 | 15 |
| G–16680 | [1] 16 |
| G–20147 | 17 |
| G–19345 | [1] 18 |
| CI61–348 | 19 |
| CI60–391 | 21 |
| CI60–215 | [1] 22 |
| CI61–1285 | [1] 23 |
| CI61–630 | [1] 24 |
| CI61–629 | [1] 25 |
| CI61–628 | 26 |
| CI62–145 | 27 |
| CI62–231 | [1] 28 |
| CI63–169 | 29 |
| CI63–563 | [1] 30 |
| CI63–1224 | 31 |
| CI65–200 | 33 |
| CI65–234 | 34 |

[1] (Operator), et al.

(B) The name of the respondent in the proceedings pending in Docket Nos. G–10784, G–14313,[2] G–16682,[2] G–19535,[2] and G–20346[2] is changed from The California Co., a division of California Oil Co., to The California Co., a division of Chevron Oil Co., and the proceedings are redesignated accordingly.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 66–2955; Filed, Mar. 21, 1966; 8:45 a.m.]

[Docket No. CP62–154]

## EL PASO NATURAL GAS CO.

### Notice of Petition To Amend

MARCH 15, 1966.

Take notice that on March 7, 1966, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, Tex., 79999, filed in Docket No. CP62–154 a petition to amend the order of the Commission issued in said docket on October 17, 1962, 28 FPC 614, and amended on August 31, 1964, 32 FPC 674, and December 28, 1965, by requesting authorization so as to change the volumetric limitation on its natural gas service to Southern California Gas Co. and Southern Counties Gas Co. of California (jointly Southern) to an annual maximum of 63,725,000 Mcf of gas in lieu of the presently authorized daily maximum of 174,680 Mcf, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By order issued in the instant docket on October 17, 1962, 28 FPC 614, Petitioner was granted authorization to sell and deliver on an interruptible, best efforts basis, under its Rate Schedule G–X–2, FPC Gas Tariff, Original Volume No. 1, during the calendar year 1962, up to 25,700,000 Mcf of natural gas (at 14.9 p.s.i.a.) to Southern for resale by Southern in its southern California market area.

Service to Southern under Rate Schedule G–X–2 for a period commencing August 31, 1964, and continuing through December 31, 1965, was authorized by order issued in the instant docket on August 31, 1964, 32 FPC 674. The aforementioned order of the Commission issued on December 28, 1965, amended the instant docket so as to authorize, during the limited period commencing January 1, 1966, and continuing through December 31, 1966, the sale and delivery of a maximum of 174,680 Mcf of natural gas (at 14.73 p.s.i.a.) daily to Southern.

By the instant filing Petitioner seeks to amend further its G–X–2 authorization so as to change the volumetric limitation from the presently authorized daily maximum of 174,680 Mcf to an annual maximum of 63,725,000 Mcf (63,000,000 Mcf at 14.9 p.s.i.a).

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 April 11, 1966.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 66–2956; Filed, Mar. 21, 1966; 8:45 a.m.]

[Docket No. G–16492 etc.]

## T. L. JAMES & CO., INC., ET AL.

### Order Approving Offer of Settlement, Severing and Terminating Proceedings and Prescribing Refunds

MARCH 14, 1966.

T. L. James & Co., Inc., et al., Docket Nos. G–16492, et al.; Austral Oil Co., Inc., Docket No. G–20289; Nicklos Oil & Gas Co. (Operator), et al., Docket No. G–20290.

Austral Oil Co., Inc. (Austral) and Nicklos Oil & Gas Co. (Operator), et al. (Nicklos) in Docket Nos. G–20289 and G–20290, respectively,[1] on February 7, 1966, jointly filed an offer of settlement to resolve the conflicting interpretations of the tax reimbursement provisions in their rate schedules for jurisdictional sales of natural gas to Trunkline Gas Co. (Trunkline) in Louisiana. In summary respondents propose (Austral under its FPC Gas Rate Schedule No. 13 and Nicklos under its FPC Gas Rate Schedule No. 2);

(1) A settlement tax reimbursement rate of 1.80 cents per Mcf, in lieu of 2.05 cents per Mcf, as the applicable Louisiana gas severance reimbursement for the subject sales;

[2] Consolidated with Docket No. AR61–2, et al.

[1] Referred to jointly as respondents.

(2) Agree to refund to Trunkline, with interest at 6 percent per annum, 0.15 cents per Mcf tax reimbursement for all gas previously delivered under said rate schedules for which Trunkline has paid tax reimbursement at the rate of 2.05 cents per Mcf. As a part of their settlement proposal, respondent Austral further agrees to move to dismiss its pending suit for declaratory judgment in the State of Louisiana; and

(3) Further agree to pay over to Trunkline, as soon as such amount can be determined, an additional amount equal to the difference between tax reimbursement at 1.80 cents per Mcf on gas delivered after approval of this settlement proposal and such lower tax reimbursement, if any, as is provided by any general rate settlement into which Austral or Nicklos enters or as is allowed by the Commission's final order in South Louisiana Area Rate Proceedings, Docket Nos. AR61–2, et al., which ever shall first occur.

Respondents' offer of settlement is similar to Pan American Petroleum Corp.'s offer of settlement with Trunkline which we accepted by order issued December 30, 1965, in Docket Nos. G–16492, et al. No objection has been filed by interveners or other interested parties, and Trunkline has concurred in the settlement proposal.

We believe these proposals are consistent with the public interest and the provisions of the Natural Gas Act, and consequently shall approve the same. For the reasons set forth in the Humble order issued July 8, 1964, in Docket Nos. G–9287, et al., we will require Respondents to retain the refunds involved here.

