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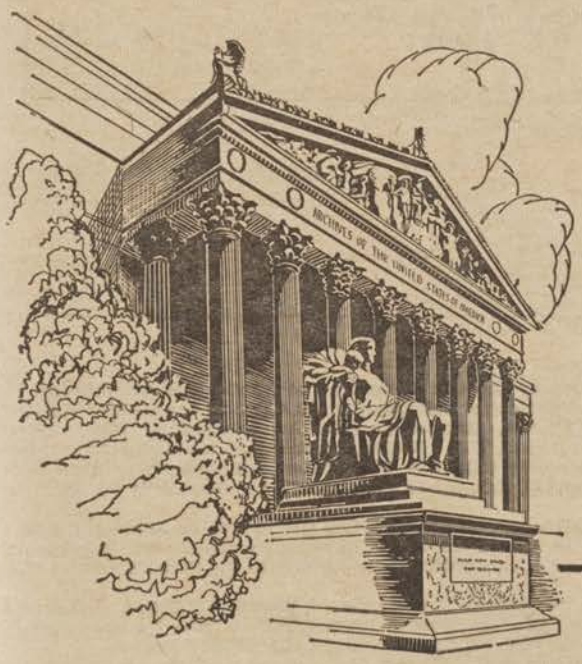

FEDERAL REGISTER

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Title 3—THE PRESIDENT

Proclamation 3710

INTERAMA

By The President of the United States of America

A Proclamation

The Inter-American Cultural and Trade Center (Interama), in Dade County, Florida, plans to provide a permanent international center which will serve as a meeting ground for the governments and industries of the Western Hemisphere and other areas of the world. The facilities and exhibits of Interama will be designed to further broad and continuous exchanges of ideas, persons, and products through cultural, educational, and other exchanges.

The Congress, by Section 2(a) of the Act of February 19, 1966 (Public Law 89-355, 80 Stat. 5), authorized the President to issue a proclamation calling upon the Several States of the United States and certain foreign countries to take part in Interama.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do, in conformity with that Act, hereby invite the several States of the Union and appropriate foreign countries to take part in Interama.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this first day of April in the year of our Lord nineteen hundred and sixty-six, and of the [SEAL] Independence of the United States of America the one hundred and ninetieth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 66-3756; Filed, Apr. 4, 1966; 2:19 p.m.]

Proclamation 3711

SENIOR CITIZENS MONTH, MAY 1966

By The President of the United States of America

A Proclamation

A basic goal of an enlightened society must be to provide opportunities which enable older people to keep and strengthen their independence and dignity.

For too many Americans, the later years still mean loneliness, idleness, lack of purpose and meaning.

Today we have the tools to change this. We have the power to enrich the lives of older Americans and to benefit from their skills, their wisdom and their experience.

Nearly 18,500,000 American men and women are 65 years old and over. Each day almost 3900 Americans reach 65.

For all of them, a new life is now possible. Programs proposed by this Administration and enacted into law by the 89th Congress are being launched and expanded in the largest effort on behalf of the aging in our history. Now we can provide greater opportunities for our older Americans to use their abilities and to participate in useful work and rewarding leisure. We can declare a new day for older Americans.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate the month of May 1966 as Senior Citizens Month.

I call upon all Federal, State and local governments, in partnership with private and voluntary organizations, to join in community effort to give meaning to the theme of this special month: A NEW DAY FOR THE OLDER AMERICAN.

Let us make this month memorable by the dedicated efforts of each citizen to provide those benefits and opportunities within community programs which will add satisfaction and dignity to the lives of aging Americans.

I also invite the Governors of the States, the Governor of the Commonwealth of Puerto Rico, the Commissioners of the District of Columbia, and appropriate officials in other areas subject to the jurisdiction of the United States to join in the observance of Senior Citizens Month.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this first day of April in the year of our Lord nineteen hundred and sixty-six, and of the [SEAL] Independence of the United States of America the one hundred and ninetieth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 66-3757; Filed, Apr. 4, 1966; 2:19 p.m.]

Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 66–CE–22]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Minneapolis, Minn., transition area.

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

The Minneapolis, Minn., transition area is designated as that airspace extending upward from 700 feet above the surface within a 23-mile radius of Minneapolis-St. Paul International Airport (latitude 44°53'08" N., longitude 93°13'11" W.), and within 5 miles N and 8 miles S of the Flying Cloud, Minn., VOR 292° radial, extending from the 23-mile radius area to 12 miles W of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 36-mile radius of Minneapolis-St. Paul International Airport, within 9 miles N and 6 miles S of the Minneapolis, Minn., VOR 100° radial extending from the 36-mile radius area to 57 miles E of the VOR, and within 9 miles SW and 6 miles NE of the Farmington, Minn., VOR 297° radial, extending from the 36-mile radius area to 48 miles NW of the VOR, and that airspace W of Farmington, Minn., bounded on the S by V–26, on the NW by V–148 and on the NE by V–171; and that airspace W of Minneapolis bounded on the N by V–78, on the S by V–148 and on the SW by V–171; and that airspace extending upward from 5,000 feet MSL E of Minneapolis, bounded on the SE by V–26, on the SW by V–2N, and on the N by V–78.

The holding pattern at the Boardman, Wis., intersection is no longer required for air traffic control purposes and is being canceled. There is no longer any requirement for that portion of the Minneapolis, Minn., transition area which was designated to provide controlled airspace for the holding pattern. Therefore, that portion of the transition area is herein released.

Since this amendment is less restrictive in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., May 26, 1966, as hereinafter set forth:

In 71.181 (31 F.R. 2149) the Minneapolis, Minn., transition area is amended to read:

MINNEAPOLIS, MINN.

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

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

Issued in Kansas City, Mo., on March 22, 1966.

DONALD S. KING,
Acting Director, Central Region.

[F.R. Doc. 66–3640; Filed, Apr. 5, 1966; 8:45 a.m.]

[Airspace Docket No. 66–CE–23]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the correct coordinates for the Alexandria Airport, Alexandria, Minn.

By reason of certain construction work performed on the Alexandria Airport, the referencing point for the airport has been changed. Therefore, the coordinates of the airport, as they are set forth in the designation of the control zone and transition area situated there, are incorrect.

Since the change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., May 26, 1966, as follows:

(1) In § 71.171 (31 F.R. 2065) the Alexandria, Minn., control zone is amended as follows:

"Alexandria Municipal Airport (latitude 45°52'15" N., longitude 95°24'00" W.)" is deleted and "Alexandria Municipal Airport (latitude 45°52'02" N., longitude 95°23'39" W.)" is substituted therefor.

(2) In § 71.181 (31 F.R. 2149) the Alexandria, Minn., transition area is amended as follows:

"Alexandria Airport (latitude 45°52'05" N., longitude 95°23'45" W.)" is deleted and "Alexandria Airport (latitude 45°52'02" N., longitude 95°23'39" W.)" is substituted therefor.

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

Issued in Kansas City, Mo., on March 22, 1966.

DONALD S. KING,
Acting Director, Central Region.

[F.R. Doc. 66–3641; Filed, Apr. 5, 1966; 8:45 a.m.]