Our action herein should not be construed as constituting approval of any future rate increases, if any, that may be filed under the subject rate schedules, and is without prejudice to any findings or order of the Commission in future proceedings, including area rate or similar proceedings, involving Respondents' rates and rate schedules, their successors as assignees.

The Commission finds: The proposed settlements of the subject proceedings on the bases described herein, as more fully set forth in the settlement proposal filed by Respondents as set forth above, are in the public interest and it is appropriate in carrying out the provisions of the Natural Gas Act that they be approved and made effective as hereinafter ordered, and good cause exists for approving these settlements, for severing proceedings, for terminating Docket Nos. G–20289 and G–20290, and for providing for refunds.

The Commission orders:

(A) The offer of settlement filed with the Commission on February 7, 1966, by Respondents in Docket Nos. G–20289 and G–20290 is approved in accordance with provisions of this order.

(B) Respondents shall file, within 90 days from the date of issuance of this order, notices of change in rates under their applicable FPC gas rate schedules to reflect the settlement rates applicable to severance tax reimbursement. The notices of change shall be submitted in accordance with Part 154 of the Commission's regulations under the Natural Gas Act.

(C) Respondents shall compute the amount of refund payable, together with interest at 6 percent per annum to the date of issuance of this order, for a 0.15 cent per Mcf tax reimbursement for all gas previously delivered to Trunkline under Austral's FPC Gas Rate Schedule No. 13 and Nicklos' FPC Gas Rate Schedule No. 2 for which Trunkline has paid tax reimbursement at the rate of 2.05 cents per Mcf; and shall within 45 days from the date of issuance of this order submit a report to the Commission, with a copy to Trunkline, setting out the amount of refund (showing separately the principal and applicable interest), the basis used for such determination, the period covered, and ten days thereafter shall submit to the Commission a copy of a letter from Trunkline agreeing to the correctness of such amounts.

(D) Respondents shall retain these amounts of monies shown in the report required under ordering Paragraph (C) above, subject to further order of the Commission.

(E) Respondents may deposit the retained refunds in a special escrow account, and shall tender for filing within 60 days of the date of issuance of this order an executed escrow agreement, conditioned as set out below, accompanied by a certificate showing service of a copy thereof upon its jurisdictional pipeline customer. Unless notified to the contrary by the Secretary within 30 days from the date of filing thereof, the escrow agreement shall be deemed to be satisfactory and to have been accepted for filing. The escrow agreement shall be entered into between Respondents and any bank or trust company used as a depositor for funds of the U.S. Government and the agreement shall be conditioned as follows:

(1) Respondents, the bank or trust company, and the successors and assigns of each, shall be held and formally bound unto the Federal Power Commission for the use and benefit of those entitled thereto, with respect to all amounts and the interest thereon deposited in the special escrow account, subject to such agreement, and such bank or trust company shall be bound to pay over to such person or persons as may be identified and designated by final order of the Commission and in such manner as may be therein specified, all or any portion of such deposits and the interest thereon.

(2) The bank or trust company may invest or reinvest such deposits in any short-term indebtedness of the United States or any agency thereof, or in any form of obligation guaranteed by the United States which is, respectively, payable within 120 days as the said bank or trust company in the exercise of its sound discretion may select.

(3) Such bank or trust company shall be liable for such interest as the invested funds described in Paragraph (2) above will earn and no other interest may be collected from it.

(4) Such bank or trust company shall be entitled to such compensation as is fair, reasonable and customary for its services as such, which compensation shall be paid out of the escrow account to such bank or trust company. Said bank or trust company will likewise be entitled to reimbursement for its reasonable expenses necessarily incurred in the administration of this escrow account, which reimbursement shall be made out of the escrow account.

(5) Such bank or trust company shall report to the Secretary quarterly, certifying the amount deposited in the bank or trust company for the quarterly period.

(F) If Respondent elects to commingle the retained refunds with its general assets and use them for business purposes, it shall notify the Secretary of the Commission of its intention to do so within 60 days of the issuance of this order, and shall pay interest on such monies at the rate of 5 percent per annum from the date of issuance of this order to the date on which they are paid over to the person or persons ultimately determined to be entitled thereto by final order or orders of the Commission.

(G) Upon notification by the Secretary of the Commission that each of Respondents has complied with the terms and conditions of this order, the section 4(e) proceeding in Docket Nos. G–20289 and G–20290 shall terminate, and said proceedings shall be severed from consolidated proceedings in Docket Nos. G–16492, et al.

(H) The Secretary of the Commission shall, by separate letter, direct Trunkline to report its plans for distribution of the refunds provided for herein. In the event that Trunkline states that it will flow-through the entire amount of refunds received, the Secretary of the Commission is authorized to release by his letter the refunds plus interest.

(I) The acceptance by the Commission of Respondents offers of settlement is without prejudice to any findings or determinations that may be made in any proceeding now pending, or hereafter instituted by or against Respondents and is without prejudice to claims or contentions which may be made by Respondents, the Commission staff, or any affected party hereto, in any proceeding.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66–2957; Filed, Mar. 21, 1966; 8:45 a.m.]

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[Docket No. CP66–286]

## LONE STAR GAS CO.

### Notice of Application

MARCH 15, 1966.

Take notice that on March 8, 1966, Lone Star Gas Co. (Applicant), 301 South Harwood Street, Dallas, Tex., 75201, filed in Docket No. CP66–286 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the operation of certain facilities for the transportation of natural gas in interstate commerce, all as more fully set forth in the applica-

tion which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval to abandon by removal and salvage the operation of that portion of its Line GD–J that is paralleled by 2d Line GD–J between approximate stations 164+13 and 206+51 in Garvin County, Okla., consisting of approximately 4,178 feet of 6⅝-inch O.D. pipeline and 60 feet of 7-inch O.D. pipeline.

Applicant states that the town of Elmore City in Garvin County, Okla., proposes to impound water in a city water supply reservoir to be known as Wildhorse Creek Reservoir Site 107, and in so doing will inundate approximately 2,035 feet of Applicant's Line GD–J as well as a portion of its 8-inch Line 2d GD–J which loops line GD–J and lies parallel thereto. Applicant further states that since Line 2d GD–J has sufficient capacity to transport the gas volumes available and estimated to be available in the future, the looped portion of Line GD–J is no longer needed by Applicant to transport natural gas in this area.

The application states that under the aforementioned circumstances the relatively high cost of anchoring and preparing the looped portion of Line GD–J for immersion under water cannot be economically justified, and accordingly, Applicant proposes to abandon that portion of the older Line GD–J which is paralleled by Line 2d GD–J and which is not as suitable for continued operation under water, retaining in service only the newer and thicker walled Line 2d GD–J. The application further states that Line 2d GD–J will be properly prepared for immersion under water and will continue to operate as heretofore.

Applicant states that the proposed abandonment will not result in the abandonment or any diminution of natural gas service to any city, town, community or customer or lessen the service presently being rendered by Applicant.

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 April 11, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 66–2958; Filed, Mar. 21, 1966; 8:45 a.m.]

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[Docket Nos. G–2602, etc.]

## MARATHON OIL CO. ET AL.

### Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MARCH 15, 1966.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

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) on or before April 6, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

| Docket No. and date filed | Applicant | Purchaser, field, and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| G–2602 C 5–13–65 [1] 3–3–66 [2] | Marathon Oil Co., 539 South Main St., Findlay, Ohio, 45840. | Natural Gas Pipeline Co. of America, North Pasture Field, San Patricio County, Tex. | 16.5 | 14.65 |
| G–4541 C 11–26–65 [3] | Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla. 74102. | El Paso Natural Gas Co., North Justis Blinebry Field, Lea County, N. Mex. | 10.0 | 14.65 |
| G–11457 D 3–7–66 | Westhoma Oil Co., 1670 Denver Club Bldg., Denver, Colo., 80202. | Panhandle Eastern Pipe Line Co., acreage in Texas County, Okla. | Assigned | ------ |
| G–11944 E 3–9–66 | Humble Oil & Refining Co., (successor to Socony Mobil Oil Co., Inc.), Post Office Box 2180, Houston, Tex., 77001. | Texas Eastern Transmission Corp., Helen Gohlke Field, De Witt County, Tex. | 14.6 | 14.65 |
| CI61–28 C 3–7–66 | J. M. Huber Corp., 2401 East 2d Ave., Denver, Colo., 80206. | Michigan Wisconsin Pipe Line Co., Laverne Field, Harper and Beaver Counties, Okla. | [4] 18.0 | 14.65 |
| CI61–1392 C 2–28–66 | Allerton Miller, 2501 Grant Bldg., Pittsburgh, Pa., 15219. | Equitable Gas Co., Warren District, Upshur County, W. Va. | 25.0 | 15.325 |
| CI63–318 C 3–9–66 | Frank A. Schultz, et al., 730 Fidelity Union Tower, Akard and Pacific Sts., Dallas, Tex., 75201. | El Paso Natural Gas Co., Basin Dakota Pool, San Juan County, N. Mex. | 13.0 | 15.025 |
| CI63–1300 C 3–4–66 | Socony Mobil Oil Co., Inc., Post Office Box 2444, Houston, Tex., 77001. | Natural Gas Pipeline Co. of America, West Crane and Putnam Fields, Dewey and Custer Counties, Okla. | 15.0 | 14.65 |
| CI64–156 C 3–4–66 | Marathon Oil Co., Operator, 539 South Main St., Findlay, Ohio, 45840. | Colorado Interstate Gas Co., Wamsutter Unit Area, Sweetwater County, Wyo. | 15.0 | 14.65 |
| CI64–175 C 3–7–66 | Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla, 74102 | El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex. | 13.0 | 15.025 |