[Airspace Docket No. 66–CE–4]

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

Alteration of Transition Area

On February 8, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 2488) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Billings, Mont., terminal area.

Interested parties were afforded an opportunity to participate in the rule making through the submission of comments. The one comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 26, 1966, as hereinafter set forth:

In § 71.181 (31 F.R. 2149) the Billings, Mont., transition area is amended to read:

BILLINGS, MONT.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Logan Field, Billings, Mont. (latitude 45°48'23" N., longitude 108°31'54" W.); and within 2 miles each side of the 071° bearings from the Billings RBN extending from the 8-mile radius area to 8 miles E of the RBN; and within 5 miles N and 8 miles S of the Billings VORTAC 267° radial extending from the 8-mile radius area to 12 miles W of the VORTAC; and within 5 miles N and 8 miles S of the Billings ILS localizer W course extending from the 8-mile radius area to 12 miles W of the OM; and that airspace extending upward from 1,200 feet above the surface within a 21-mile radius of the Billings VORTAC extending clockwise from V–2 W of Billings to V–19 SE of Billings; and within 10 miles SW and 7 miles NE of the Billings VORTAC 301° radial extending from 20 miles NW of the VORTAC to 49 miles NW of the VORTAC; and within 10 miles SW and 7 miles NE of the Billings VORTAC 317° radial extending from the 21-mile radius area to 45 miles NW of the VORTAC; and within 10 miles W and 7 miles E of the Billings VORTAC 347° radial extending from the 21-mile radius area to 42 miles N of the VORTAC; and within 5 miles each side of the Billings VORTAC 96° radial extending from the 21-mile radius area to 36 miles E of the VORTAC, and that airspace extending upward from 7,700 feet MSL within 8 miles each side of the Billings

VORTAC 96° radial extending from 36 miles to 99 miles E of the VORTAC.

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

Issued in Kansas City, Mo., on March 24, 1966.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 66-3642; Filed, Apr. 5, 1966; 8:45 a.m.]

[Airspace Docket No. 65-EA-69]

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

Realignment of VOR Federal Airways, Revocation and Designation of Low Altitude Reporting Points

On December 9, 1965 a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 15234) which would alter Federal airways in the vicinity of Cooksburg, Pa.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., May 26, 1966 as hereinafter set forth.

a. Section 71.123 (31 F.R. 2009) is amended as follows:

1. In V-119 "Fitzgerald, Pa.;" is deleted.

2. In V-184 "Fitzgerald, Pa.; to Philipsburg, Pa." is deleted and "INT of Tidioute 154° and Philipsburg, Pa., 296° radials; to Philipsburg." is substituted therefor.

3. In V-232 "Fitzgerald, Pa.;" is deleted and "Franklin, Pa.;" is substituted therefor.

b. Section 71.203 (31 F.R. 2277) is amended as follows:

1. "Fitzgerald, Pa." is deleted.

2. "Cooksburg, Pa., INT: INT Clarion, Pa., 044° and Franklin, Pa. 099° radials." is added.

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

Issued in Washington, D.C., on March 30, 1966.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-3643; Filed, Apr. 5, 1966; 8:45 a.m.]

[Docket No. 6966; Amdt. 171-2]

PART 171—NON-FEDERAL NAVIGATION FACILITIES

Scope of Applicability of the Regulation of Non-Federal Navigation Facilities

On October 15, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 13169) stating that the Federal Aviation Agency proposed to broaden the applicability of Part 171.

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

The purpose of this amendment is to broaden the applicability of Part 171 to include all non-Federal navigation facilities for which IFR procedures are requested or established.

Under the present rule, the term "public use facility" is generally interpreted as meaning those facilities which are available to the public and have standard instrument approach procedures contained in the Federal Aviation Regulations, Part 97. The Agency believes that its responsibility to the general public goes beyond the present limited scope of Part 171. By expanding the applicability of Part 171, the new rule sets forth one standard for all non-Federal facilities that are to be used for IFR operations. This rule establishes standards that assure reliability and thereby provides for safer operations at all of these facilities. The Agency believes this amendment to be of special importance since these non-Federal facilities may be used for the transportation of passengers for hire.

Comments received on the notice of proposed rule making (30 F.R. 13169) raised three issues with respect to this amendment. One comment stated that it will be overly burdensome on maintenance personnel to accompany the FAA inspector on each inspection trip, especially where an operator may own several facilities. The Agency does not, however, feel that it should conduct these inspections on the private property of the facility owner without the owner being represented in some way. The rule has been relaxed so that any representative of the owner will be acceptable after the initial inspection.

Secondly, it was suggested that the rule be written so that maintenance personnel maintaining several similar or identical facilities need not repetitiously their "proficiency in maintenance procedures and the use of specialized test equipment." The Agency does not intend that there be any needless repetitious demonstrations of maintenance proficiency. In light of this comment, the amendment has been clarified.

The third comment questions the need for a maintenance manual at each facility. It appears, however, that if only one manual is available for several facilities, the information necessary to the efficient operation, maintenance, and inspection of the facility would not be immediately available. The Agency, accordingly, will not delete the requirement that a maintenance manual be kept at each facility.

In consideration of the foregoing, effective May 30, 1966, Part 171 is amended as follows:

1. Sections 171.1, 171.21, and 171.41 are amended by striking out the words "public use."

2. Sections 171.11(b)(13), 171.31(b)(13), and 171.51(b)(13) are amended by adding the words "(Private use facilities may omit the 'Notices to Airmen')" before the period at the end thereof.

3. The second sentence of §§ 171.11(a), 171.31(a), and 171.51(a) is amended to read as follows: "Each person who maintains a facility must meet at least the Federal Communications Commission's licensing requirements and show that he has the special knowledge and skills needed to maintain the facility including proficiency in maintenance procedures and the use of specialized test equipment."

4. Sections 171.11(e), 171.31(d), and 171.51(e) are amended to read as follows:

"The owner's maintenance personnel must participate in initial inspections made by the FAA. In the case of subsequent inspections, the owner or his representative shall participate."

(Secs. 305, 307, 313(a), 601, and 606 of the Federal Aviation Act of 1958, 49 U.S.C. 1346, 1348, 1354(a), 1421 and 1426)

Issued in Washington, D.C., on March 31, 1966.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 66-3683; Filed, Apr. 5, 1966; 8:49 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-456]

PART 288—EXEMPTION OF AIR CARRIERS FOR SHORT-NOTICE MILITARY CONTRACTS AND SUBSTITUTE SERVICE

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of March 1966.

On January 13, 1966, by notice of proposed rule making EDR-96/PSDR-15 (31 F.R. 565), the Board proposed to amend Part 288 of the regulations by changing minimum rates for military charters for periods beginning February 1, 1966. Written data, views, and arguments have been filed in response to the notice by 13 carriers individually,[1] by 11 carriers jointly,[2] and by the Department of Defense (DOD). In addition, the Board heard the views of several carriers at an oral presentation that was open to all interested parties. All written and oral comments and supporting materials before the Board have been carefully considered, and all contentions not otherwise disposed of hereinafter are rejected. Final amendments to Part 399, Statements of General Policy, are

[1] Six combination route carriers (Alaska Airlines, Inc., Braniff Airways, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Trans Caribbean Airways, Inc., and Trans World Airlines, Inc.); three all-cargo carriers (Airlift International, Inc., The Flying Tiger Line Inc., and Seaboard World Airlines, Inc.); and four supplemental carriers (Capitol Airways, Inc., Southern Air Transport, Inc., Trans International Airlines, Inc., and World Airways, Inc.)