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

| Docket No. and date filed | Applicant | Purchaser, field, and location | Price per Mcf | Pressure base |
|---|---|---|---|---|
| CI65-154 C 3-9-66 | Warren Petroleum Corp., Post Office Box 1589, Tulsa, Okla., 74102. | Natural Gas Pipeline Co. of America, Thomas Area, Dewey and Custer Counties, Okla. | 15.0 | 14.65 |
| CI66-805 (G-13633) F 3-3-66 | Fred LaRue (successor to Union Producing Co.), c/o Harry D. Owen, attorney, Post Office Box 2599, Jackson, Miss. | United Gas Pipe Line Co., Maxie-Pistol Ridge Field, Forrest County, Miss. | [5] 20.0 | 15.025 |
| CI66-807 A 3-2-66 | J. M. Huber Corp., 2401 East 2d Ave., Denver, Colo., 80206. | Mountain Fuel Supply Co., Powder Wash Field, Moffat County, Colo. | 13.0 | 15.02 |
| CI66-809 A 3-2-66 | Cleary Petroleum, Inc., 310 Kermac Bldg., Oklahoma City, Okla., 73102. | Panhandle Eastern Pipe Line Co., Adams Ranch Area, Meade County, Kans. | 14.0 | 14.65 |
| CI66-810 (CI64-1405) A&F 3-1-66 | Austral Oil Co., Inc. (successor to Camerina Petroleum Corp.[6]), 2700 Humble Bldg., Houston, Tex., 77002. | Arkansas Louisiana Gas Co., Arkoma Area, Haskell, Latimer, and Pittsburg Counties, Okla., and Franklin County, Ark. | 15.0 | 14.65 |
| CI66-811 A 3-2-66 | Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex., 77001. | Colorado Interstate Gas Co., Mocane Field, Beaver County, Okla. | [7] 17.0 | 14.65 |
| CI66-812 B 3-3-66 | Shell Oil Co., 50 West 50th St., New York, N.Y., 10020. | Ashland Oil & Refining Co., Kansas Hugoton Field, Grant and Haskell Counties, Kans. | ([8]) | ---------- |
| CI66-813 A 3-3-66 | Cities Service Oil Co., Cities Service Bldg., Bartlesville, Okla., 74004. | Texas Eastern Transmission Corp., North Panther Reef Field, Calhoun County, Tex. | 15.0 | 14.65 |
| CI66-815 A 3-7-66 | Leben Drilling, Inc., Post Office Box 486, Great Bend, Kans., 67530. | Panhandle Eastern Pipe Line Co., acreage in Edwards County, Kans. | 16.0 | 14.65 |
| CI66-816 A 3-7-66 | Chief Drilling Co., Inc., Box 797, Great Bend, Kans., 67530. | Cities Service Gas Co., acreage in Barber County, Kans. | 14.0 | 14.65 |
| CI66-817 A 3-7-66 | Mid-East Oil Co., 521 Oliver Bldg., Pittsburgh, Pa., 15222. | Consolidated Gas Supply Corp., Gaskill Township, Jefferson County, Pa. | 27.5 | 15.325 |
| CI66-818 A 3-7-66 | Robert P. Evans, et al., 1704 Beck Bldg., Shreveport, La. | United Gas Pipe Line Co., Sibley Field, Webster Parish, La. | [9] 12.5252 | 15.025 |
| CI66-819 A 3-4-66 | Jas. F. Smith, Operator, Post Office Box 10005, Avonbell Station, Amarillo, Tex., 79106. | Panhandle Eastern Pipe Line Co., acreage in Beaver County, Okla. | [10] 17.0 | 14.65 |
| CI66-820 A 3-7-66 | Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co., Post Office Box 747, Dallas, Tex., 75221. | United Gas Pipe Line Co., Lafourche Crossing Field, Lafourche Parish, La. | 15.0 | 15.025 |
| CI66-821 A 3-7-66 | Tenneco Oil Co., Post Office Box 2511, Houston, Tex., 77001. | Natural Gas Pipeline Co. of America, South Taloga Field, Dewey County, Okla. | 17.0 | 14.65 |
| CI66-822 A 3-4-66 | Tenneco Oil Co. (Operator), et al. | El Paso Natural Gas Co., Jicarilla Area, San Juan Basin, Rio Arriba County, N. Mex. | 13.0 | 15.025 |
| CI66-823 A 3-8-66 | The Atlantic Refining Co., Post Office Box 2819, Dallas, Tex., 75221. | El Paso Natural Gas Co., Jicarilla Field, Rio Arriba County, N. Mex | 13.0 | 15.025 |
| CI66-824 A 2-28-66 | Marshall Exploration Co., Inc., 305 West Rusk St., Marshall, Tex., 75670. | Southern Natural Gas Co., Logansport Field, De Soto Parish, La. | [11] 13.82 | 15.025 |
| CI66-826 A 3-4-66 | Sunset International Petroleum Corp., 8920 Wilshire Blvd., Beverly Hills, Calif., 90211. | El Paso Natural Gas Co., Blanco Field, San Juan County, N. Mex. | 11.0 | 15.025 |
| CI66-827 A 3-3-66 | Anadarko Production Co., Post Office Box 351, Liberal, Kans., 67901. | Panhandle Eastern Pipe Line Co., Panoma Council Grove Field, Stevens County, Kans. | 14.0 | 14.65 |
| CI66-828 A 3-8-66 | Mesa Petroleum Co., Operator, 1501 Taylor St., Amarillo, Tex., 79105. | Northern Natural Gas Co., Lovedale Field, Harper County, Okla. | 17.0 | 14.65 |
| CI66-831 A 3-8-66 | Sun Oil Co., (Southwest Division) 1608 Walnut St., Philadelphia, Pa., 19103. | Texas Eastern Transmission Corp., May Field, Kleberg County, Tex. | 15.6 | 14.65 |

[1] Application previously noticed June 2, 1965 at a total initial price of 14.0 cents per Mcf.
[2] Applicant filed to amend its contract by deleting the indefinite pricing provisions insofar as they pertain to the subject acreage and to reflect a price of 16.5 cents per Mcf.
[3] Application erroneously noticed Dec. 7, 1965 at a total initial rate of 9.0 cents per Mcf. By letter filed Feb. 28, 1966, Applicant states the present effective rate under said rate schedule is 10.0 cents per Mcf, which does not exceed the applicable area rate set forth in the Commission's Opinion No. 468 and 468-A, as supplemented.
[4] Includes 1.0 cent upward B.t.u. adjustment.
[5] Settlement rate as approved by Commission order issued Dec. 23, 1964.
[6] Camerina's interest is covered under certificate issued to Steve Gose (Operator), et al.
[7] Subject to upward B.t.u. adjustment.
[8] Contract has expired and Carbon Black Plant for which gas was purchased has been dismantled.
[9] Includes 1.5 cents tax reimbursement.
[10] Subject to upward and downward B.t.u. adjustment.
[11] Subject to 1.5 cents per Mcf adjustment for gathering charges.