[2] Airlift, Capitol, Continental Air Lines, Inc., Flying Tiger, Northwest, Seaboard, The Slick Corp., TCA, TIA, TWA, and World.

being adopted concurrently herewith (PS–30).

Upon consideration of the comments received and adjusted cost data,[3] the Board has adopted revised minimum fair and reasonable rates. The existing minimum rates, those proposed in the notice, and those adopted herein for turbine-powered aircraft (other than B–727 and CV–880 aircraft) are as follows:

Rates for charters performed with turbine-powered aircraft—Rates adopted.

	Present	Proposed	Adopted
Passenger, per passenger mile:	*Cents*	*Cents*	*Cents*
Round trip	2.20	2.00	2.00
One way	3.96	3.36	3.60
Cargo, per ton-mile:			
Round trip:			
Regular	9.50	8.50	9.00
North Pacific	9.75	8.75	9.25
One way:			
Regular	17.63	15.37	16.95
North Pacific	18.13	15.87	17.45
Convertible:			
Passenger leg, per passenger-mile	2.35	2.15	2.15
Cargo leg, per ton-mile:			
Regular	11.00	9.87	10.46
North Pacific	11.25	10.12	10.71
Mixed passenger-cargo, scale per plane-mile; variable:	*Dollars*	*Dollars*	*Dollars*
Round trip:			
Regular	3.88–3.71	3.55–3.33	3.55–3.53
North Pacific	3.88–3.79	3.55–3.41	3.55–3.61
One way:			
Regular			6.19–6.41
North Pacific			6.19–6.59

The revised minimum rates are predicated upon estimates of carrier unit costs of operation plus a 9-percent return on investment after taxes. The unit costs were derived from carrier forecasts of charter operations to be performed for the Military Airlift Command (MAC) in fiscal year 1967 adjusted by the Board to the extent deemed appropriate for ratemaking purposes. The rate and cost bases are discussed in the following paragraphs.

Utilization. In forecasting aircraft utilization, the notice proposed use of 11 hours per day for all carriers, based upon utilization achieved in recent months. This proposal was a departure from the policy in past rate reviews, in which utilization forecasts were generally based on each carrier's experienced systemwide average during the most recent 12-month period for which data were available.

The carriers and DOD object to the proposed 11-hour uniform utilization. The carriers contend that an 11-hour rate is excessive and will not over a reasonable period permit the carriers to recover their costs under the proposed rates. They point out that the high utilization referred to in the notice was achieved during the first quarter of fiscal year 1966, a seasonal peak commercial period, and that such utilization is not representative of a full year and cannot be expected to continue. The carriers maintain that use of utilization for this period increases the burden that commercial services must bear, since such high utilization cannot be attained in MAC charter service because of the nature of the service. They also note that revenues from MAC contracts are not uniform throughout the year and that MAC spending is governed by appropriations. For these reasons, future utilization is uncertain. The carriers also question the application of utilization achieved during fiscal 1966 to costs projected from those experienced in fiscal 1965 when utilization was lower. In addition, the carriers argue that, although increased utilization lowers certain unit costs, it is improper to suggest that higher utilization generates no additional unit costs at all. In any event, they object to the use of increased utilization as a basis for changing minimum rates, because the rates would then be subject to change on short-term swings in utilization, which would eliminate rate stability. The carriers fear that the Board could not cope with such changes in a timely manner.

DOD is concerned that adjustment of rates based on increased utilization would tend to discourage the efforts of carriers to improve utilization and might lead to actual losses for carriers that could not reach the high rate. DOD contends that new rates should not be established on the basis of increased utilization unless the Board concludes that the carriers should be able to continue such high utilization even if the volume of MAC business returns to a more normal level.

In view of the comments, we have concluded that use of a uniform utilization based on the utilization achieved during the first quarter of fiscal year 1966 would not be appropriate in establishing minimum rates at this time. Instead, we shall revert to our past policy of using individual system average utilization rates for each carrier.

Following are utilization rates as forecast by the carriers and DOD for fiscal year 1967 and as experienced by the carriers in fiscal year 1965 and in calendar year 1965:

Carrier	Aircraft	Carrier forecast fiscal year 1967	DOD forecast fiscal year 1967	Experienced utilization	
				Fiscal year 1965	Calendar 1965
Airlift	DC–8F	8.20	8.48	8.08	9.10
Continental	B–707–320C	9.35	11.98	11.98	14.05
Northwest	B–707–320C	10.00	10.79	10.55	10.72
Pan American	B–707–300	11.50	11.50	10.02	9.79
	B–707–321B/C	11.50	11.50	10.13	10.77
Seaboard	DC–8F	9.10	9.16	9.10	11.00
TCA	DC–8F	9.50	10.04	9.50	10.70
TWA	B–707–300	9.38	10.16	10.45	10.77
Capitol	DC–8F	5.70	7.35	6.49	8.84
TIA	DC–8F	5.74	9.44	8.15	10.55
World	B–707–320C	8.40	9.60	9.37	10.94
Cargo only:					
Flying Tiger	CL–44	9.60	9.63	9.60	9.50
Pan American	B–707–321C	9.83	9.83	9.83	10.54
Seaboard	CL–44	9.80	9.82	9.80	11.00
Slick	CL–44	7.10	8.40	8.40	8.80

Except in three instances, the carriers' fiscal year 1967 forecasts are approximately the same as or lower than the utilization reported for fiscal year 1965. Further, the fiscal year 1965 figures are generally low compared with the more recent utilization in calendar year 1965. In passenger service, the carriers' weighted average utilization forecast of about 9.5 hours per day is lower than the group's weighted average for both fiscal 1965 (9.9 hours) and calendar year 1965 (10.8 hours).[4] In the case of the CL–44 cargo charters, the same is true. The carriers forecast 9.2 hours as against fiscal 1965 experience of 9.4 hours and 1965 experience of 9.6 hours. The DOD forecasts, however, are more reasonable, amounting to 10.3 hours on a weighted average basis for the passenger services and 9.4 hours for CL–44 cargo. In view of the increasing utilization being achieved by the carriers, it is our opinion that neither the carrier forecasts nor the fiscal 1965 level would be appropriate for forecasting utilization for the purpose of establishing these minimum rates. It seems clear that aircraft utilization in fiscal year 1967 is likely to be higher than fiscal 1965 experience would indicate. While this is in part due to a higher level of activity in MAC charters, it is also a reflection of the rapid growth of the carriers' commercial business. By the same token, it would be unsound to give undue weight to the recent peak utilizations experienced in view of the fact that significant changes in utilization can occur quickly and exert very substantial leverage on the carriers' fi-

[3] As in past Part 288 rate reviews, the carriers were informally requested to submit cost data, and the proposed new minimum rates were based upon these data as adjusted by the Board. The cost data have been further adjusted in light of comments received, and revised appendix pages are attached hereto.

[4] Individual carrier utilization data are weighted by number of aircraft committed to MAC.

nancial position. The DOD estimate for passenger charters reflects an average 5-percent increase over fiscal 1965 experience but does not fully reach the calendar year experience. In cargo, the DOD forecast is closer to the fiscal 1965 experience and again is moderately below the 1965 actual utilization. We believe the DOD estimates [5] strike a reasonable balance for purposes of this proceeding, and we have used them in developing the carrier unit costs recognized and relied on herein.

Rate of return. A number of carriers again object to the Board's proposal to continue use of a 9-percent rate of return on investment in establishing the minimum rates, contending that the 9-percent rate has not been quantitatively justified on the basis of cost of captial or risk.

The contentions raised are substantially similar to those raised, considered, and rejected in earlier MAC minimum-rate proceedings. The 9-percent rate of return on investment is fully commensurate with the risks inherent in the MAC charter services, and such risks are less than those of normal commercial operations. In MAC services, carriers operate pursuant to annual contracts with a guaranteed minimum volume of traffic and revenue. Each flight is guaranteed a full load at the standard price, which is certainly not the case in normal scheduled operations. Finally, the rate level itself is protected from competitive reductions by the minimum rates fixed by the Board. While there is the risk that the overall military requirement for civil airlift may decrease with a resulting adverse effect on aircraft utilization and profits, the Board expects to respond to major shifts of such nature by modifying the minimum rates. In this proceeding we have deliberately based the new rate levels on utilization short of recent peak levels to allow a reasonable margin for shifts of that sort. In these circumstances, we conclude that 9 percent is a fair rate of return for these services.

Flying Tiger and TIA also object to use of investment as of January 1967 for rates proposed to be effective before the beginning of the fiscal year. Although the January 1967 date was selected as the investment midpoint for fiscal year 1967, there is no indication that the carriers will not receive a fair return on investment if the new minimum rates are made effective before July 1, 1966, especially in light of the fact that utilization for the remainder of fiscal 1966 is likely to be in excess of that used in computing the minimum rates.

Flying Tiger also recommends that, in calculating return on investment, the Board permit the capitalization of leased facilities having a term in excess of 10 years. Since the carrier's rental expenses are included in its costs and it has made no showing that its total costs of service would be increased over the rental expense by capitalization of leased facilities, the recommendation is denied.

Northwest and Flying Tiger also contend that the Board failed to allow for State income taxes in computing the tax portion of the return element. Appropriate modification of these carriers' unit costs will be made to include this item.

Depreciation. As in the rate review conducted last year, the Board proposed to base depreciation for turbojet aircraft on a service life of 12 years and 15-percent residual value. Northwest and TIA maintain that the 12-year life is no longer warranted in view of current developments in production of more advanced turbojet aircraft types. The carriers mention several aircraft that will be coming into use within the next few years, such as DC–8–61, –62, and –80, B–747, and C–5A, which they claim represent radical changes in the nature and capability of subsonic turbojet aircraft.

In response to carrier contentions last year that present turbojets would be obsolete within a few years, we stated that we were not aware of any contemplated radically different aircraft that would have that effect. However, we noted that, if future developments should justify a change in outlook, depreciation could be accelerated in a later rate review. (ER–432, effective July 1, 1965.) In our opinion, the situation has not changed appreciably in the last year. We do not consider the stretched DC–8's such a radically different aircraft as to render present turbojets obsolete, particularly in view of the growing demand for airlift. With respect to the other aircraft mentioned by the carriers, their introduction into commercial use would appear to be a number of years away. In the circumstances, we believe the 12-year life continues to be a reasonable assumption.

Miscellaneous cost adjustments. Several carriers have commented on the cost data relied upon in the notice, asserting that the Board erred in various respects in adjusting carrier forecasts, and have submitted additional data in support of these contentions. The Board has considered all of these matters and has made revisions to the data used in the notice as deemed appropriate and as discussed below. The details are set forth in the appendixes. In addition, the Board has revised the cost and investment data developed in the notice to reflect the modified aircraft utilization forecasts as previously discussed. These revisions principally affect the aircraft depreciation and hull insurance categories of operating expenses and also affect the investment in flight equipment recognized in the rate base.

Pan American contends that it is inappropriate to base fuel costs for its MAC services on systemwide fuel costs, because fuel prices are much higher than average at Saigon, Wake, and Honolulu. The data presented by the carrier indicate that the effect of those higher fuel prices is relatively greater in MAC services than in its commercial services, and therefore the fuel cost per mile for MAC charters is slightly higher than its overall system average. Accordingly, the adjustment of the carrier's estimate shown in the notice has been reversed. With respect to maintenance expense, the carrier contends that its projected increase in experienced cost per mile to cover anticipated overhaul expenses should be allowed because its experienced costs do not reflect a normal volume of overhauls.[6] We are not prepared to depart from the carrier's experienced maintenance cost levels on the basis of the data available to us. We are not convinced that Pan American's total maintenance cost per mile including overhauls for these aircraft in fiscal 1967 will in fact be higher than the amount previously recognized. We note that the carrier's actual costs per mile through September 1965 are actually lower than the level recognized in the notice.

Pan American further contends that the Board should have allowed provision for consumption of rotatable spare parts and that we failed to make provision for crew salaries in the passenger-service expense category. The carrier's contentions are correct, and appropriate revisions will be made to the previously adjusted cost data. However, the resulting passenger service cost per mile is substantially higher than the corresponding costs of the other jet operators. The Pan American unit cost at 64.7 cents per mile is more than 14 percent above the next highest of the carriers' costs, which range from 29 to 56.5 cents per mile. In prior military rate proceedings, the Board has encountered a similar situation and has refused to recognize the full amount of the carrier's forecast. No justification of the level here projected by Pan American is readily apparent; and, accordingly, we will reduce the recognized level of passenger service expense to 56.5 cents per mile. This amount is approximately 4 cents per mile higher than that included in the notice.

Consistent with our treatment of general burden expenses in relation to other cash expenses, appropriate revisions will be made to reflect the modifications made herein to recognized cash expenses. As regards the investment base, Pan American states that an error was made in effecting the adjustment for aircraft utilization. This is correct; but, since we are now accepting the carrier's forecast utilization, our earlier adjustment related thereto will be reversed in its entirety.

Northwest Airlines points out that the Board was incorrect in assuming that the carrier's forecast was predicated on 9.28 hours' utilization while in fact it reflected 10 hours. We will reflect this correction in developing revised costs for depreciation, hull insurance, and amortization of preoperating expenses, as well as the recognized investment base. Northwest also proposes that the investment base herein reflect flight equipment investment on a constructive basis assuming a 12-year depreciation period from the out-

[5] In addition, since the actual utilization rates for fiscal and calendar 1965 are uncorrected figures, some of which may not include return ferry hours or may include nonrevenue hours, these two columns could not be used without further adjustment. DOD states that its forecasts were obtained in the same manner as were utilization figures for the rate review conducted last year.