[F.R. Doc. 66-2959; Filed, March 21, 1966; 8:45 a.m.]

[Docket No. CP66-285]

## TEXAS GAS TRANSMISSION CORP.

### Notice of Application

MARCH 15, 1966.

Take notice that on March 7, 1966, Texas Gas Transmission Corp. (Applicant), Post Office Box 1160, Owensboro, Ky., 42301, filed in Docket No. CP66-285 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate facilities to render the service sought by The Cincinnati Gas & Electric Co. (Cincinnati) in its application pursuant to section 7(a) of the Natural Gas Act filed in Docket No. CP66-205 on December 23, 1965 (31 FR 305). In said application Cincinnati has requested that the Commisison direct Applicant to establish a new delivery point for service to Cincinnati and to sell to Cincinnati, at such delivery point, beginning November 1, 1966, a volume of gas up to 10,200 Mcf per day on a firm basis. Applicant states that certification of the service requested by Cincinnati will result in a Contract Demand effective November 1, 1966, of 12,444 Mcf of gas per day.[1]

On January 27, 1966, Applicant filed its Answer in Docket No. CP66-205 stating that it did not have the capacity available for the requested service but that Applicant would file the necessary certificate application to construct the required facilities. Applicant states that the instant application has been filed pursuant to the representation made in said Answer.

By the instant filing, Applicant seeks authorization to construct and operate the following facilities to render the service proposed by Cincinnati:

(a) Approximately 2.81 miles of 30-inch loop pipeline in Kentucky,

(b) Approximately 14.37 miles of 36-inch loop pipeline in Louisiana, Mississippi, and Tennessee, and

(c) One meter station in Ohio.

The total estimated cost of Applicant's proposed construction is $2,844,000, which will be financed through short-term bank loans pending long-term debt financing which has not, at this time, been finalized.

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 April 11, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

[1] Applicant states that Cincinnati is currently purchasing gas from it to meet the requirements of Harrison, Ohio, under a Service Agreement containing a Contract Demand of 2,122 Mcf (at 14.73 p.s.i.a.) and that Cincinnati has requested an increase in the Contract Demand to 2,244 Mcf per day effective Nov. 1, 1966. Authorization for said service is pending certification in Docket No. CP66-149 filed on Nov. 10, 1965 (30 FR 14823), and amended on Feb. 14, 1966 (31 FR 3434).

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 66-2960; Filed, Mar. 21, 1966; 8:45 a.m.]

[Docket No. CP63-204 etc.]

## TRANSWESTERN PIPELINE CO. ET AL.

### Notice Changing Date of Oral Argument

MARCH 14, 1966.

Transwestern Pipeline Co., CP63-204 and CP64-91; Gulf Pacific Pipeline Co., CP63-223; El Paso Natural Gas Co., CP64-76.

Notice is hereby given that the oral argument originally scheduled by the Commission to commence on March 29, 1966, in the above-designated matter will commence at 10 a.m., on Monday, March 28, 1966, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

By direction of the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 66-2961; Filed, Mar. 21, 1966; 8:45 a.m.]

[Docket No. E-7276]

## WEST PENN POWER CO.

### Notice of Application

MARCH 14, 1966.

Take notice that on March 7, 1966, the West Penn Power Co. (West Penn), filed an application with the Federal Power Commission pursuant to section 203 of the Federal Power Act seeking an order authorizing it to lease the entire electric facilities of the Borough of Brackenridge, Allegheny County, Pa.

West Penn is incorporated under the laws of the State of Pennsylvania and authorized to do business in the States of Pennsylvania and West Virginia. It is an operating public utility engaged in the production, distribution and sale of electricity in the greater portion of the counties of Armstrong, Butler, Fayette, Greene, Washington, and Westmoreland, and in parts of Allegheny, Cameron, Centre, Clarion, Clinton, Elk, Indiana, Lycoming, McKean, and Potter Counties, Pa. It interchanges power with the Monongahela Power Co. in West Virginia and with the Potomac Edison Co. in Maryland.

According to the application West Penn proposes to lease the electric facilities of Brackenridge in accordance with a lease agreement dated December 23, 1965. West Penn has agreed to pay a total rental of $2,000,000 as follows: $260,000 on the effective date of the lease and the balance of $1,740,000 in 29 annual installments of $60,000. The lease includes all of the electric utility system of Brackenridge and all property used or useful in connection therewith. All transmission and distribution facilities are to be used by West Penn for the same purposes for which they are presently being used by Brackenridge. West Penn proposes that within 6 months after the lease of the proposed transaction it will construct facilities to connect the transmission and distribution system of Brackenridge with the electric utility system of West Penn. According to West Penn the original cost of the electric facilities to be leased is estimated at $226,000 and the reserve for depreciation of such facilities is estimated at $78,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 4, 1966, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 66-2962; Filed, Mar. 21, 1966; 8:46 a.m.]

[Docket No. RI66-286 etc.]

## ASHLAND OIL & REFINING CO. ET AL.

### Order Providing for Hearing; Correction

MARCH 3, 1966.

Ashland Oil & Refining Co., et al., Docket Nos. RI66-286, et al.; Wood Oil Co., Docket No. RI66-287.

In the order providing for hearing on and suspension of proposed changes in rates, issued February 17, 1966, and published in the FEDERAL REGISTER February 26, 1966 (F.R. Doc. 66-2032, 31 F.R. 3209), in the chart after Docket No. RI66-287, Wood Oil Co., FPC Gas Rate Schedule No. 3, correct "Supplement No. 1" to read "Supplement No. 2".