[6] The carrier also points out an arithmetic error which will be corrected.

set, although the carrier actually employed a more accelerated depreciation policy. We do not accept this approach for ratemaking purposes. On the contrary, we have normally taken a carrier's flight equipment at net book value, adjusted for depreciation adjustments within the period for which rates are being established. Accordingly, we will here base Northwest's investment in flight equipment on net book value at December 31, 1966, adjusted to reflect the depreciation adjustment from July 1, 1966, to that date.

TWA states that the Board overstated the adjustment of TWA's depreciation expense and submitted an estimate based on a 12-year service life and 15-percent residual. We will accept the TWA figure but will adjust that amount to reflect the higher daily utilization of flight equipment previously discussed. With respect to the allowance for general burden expense, TWA contends we incorrectly computed the percentage used, based on other cash costs. There appears to have been no error in our methodology, but we relied on an erroneous figure shown by TWA in its original submission. The revised costs developed herein will reflect general burden based on 6.8 percent of other cash costs.

TWA also contends that the recognized investment in flight equipment should be constructed as if the reserve for depreciation reflected a 12-year service life and 15-percent residual from the beginning. This contention is similar to Northwest's and is rejected for the same reasons. We will, however, adjust the actual reserve for depreciation as of December 31, 1966, to reflect the depreciation adjustment from July 1, 1966, to that date. TWA again contends that its investment in construction work in progress, purchase deposits, and other items should be recognized herein. This contention was made in the previous rate review and rejected there. No showing has yet been made that these items relate directly to the MAC services for which rates are here being established. The carrier also opposes the downward adjustment of investment in ground property to reflect a higher level of aircraft utilization, contending that with higher utilization more not less such equipment would be required. However, adjustments of this nature have been made in this and prior minimum-rate determinations without objection. And, while it may be true that as a technical matter increases in aircraft utilization do not per se give rise to increased utilization of ground property, it is apparent that increases in airlift procurement of the magnitude currently being experienced should give rise to greater utilization of existing ground facilities. Under these circumstances, therefore, and in the absence of any indication by TWA that would warrant a change in the proposed adjustment, we adhere to the proposal in the notice.

Flying Tiger objects to the notice insofar as recognized maintenance costs were based on the carrier's systemwide costs per mile. The carrier contends that various factors result in somewhat higher maintenance costs in its MAC charter services to overseas and foreign points, and that its regular financial reports to the Board reflect such differences. Tiger also contends that we should recognize the effect of a 4-percent wage increase effective in May 1965. The carrier's contentions have merit, we believe, and we will base the revised costs on Tiger's reported international costs per mile adjusted to annualize the wage increases. Other comments by Tiger relate to adjustments based on higher aircraft utilization. We will modify these adjustments to reflect the lower utilization rate recognized herein. Thus, we will accept Tiger's estimate of depreciation expense per revenue mile and will allow investment in flight equipment on the basis of the rate per mile ($2.40) for Tiger's entire system. Finally, Tiger contends that we should allow various items of investment in the rate base that were excluded in the notice. We will allow an appropriate portion of its investment in its new main base, since all segments of its operation will benefit from the new facilities. However, we find no basis to reverse our disallowance of the other miscellaneous items of investment, since no showing has been made of their relationship to the MAC operations.

Capitol points out that we incorrectly computed allowable passenger service expense per mile on the basis of certain miles flown in cargo service. Appropriate correction will be made to the Capitol cost figures. Revisions of other unit costs will be made to reflect the revised aircraft utilization levels recognized.

Seaboard also contends that various elements of its cost forecast were erroneously adjusted for increased aircraft utilization. These expenses will be revised to reflect the revised utilization level recognized. In addition, the carrier asserts that we should not have disallowed a projected increase in aircraft maintenance expense over its experienced level per mile. The amount disallowed is said to be an accounting adjustment in the fourth quarter of 1964 to adjust a negative balance in an overhaul reserve and to reflect the true engine overhaul costs. However, review of the Form 41 reports fails to reveal the nature of this adjustment. While engine overhaul costs are in principle properly recognizable for ratemaking purposes, the difficulty here lies in ascertaining what those costs are likely to amount to in fiscal 1967. Under the terms of the carrier's lease on its DC–8F aircraft, it is not clear to what extent the carrier will in fact incur engine overhaul costs in fiscal 1967. In these circumstances, there is no basis for modifying the estimate relied on in the notice.

Round-trip passenger charters. The following table gives the total cost of service for round-trip passenger charters performed with turbojet aircraft as developed in EDR–96 and as revised herein. Details of the revisions are set forth in the appendices.[6a]

[6a] Filed as part of the original document.

Carrier	Total cost per passenger-mile	
	EDR–96	Revised
	Cents	*Cents*
Airlift	1.89	2.05
Continental	1.84	1.80
Northwest	1.99	2.02
Pan American:		
B–707–300	2.17	2.23
B–707–321B/C	2.17	2.21
Seaboard	2.14	2.23
Trans Caribbean	2.04	2.07
TWA	1.83	1.87
Capitol	1.93	2.24
Trans International	1.72	1.79
World	1.65	1.73
Averages:		
Simple [7]	1.92	2.00
Weighted [8]	1.96	2.02
Weighted [9]	1.93	2.01

[7] In computing the simple average, only one of the two Pan American costs is included.
[8] Individual carrier costs weighted by number of aircraft committed to MAC.
[9] Individual carrier costs weighted by number of round-trip and one-way Category B passengers carried from July 1, 1965, through Jan. 31, 1966.

The foregoing data reflect the corrections and revisions of the unit cost data developed in the notice, including the moderately lower level of aircraft utilization, as earlier discussed. These data clearly demonstrate, and support our earlier tentative conclusion, that a reduction of the current round-trip minimum passenger rate is warranted. While the individual carrier data and averages are slightly higher than those relied on in the notice, principally because of the lower level of aircraft utilization, nevertheless the data center around and tend to confirm the 2.0-cent rate proposed.[10] A simple average of the revised unit costs is exactly 2.0 cents. An average in which each unit cost is weighted by the number of aircraft committed to MAC is only slightly higher at 2.02 cents. If the individual carrier data are weighted by the volume of Category B passenger traffic carried by each carrier, the average is 2.01 cents. Although a 2.0-cent rate is below some carriers' indicated unit costs and is above others, the range is not so extreme as to be unreasonable. In no instance would the 2.0-cent rate be below a carrier's operating costs. In every instance a margin above operating cost would be provided. Accordingly, we conclude that the reasonable minimum rate for round-trip MAC passenger charters is 2.0 cents per passenger-mile.

Airlift, in support of its contention that the current minimum rates should be left undisturbed or raised, argues that the MAC rates should provide the same incentive to sell to the military as to others and that the rates should compensate for the commercial revenue that could have been earned with the aircraft used in MAC operations. While these standards are too intangible to be practicable, we are satisfied that they are substantially met by the proposed rates.

[10] As set forth hereinafter, we have decided to establish a separate minimum rate for the smaller jet aircraft; i.e., the B–727 and CV–880; and therefore we will no longer average in the CV–880 costs in determining the minimum rate for the large jets.