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 66-2954; Filed, Mar. 21, 1966; 8:45 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[812-1912]

## WELLINGTON FUND, INC.

### Notice of Filing of Application for Order Exempting Sale by Open-End Company of Shares at Other Than Public Offering Price in Exchange for Assets of Closely Held Company

MARCH 14, 1966.

Notice is hereby given that Wellington Fund, Inc. ("Wellington Fund"), 1630 Locust Street, Philadelphia, Pa., a Delaware corporation which is registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares, without sales charge, for substantially all of the cash and securities of Sutro-Wheatley, Inc. ("Sutro"). Said exemptive order is requested since the shares of Wellington Fund are offered to the public at a price which includes a sales charge in addition to the net amount which Wellington Fund receives from the underwriter through whom such public offering is made. All interested persons are referred to the application as filed with the Commission for a statement of the representations made therein, which are summarized below.

As of December 31, 1965, the net assets of Wellington Fund amounted to approximately $2,047,575,319. Sutro, a Pennsylvania corporation, is the outgrowth of the merger of E. Sutro & Sons, a personal holding company since 1938, and Wheatley Corp. Sutro's shares of stock are owned by 18 shareholders, 12 individuals and 6 inter vivos trusts. Its assets consist of cash, marketable securities, certain notes and insurance policies. It is anticipated that the notes will have been liquidated and the insurance policies surrendered for their cash value prior to the valuation date. Pursuant to an Agreement and Plan of Reorganization, Wellington Fund will acquire substantially all of the cash and securities owned by Sutro, which had a value as of December 31, 1965 of $5,097,548, in exchange for stock of Wellington Fund which will be distributed to shareholders of Sutro upon liquidation. Neither Sutro nor any of the shareholders of Sutro has any present intention of redeeming shares of Wellington Fund which they acquire.

The amount of stock of Wellington Fund to be delivered to Sutro will be determined on the basis of the values at 3:30 p.m. on the business date next succeeding the first dividend record date established by Wellington Fund after January 4, 1966, the date of said Agreement, or such other date as may be mutually agreed upon; the number of shares to be delivered will be obtained by dividing the adjusted market value of the assets of Sutro by the net amount per share which Wellington Fund receives from the underwriter of its shares on sale of its shares to the public. This amount is the net asset value per share plus a charge, recently computed at 4 cents per share, to reflect the per share amount of annual brokerage commissions paid by Wellington Fund in acquiring portfolio securities. The market value of the assets of Sutro will be adjusted according to a formula set forth in the application which would reflect the higher ratio of unrealized appreciation in the assets of Sutro to be acquired by Wellington Fund than in the assets of Wellington Fund as well as the Federal income taxes which may be payable upon present or future realization of such excess appreciation. As of December 31, 1965, unrealized appreciation represented approximately 11.6 percent of the net asset value of the shares of Wellington Fund

and approximately 38.4 percent of the value of the securities of Sutro to be acquired by Wellington Fund, and Wellington Fund had undistributed long-term capital gain of $6,499,280. Of the securities to be acquired, Wellington Fund intends, subject to changes in investment conditions and considerations, to sell securities having a value as of December 31, 1965, of approximately $1,326,977 with unrealized capital gain of $323,369, and to retain securities having a value of approximately $3,533,594 with unrealized capital gain of $1,543,591.

Notice is further given that any interested person may, not later than March 30, 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 (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. 66–2977; Filed, Mar. 21, 1966; 8:47 a.m.]

# INTERSTATE COMMERCE COMMISSION

[Notice 150]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 17, 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 protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (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 30204 (Sub-No. 23 TA), filed March 11, 1966. Applicant: HEMINGWAY TRANSPORT, INC., 438 Dartmouth Street, New Bedford, Mass., 02740. Applicant's representative: Carroll B. Jackson, 1301 North Boulevard, Richmond, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Moorefield, W. Va., as an off-route point, in connection with applicant's presently authorized regular-route operation in Docket No. MC 30204, Sub 20, for 180 days. Supporting shipper: Raygold Industries, Inc., 84 East Sunrise Highway, Lindenhurst, N.Y., 11757. Send protests to: Gerald H. Curry, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 187 Westminster Street, Providence, R.I., 02903.

No. MC 102616 (Sub-No. 791 TA), filed March 15, 1966. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa., 17405. Applicant's representative: S. E. Smith (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil*, in bulk, in tank vehicles, from Pittsburgh, Pa., to Burnaugh, Ky., Post Office Buchanan, Ky., for 150 days. Supporting shipper: Humble Oil & Refining Co., 7720 York Road, Baltimore, Md., 21203. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 218 Central Industrial Building, 100 North Cameron Street, Harrisburg, Pa., 17101.

No. MC 103654 (Sub-No. 111 TA), filed March 15, 1966. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 1145 Homer Street, St. Paul, Minn., 55116. Applicant's representative: Grant J. Merritt, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products and blends thereof*, in bulk, in tank vehicles, from Junction City, Wis., and points within ten (10) miles thereof, to Pine Bend, Minn., for 180 days. Supporting shipper: Great Northern Oil Co., Post Office Box 3596, St. Paul, Minn., 55101. Send protests to: A. E. Rathert, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn., 55401.

No. MC 106398 (Sub-No. 326 TA), filed March 11, 1966. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Box 8096, Dawson Station, Tulsa, Okla., 74141. Applicant's representative: O. L. Thee, Sr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movement, in truckaway service, from Greeley, Colo., to points in the United States west of the Mississippi River, for 180 days. Supporting Shipper: Entral Industries, Inc., 237 22d Street, Post Office Box 728, Greeley, Colo., 80632. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla., 73102.