The carriers have typically earned returns on investment at or above the intended return in performing MAC charters at the minimum rates.[11] These profits have compared favorably with earnings from other segments of the MAC contractors' operations. The MAC earnings have been especially favorable in relation to commercial all-cargo services. That the earnings potential from MAC charters is favorable is evidenced by the ever-increasing supply of airlift offered to MAC by the civil air carriers.

Trans Caribbean and Capitol advance an argument in opposition to the proposed rate reductions to the effect that, while the carriers' rates are determined on the basis of actual miles flown, they are paid on the basis of standard mileages and this results in dilution of their MAC revenues. It is not clear from the carriers' comments what the source or the extent of the asserted mileage differences may be. The MAC mileages normally reflect nonstop mileages within the capability of the aircraft and should not differ materially from the mileages flown. In these circumstances, we have no basis on this score to modify the rates determined herein.

Round-trip cargo charters. The total costs of service for round-trip cargo charters performed with turbojet and turboprop aircraft, as developed in EDR-96 and revised herein, are as follows:

	Total Cost per Ton-Mile	
	EDR-96	Revised
	Cents	*Cents*
Turbojet:		
Airlift	7.3	8.03
Continental	7.0	6.77
Northwest	7.5	7.73
Pan American	8.3	8.78
Seaboard	7.9	8.39
TCA	8.1	8.22
Capitol	7.4	8.60
TIA	6.9	7.18
World	6.4	6.77
Averages:		
Simple	7.4	7.83
Weighted [12]	7.6	7.94
Weighted [13]	7.4	7.74
Turboprop:		
Flying Tiger	8.9	9.43
Seaborad	9.9	10.18
Slick	8.2	8.92
Averages:		
Simple	9.0	9.51
Weighted [12]	8.9	9.44
Weighted [13]	8.9	9.45
Overall averages:		
Simple	7.8	8.25
Weighted [14]	8.5	8.94

[12] Individual carrier costs weighted by number of aircraft committed to MAC.

[13] Individual carrier costs weighted by tons of Category B cargo carried.

[14] The overall weighted averages are computed from the weighted averages shown for the two basic aircraft types; with double weight given the CL-44 average.

The proposed round-trip cargo minimum rate of 8.5 cents per ton-mile was based principally on an average of jet and CL-44 unit costs, as shown above, weighted by number of aircraft committed to MAC, and also by giving double weight to the CL-44 costs.

Flying Tiger objects to basing cargo costs on round-trip passenger costs, since it maintains that 99 percent of MAC cargo is one-way, a good share of passenger traffic is one-way, the cost of operating cargo aircraft at heavier weights is more expensive than operating passenger aircraft, and cargo operations have lower utilization than passenger. Thus, the carrier contends that use of total costs overstates passenger costs and understates cargo costs. DOD, on the other hand, contend that the proposed minimum cargo rates were unduly influenced by the CL-44 costs.

In establishing minimum rates for military charters from the outset, the Board has given substantial, though not sole, weight to the average costs of the carriers performing a preponderance of the service. We have consistently refused to base the rate on the highest- or lowest-cost carriers or on types of aircraft not in fact used in the service under consideration. We are not prepared to depart from that policy here. DOD appears to contend that the cargo rate minimum should be based principally on jet aircraft costs, although the greatest share of Category B cargo is being carried in the CL-44. So long as the capacity represented by the CL-44 is needed, and there is no indication that it will not continue to be required, no good purpose would be served by ignoring or failing to weight its costs of operation in rough proportion to its relative participation.[15]

However, the determination of the exact level at which to set a reasonable minimum rate for cargo charters is complicated by the relatively large disparity between the unit costs of the turbojet and turboprop aircraft. The recognized unit costs of the jet aircraft average about 7.8 cents per ton-mile, while the average of the CL-44 costs is close to 9.5 cents per ton-mile.

Moreover, Flying Tiger's contention that the jet costs used in developing the proposed rates reflect primarily passenger services, and as such tend to understate the true costs of jet cargo charters and unduly depress the overall average unit cost, has some merit. From the data submitted it is not feasible to separate the unit costs for the jet aircraft shown into their all-passenger and all-cargo components. But we note in this regard that the Pan American cost of 8.78 cents per ton-mile, which relates to all-cargo operations only, is the highest of the jet group and is significantly higher than the average cost for the group. On this basis, we deem it appropriate to give less weight to the group average jet unit costs because many of the individual costs as well as the group average are in some degree understated because of the influence of the passenger charter service on unit costs.

On the basis of the revised individual carrier costs, the overall weighted average of 8.5 cents in the notice becomes 8.94 cents per ton-mile. If each carrier's unit cost is weighted by Category B cargo traffic carried, the overall average would be 8.72 cents. As noted, however, the CL-44 costs average close to 9.5 cents, and Pan American's all-cargo jet costs are 8.78 cents per ton-mile. The CL-44 unit costs together with Pan American's 8.78 cents average 9.3 cents (simple) and 9.4 cents (weighted by Category B cargo). On the basis of these data we believe that a rate of 9 cents per ton-mile would strike a reasonable balance among the various indicated cost levels, and we conclude that such rate is a reasonable minimum rate for round-trip cargo charters.[16]

North Pacific rates. DOD opposes continuation of the slightly higher rates per ton-mile for cargo charters operated via North Pacific routings. The Department submits that the latest experienced cost data support its contention that there is in fact no appreciable increase in operating costs as a result of North Pacific operations. DOD recommends that the Board give proper weight to the fact that only one carrier supports the North Pacific differential and also notes that it has difficulty understanding how the differential can be necessary for cargo services if it is not appropriate for passenger services.

We are not persuaded that the North Pacific rate differential should be abandoned at this time. The extent to which differences in carrier costs are attributable to North Pacific operations or to other factors cannot be ascertained from the data presented by DOD. It may be noted, however, that the data show higher costs for the North Pacific carrier for fuel and for aircraft and traffic servicing, which may be attributed to the North Pacific routing. On the other hand, higher depreciation expense for the other carriers would appear to have no relation to routing. As to passenger services, we have considered application of a North Pacific differential inappropriate because most passenger charters are operated nonstop and do not incur the higher unit costs associated with cargo flights.

One-way passenger and cargo charters. In computing one-way charter rates, the notice proposed that savings attributable to flying one-way passenger charter backhauls empty be increased from 11 to 15 percent but that savings on empty cargo backhauls remain at the 5 percent previously applied. It was further proposed to increase the proportion of commercial revenue use of backhauls from 10 percent to 20 and 15 percent for passenger and cargo charters, respectively.

DOD agrees with the method used to develop one-way charter rates and specifically supports the proposed factors for economic savings on empty backhauls. A number of the carriers, on the other hand, contend that the differential between round-trip and one-way serv-

[11] We are constrained to note that most carriers have vigorously resisted each proposed rate reduction but nevertheless have achieved highly satisfactory profits each year.

[15] The double weight given to the CL-44 costs in relation to the jet costs was intended to reflect the CL-44's relative participation in the MAC cargo charters.