No. MC 106904 (Sub-No. 6 TA), filed March 15, 1966. Applicant: JEFF A. ROBERTSON, doing business as TOPEKA MOTOR FREIGHT, 4490 Lower Silver Lake Road, Topeka, Kans., 66618. Applicant's representative: Jeff A. Robertson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical appliances, equipment and parts*, from Kansas City, Mo., to Longford, Kans., and points within 20 miles of Longford, and *empty containers and damaged, rejected or returned parts*, on return, for 180 days. NOTE: Applicant proposed to interline with other carriers at Kansas City, Mo. Supporting shipper: T. B. Fegan, secretary-treasurer, the Junction City Telephone Co., Junction City, Kans. Send protests to: I. C. Peterson, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 309 Federal Building, Topeka, Kans., 66603.

No. MC 107496 (Sub-No. 455 TA), filed March 14, 1966. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua at Third, Post Office Box 855, Des Moines, Iowa, 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid adhesives*, in bulk, from Kansas City, Kans., to points in the St. Louis, Mo.-East St. Louis, Ill. commercial zone and Omaha, Nebr., for 180 days. Supporting shipper: H. B. Fuller Co., 200 Funston Road, Kansas City, Kans., 66115. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa, 50309.

No. MC 111401 (Sub-No. 191 TA), filed March 11, 1966. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla., 73701. Applicant's repre-

sentative: Alvin R. Hamilton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the Dow Chemical Co. terminal at Arvada, Colo., to points in Nebraska, New Mexico, and Wyoming, for 180 days. Supporting shipper: The Dow Chemical Co., H. W. Westerman, traffic manager, southern region, Freeport, Tex., 77541. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla., 73102.

No. MC 111412 (Sub-No. 4 TA), filed March 11, 1966. Applicant: J. I. HAILEY, INC., Post Office Box 1919, 2600 Navigation Boulevard, Corpus Christi, Tex., 78403. Applicant's representative: K. C. Hailey (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chrome ore*, in bulk, from Corpus Christi, Tex., to Brownsville, Tex., for 150 days. Supporting shipper: Howmet Corp., Minerals Division, 706 Fayette Street, Conshohocken, Pa., 19428. Send protests to: James H. Berry, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 206 Manion Building, San Antonio, Tex., 78205.

No. MC 112520 (Sub-No. 141 TA), filed March 14, 1966. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, Fla., 32301. Applicant's representative: Sol H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diethylamine*, in bulk, in tank vehicles, from Pace, Fla., to Chattanooga, Tenn., for 180 days. Supporting shipper: Escambia Chemical Corp., Post Office Box 467, Pensacola, Fla., 32502. Send protests to: George H. Fauss, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 4969, Jacksonville, Fla., 32201.

No. MC 116073 (Sub-No. 61 TA), filed March 14, 1966. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, Minn., 56560. Applicant's representative: Norman Eide (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movement, from points in Blue Earth County, Minn., to points in South Dakota, North Dakota, Iowa, Wisconsin, and Montana, for 180 days. Supporting shipper: Mankato Mobile Homes, Inc., Post Office Box 2072, Mankato, Minn., 56001. Send protests to: Joseph H. Ambs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1621 South University Drive, Room 213, Fargo, N. Dak., 58102.

No. MC 116273 (Sub-No. 59 TA), filed March 14, 1966. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill., 60650. Applicant's representative: Carl Steiner, 38 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry Dextrose*, in bulk, in tank or hopper type vehicles, from Decatur, Ill., to points in New Jersey, for 180 days. Supporting shipper: A. E. Staley Manufacturing Co., Decatur, Ill. Send protests to: Raymond E. Mauk, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1086 U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., 60604.

No. MC 117274 (Sub-No. 1 TA), filed March 15, 1966. Applicant: DAVID Z. EARLE, doing business as EARLE'S MOVING & STORAGE, 209 West Street, Post Office Box 943, Annapolis, Md. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Anne Arundel, Prince George, Montgomery, Howard, Baltimore, and Harford Counties, Md., Baltimore City, Md., Fairfax and Arlington Counties, Va., Alexandria, Va., and the District of Columbia, restricted to shipments having a prior or subsequent movement in containers beyond said counties, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments, for 180 days. Supporting shipper: Applicant's own statement. Send protests to: William L. Hughes, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 312 Appraisers' Stores Building, Baltimore, Md., 21202.

No. MC 118696 (Sub-No. 1 TA), filed March 14, 1966. Applicant: FERREE MOVING AND STORAGE, INC., 601 Chamber of Commerce Building, Indianapolis, Ind. Applicant's representative: Ferdinand Born and Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mattresses, new furniture, and kitchen cabinets*, from points in Indiana (except Munster, Ind.), to points in Illinois, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, New York, North Carolina, Ohio, Pennsylvania, Virginia, and Wisconsin, for 180 days. Supporting shippers: Kingsley Furniture Co., Inc., La Porte, Ind.; Berne Furniture Co., Inc., Berne, Ind.; Swiss City Furniture Manufacturing Corp., Berne, Ind.; Bartels Manufacturing Corp., Evansville, Ind.; Anderson Mattress Co., Inc., Anderson, Ind.; Dunbar Furniture Corp. of Indiana, Berne, Ind.; The Karges Furniture Co., Inc., Evansville, Ind.; Imperial Desk Co., Inc., Evansville, Ind. Send protests to: R. M. Hagarty, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 802 Century Building, 36 South Penn Street, Indianapolis, Ind., 46204.