[16] DOD requested the establishment of minimum rates for two particular aircraft, the L-382 and the B-720. It suggested minimum ACL's of 20.75 tons and 133 passengers for the two aircraft, respectively, and a minimum rate of 2.24 cents per passenger-mile for the B-720. We will defer taking action on this request until more data are supplied.

ices should be eliminated. With respect to empty backhauls, the carriers argue that their costs already reflect whatever economies are achieved, especially since during the past year MAC cargo charters have been almost exclusively one way. Airlift states that there are no additional savings on one-way cargo trips and that the maximum saving on one-way passenger trips is 7.5 percent on the return ferry. Capitol suggests that, if the Board adheres to its finding that round-trip cargo flights are more expensive than one way, the round-trip costs should be increased 2½ percent rather than reducing one-way costs.

With respect to revenue use of backhauls, DOD advocates that a more conservative estimate be used. At the high level of DOD demand anticipated for fiscal year 1967, the Department points out that the carriers will not have as much opportunity to seek commercial backhauls. DOD recommends use of 10- and 7-percent factors for passenger and cargo, respectively. The carriers generally propose that no deduction be made for revenue backhauls or that the percentage reduction be considerably decreased. They assert variously that return loads are not available coincident with return-leg availability, that no commercial traffic is available for backhauls, that increased activity in the Pacific makes the chance of obtaining return commercial cargo far smaller than it has been, that there are no one-way passenger backhauls, and that the carriers already operating in the area enjoy an advantage in procuring commercial business. They maintain that the bulk of the MAC data on revenue backhauls reflects westbound Atlantic operations under Category X options for passenger charters rather than commercial charters. In any event, the carriers claim that return commercial charters may generate additional revenues but often at the expense of utilization. They also contend that return legs actually belong to MAC, inhibiting sales of commercial charters that may have to be canceled. In addition, Seaboard states that some carriers could not exercise off-route authority because of the limitations of Part 207 of the Economic Regulations. Seaboard proposes that, in lieu of deducting a percentage for commercial flights in the one-way rate, any revenue received for backhauls be turned over to MAC.

On the basis of the comments and additional data submitted by the carriers after the notice was issued, the Board has decided to modify the bases for determining the one-way minimum rates. On the subject of cost savings on backhaul ferry flights, the carriers argue generally that such savings are very small and in any event are reflected in the carriers' basic costs. It is noted, however, that the one-way passenger charter flights have been most infrequent in the past. Therefore, the backhaul cost savings, principally passenger food, supplies, and insurance, would have extremely little effect on the overall costs of MAC passenger charter services. These cost savings are real and measurable on any given flight, however; and it would be unfair to require MAC to pay the full round-trip rate for one-way traffic. We will, however, modify the 15-percent factor used in the notice for one-way passenger operations to the 11-percent factor relied upon in the prior rate proceeding.

With respect to one-way cargo charters, we used a 5-percent cost-saving factor in the notice in recognition of the fact that there are lesser opportunities for cost savings on the backhauls of outbound cargo flights. It appears from data available to the Board that the cargo backhaul ferry flights frequently are flown over shorter routings than the outbound flights. This factor would clearly produce some cost savings. While it is probably true that such savings are reflected in the cost data submitted in this proceeding, it must be recognized that the costs per mile are computed by using the shorter return mileage. The resulting costs per mile would not be lower than would be the case if all cargo services were round-trip; if anything, they would be higher. Moreover, the rate herein determined, including both the "live" and "ferry" portions, is applied to the "live" or longer miles only. Accordingly, the carriers' contentions do not persuade us to modify the 5-percent savings factor used in the notice.

With respect to the possibility for revenue usage of the backhaul of a MAC one-way charter, the data submitted by the carriers operating one-way passenger and cargo charters show a wide range of experience among the group. Some carriers have found a revenue use for a fairly significant percentage of their backhaul flights. The certificated route carriers sometimes employ the backhaul flight in scheduled service. Other carriers obtained few or no revenue backhaul trips. The DOD has modified its earlier views in this regard and now recommends that 10-percent revenue backhaul be assumed for one-way passenger charters and 7-percent for one-way cargo flights. These factors are reasonable on the basis of backhaul data covering calendar year 1965 and will be adopted herein. These percentages are somewhat below the carriers' average experience, but we have taken into consideration that some revenue return flights entail extra costs for positioning the aircraft and/or substandard revenues. In addition, it is recognized that as the volume of one-way MAC charters increases it will be difficult to maintain the same percentage of revenue return flights.

Accordingly, on the basis of the foregoing considerations, we conclude that the reasonable minimum rates for one-way passenger and cargo Category B charter services are 3.6 cents per passenger-mile and 16.95 cents per ton-mile, respectively.[17]

[17] Computed as follows:

2.0¢ × 189% = 3.78¢ × 90% =	3.40¢
2.00¢ × 10% =	.20¢
Total	3.60¢
9.0¢ × 195% = 17.55¢ × 93% =	16.32¢
9.00¢ × 7% =	.63¢
Total	16.95¢

Convertible and mixed charters. In the notice the Board proposed minimum rates for convertible charters (passengers in one direction, cargo in the other) and for mixed charters (passengers and cargo on the same flight). These minimums were developed on the basis of the proposed passenger and cargo round-trip and one-way minimum rates and reflected the methodology employed in prior MAC rate proceedings. No comments were received on these matters. Therefore, the Board will revise the proposed convertible and mixed minimum rates only to the extent necessary to reflect the basic passenger and cargo rates adopted herein. We are also adding a scale of minimum rates for one-way mixed charters, in recognition of the fact that DOD is now contracting for such services (see e.g., Order E–23181, Feb. 2, 1966).

Trans International requests that a minimum-rate scale for mixed charters with the DC–8–61 be established. This will be done in the same fashion as for the other jet aircraft, reflecting, however, the greater capacity of the DC–8–61.

We have also revised the rule to include minimum rates for variable and fixed mixed round-trip and one-way charters for the DC–8–61 and other large turbine aircraft, as well as for the B–727, which is discussed in the following paragraphs.

Minimum rates for smaller jet aircraft. For the first time the Board in EDR–96 proposed a different level of minimum rates for one type of jet aircraft (B–727QC) as compared with the rates proposed for all the other jets, based upon its substantially smaller capacity, higher unit costs, and the expectation that this type of aircraft would normally be used in areas where the larger jets would not be employed. Only Southern Air Transport objected to this basic approach, but other comments were submitted going to the level of the rates. Southern contends that the minimum rate level fixed for the smaller jets should apply to all jets whenever the latter are operated in short-haul, multistop service so that the various types of jets would be on a par in terms of price. It seems highly unlikely that the large intercontinental jet aircraft would be diverted to the short-haul type of service now operated by Southern and other carriers, although if it should happen the rate levels fixed herein would probably require adjustment. We do not deem it necessary at this time to set new and different minimum rates for services unlikely to be performed. However, we have decided to expand the application of the minimum rate for smaller jets to include both the B–727 and CV–880 aircraft. The latter is similar in size, operating capability, and cost characteristics to the B–727. From the data before us, it appears that the CV–880, now operated only to and from Alaska by Alaska Airlines, cannot be operated economically at the minimum rates found reasonable for the larger jet services.