No. MC 119531 (Sub-No. 55 TA), filed March 14, 1966. Applicant: DIECK-BRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio, 45226. Applicant's representative: Raymond C. Minks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles* with or without caps, covers, stoppers or tops, from Terre Haute, Ind., to Flint, Mich. and, *empty pallets, packing material, and defective or rejected glass bottles*, on return, for 180 days. Supporting shipper: N. Maarschalk, assistant to director of transportation, American Can Co., 100 Park Avenue, New York, N.Y., 10017. Send protests to: Emil P. Schwab, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio, 45202.

No. MC 123048 (Sub-No. 86 TA), filed March 15, 1966. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Post Office Box A, Racine, Wis., 53404. Applicant's representative: John L. Bruemmer, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors designed primarily for the transportation of property over highways), *tractor attachments*, and *agricultural implements and machinery* (except commodities the transportation of which because of their size or weight require the use of special equipment), from the plant and warehouse sites of the Oliver Corp. at Atlanta and Decatur, Ga., to points in Connecticut, Delaware, Georgia, Indiana, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, and Virginia, for 180 days. Supporting shipper: Oliver Corp., 300 Lawler Street, Charles City, Iowa, 50616. Richard D. Jones, traffic manager. Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 108 West Wells Street, Room 511, Milwaukee, Wis., 53203.

No. MC 123934 (Sub-No. 14 TA), filed March 11, 1966. Applicant: KREVDA BROS. EXPRESS, INC., Post Office Box 68, Gas City, Ind. Applicant's representative: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis, Ind., 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Parker, Knox, and Elk Township, Pa., to Des Moines, Iowa, for 180 days. Supporting shipper: Knox Glass, Inc., Knox, Pa. Send protests to: Heber Dixon, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind., 46802.

No. MC 126945 (Sub-No. 1 TA), filed March 11, 1966. Applicant: A. E. MORRIS, doing business as A. E. MORRIS CONTRACT HAULING, Route 3, Virgilina, Va., 24598. Applicant's rep-

resentative: Clement & Fowler, Danville, Va., 24540. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, dry, in bulk and bags from Greensboro and Henderson, N.C., to points in Halifax, Charlotte, Appomattox, Buckingham, Cumberland, Prince Edward, Nottoway, Lunenburg, and Mecklenburg Counties, Va., for 180 days. Supporting shipper: N. L. Cockman, manager, Virginia sales, Agrico Chemical Co., Post Office Box 12009, Norfolk, Va., 23502. Send protests to: George S. Hales, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, Va., 24011.

No. MC 127233 (Sub-No. 2 TA), filed March 14, 1966. Applicant: J. HERBERT CARTER, Queenstown, Md., 21658. Applicant's representative: Charles McD. Gillan, Jr., 315 Glen Rae Drive, Baltimore, Md., 21228. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chilled orange juice*, in bulk, in insulated tank vehicles, from Queenstown, Md., to New York, N.Y., for 150 days. Supporting shipper: M. O. Walk, vice president, Universal Food Products, Inc., Queenstown, Md., 21658. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 206 Post Office Building, Salisbury, Md., 21801.

No. MC 127568 (Sub-No. 3 TA), filed March 14, 1966. Applicant: MID SOUTH DELIVERY SERVICE CO., 3215 Tulane Road, Memphis, Tenn., 38116. Applicant's representative: Billy R. Hallum (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid corn syrup*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Kentucky, Alabama, Louisiana, Missouri, and Mississippi; (2) *liquid sugar and blends of liquid sugar and corn syrup*, from Memphis, Tenn., to points in Alabama, Arkansas, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, for 150 days. Supporting shipper: A. E. Staley Manufacturing Co., Decatur, Ill., J. K. Christenson, supervisor, motor services transportation department. Send protests to: W. W. Garland, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 390 Federal Office Building, 167 North Main, Memphis, Tenn., 38103.

No. MC 127988 (Sub-No. 1 TA), filed March 14, 1966. Applicant: LEON F. FIALA, doing business as FIALA FEED AND GRAIN CO., Osceola, Nebr. Applicant's representative: C. A. Ross, 714 South 45th, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Belt and bucket elevators, belt conveyors, distributors, work platforms, spouts, ladders, and component parts* for bulk material handling equipment, from York, Nebr., to points in Colorado, Kansas, Oklahoma, Texas, Arkansas, Missouri, Iowa, Illinois, Michigan, Ohio, and Indiana, for 180 days. Supporting shipper: York Foundry & Engine Works, 912–928 Grant Avenue, York, Nebr. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr., 68508.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66–3014; Filed, Mar. 21, 1966; 8:51 a.m.]

## JOHN V. LAWRENCE

### Statement of Changes in Financial Interests

Pursuant to subsection 302(e), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons Under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (26 F.R. 8958, 27 F.R. 3829, 27 F.R. 9545, 28 F.R. 4117, 28 F.R. 10468, 29 F.R. 5579, 29 F.R. 14977, 30 F.R. 8982, and 30 F.R. 12309) during the 6-month period ended March 14, 1966.

No change.

JOHN V. LAWRENCE.

MARCH 14, 1966.

[F.R. Doc. 66–2975; Filed, Mar. 21, 1966; 8:47 a.m.]

## FOURTH SECTION APPLICATION FOR RELIEF

MARCH 17, 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. 40363—*Vinyl acetate to Chicago, Ill.* Filed by O. W. South, Jr., agent (No. A4866), for and on behalf of Illinois Central Railroad Co. Rates on vinyl acetate, in tank carloads, from Geismar, La., to Chicago, Ill.

Grounds for relief—Market competition.

Tariff—Supplement 114 to Southern Freight Association, agent, tariff I.C.C. S–272.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66–3015; Filed, Mar. 21, 1966; 8:51 a.m.]

# CUMULATIVE LIST OF CFR PARTS AFFECTED—MARCH

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