Braniff and Southern contend that the B–727 rates should be higher than those proposed. Braniff would increase the rates by 15 cents per plane-mile to

account for conversion costs; and Southern would eliminate the factors for one-way revenue backhauls, which it claims have no application to the type of service to be performed with the B–727. The two carriers also object to the 10-hour utilization used in computing B–727QC costs. According to the carriers, the areas in which the aircraft will be used and the short-haul type of service contemplated will not sustain such high utilization, nor does the experienced domestic use support the 10-hour rate. Braniff suggests 8 hours, and Southern suggests 7.

Braniff requests that the cargo ACL be reduced from the proposed 8 to 7 pallets and from 18 to 16.5 tons, since cabin loading of galley equipment will preclude the 8-pallet/18-ton load in convertible or mixed services. These revisions will be adopted.

DOD states that the rates for the B–727QC should also apply to the B–727C and that the passenger rates should be applicable to any model of this aircraft configured for passengers. DOD also states that, since it would use the B–727 for fixed mixed rather than convertible operations, an additional set of rates for mixed operations should be provided without the convertible additive. These modifications will be made in the final rule.

We have further reviewed the cost data submitted by Braniff for the B–727 and by Alaska for the CV–880, in the light of the comments submitted. We will accept Braniff's proposed aircraft utilization of 8 hours per day and Alaska's utilization of 8.78 hours as reasonable for the types of operations in which these aircraft will be used. The other elements of Braniff's forecast appear reasonable except for the 15 cents per mile to cover the cost of changing configurations. This element will be excluded for purposes of establishing the basic round-trip and one-way rates, and will be included to develop the rates for convertible and mixed services. On this basis, the B–727 cost including return is 2.40 cents per passenger-mile and 12.1 cents per cargo ton-mile. With respect to Alaska's CV–880, we have modified the recognized costs set forth in the notice to reflect the 8.78-hour utilization in lieu of the 11 hours used in the notice. This adjustment results in total costs of 2.47 cents per passenger-mile and 11.7 cents per ton-mile for the CV–880. On the basis of these unit costs, the minimum rates for round-trip passenger and cargo services with the B–727 and CV–880 aircraft are determined to be 2.45 cents per passenger-mile and 11.9 cents per ton-mile respectively. Minimum rates for one-way passenger and cargo charters and for convertible and mixed [18] services have been developed in accordance with the approach followed for the larger jet aircraft.

[18] Minimum rates for both variable and fixed mixed charters will be set in accordance with DOD's request. The variable mixed service is one in which a configuration change is required to be made after departure from point of origin.

Accordingly, the following rates are adopted for charters performed with B–727 and CV–880 aircraft:

	Rate proposed	Rate adopted
Passenger, per passenger-mile:	*Cents*	*Cents*
Round trip	2.36	2.45
One way	3.97	4.41
Cargo, per ton-mile:		
Round trip	11.9	11.9
One way	20.9	22.4
Convertible:		
Passenger leg, per passenger-mile	2.51	2.60
Cargo leg, per ton-mile	12.60	13.70
Mixed, round trip, per plane-mile, sliding scale:	*Dollars*	*Dollars*
Variable	2.64–2.27	2.73–2.26
Fixed		2.57–2.14

Rates for charters performed with piston aircraft. The notice proposed no change in minimum rates for charters performed with piston aircraft in most geographical areas, where turbine operations predominate. Increases were proposed for piston charters in the specific geographical areas where turbine aircraft have not generally been used.

Airlift, TIA, and DOD advocate increases in the regular piston charter rates, which they maintain are presently below cost. Airlift recommends that uniform rates be established for piston charters in all areas.

With respect to piston charters in specific geographical areas, Alaska and TIA support the proposed increases as justified by experienced costs. On the other hand, DOD objects to the proposed increases, which it asserts are justified primarily by inclusion of the higher costs of intra-Alaska operations. DOD recommends reduced rates for DC–6 charters, no change in present rates for other piston aircraft, and separate rates for intra-Alaska operations.

DOD also recommends that the minimum ACL for the DC–6 be maintained at 83 passengers, rather than increased to 88 as proposed in the notice. DOD points out that a carrier other than Southern, who suggested the 88-passenger ACL, is offering the DC–6 configured at 83 seats.

The Board has decided to revise the current minimum-rate structure applying to piston-powered aircraft and to establish a uniform scale of minimum rates for services performed with such aircraft to be applicable in all areas except within the State of Alaska. These minimum rates will be at the same level as those applying now to piston operations in special geographical areas where operations with turbine-powered aircraft have not been economically or operationally feasible, except that the rates for one-way passenger and cargo charters will be twice the respective minimums for the round-trip services. For piston services within the State of Alaska a somewhat higher scale of rates is established in recognition of the special operating characteristics and costs that attend such services.

Following are the rates adopted for piston charters:

	Regular rates	Intra-Alaska rates
Passengers, per passenger mile:	*Cents*	*Cents*
Round trip	2.75	2.89
One way	5.20	5.46
Cargo, per ton-mile:		
Round trip	12.50	13.10
North Pacific	13.00	
One way	25.00	26.20
North Pacific	26.00	
Convertible:		
Passenger leg, per passenger-mile	2.75	2.89
Cargo leg, per ton-mile	15.00	15.80
Mixed, round trip, per plane-mile, sliding scale:	*Dollars*	*Dollars*
DC–6	1.625–2.42	
DC–7, L–1049, L–1649	2.25–2.6125	2.36–2.74

The scale of minimum rates currently applying to the noncompetitive piston services (i.e., those conducted in specific geographic areas where turbine services are not feasible) is the same as that which resulted from the first review of Part 288 minimum rates. When Part 288 was first issued in July of 1961 (ER–335, 26 F.R. 6763), the minimum-rate scale was based on a rate of 2.9 cents per round-trip passenger-mile. This was the only scale developed primarily with reference to piston costs. In September of 1961 (EDR–35, 26 F.R. 8815), the first review of Part 288 was undertaken principally for the purpose of considering the cost of implications of the participation of turbine aircraft, a substantial number of which had by then been introduced into the MAC program. This review resulted in a reduction from a scale based on 2.9 cents per round-trip passenger-mile to one based on 2.75 cents per round-trip passenger-mile, which applied uniformly to all international MAC charters regardless of whether they were performed with piston or turbine aircraft (ER–347, 27 F.R. 689). The new minimum-rate scale based on 2.75 cents per round-trip passenger mile was, therefore, one reflecting an averaging of turbine unit costs with piston unit costs. However, at that time the difference between reported piston and turbine unit costs was not so great as it has become recently. With one atypical exception, unit costs per carrier, including carriers using piston aircraft and others using both types, were computed to fall within a range of 5 percent above the round-trip passenger rate or 4 percent below. This range is not substantially different from that obtaining among the exclusively turbine costs of today's contractors.

Following this review, based on a mix of piston and turbine costs, DOD announced that it would in the future procure only turbine services except in areas where such services would not be operationally or economically feasible. It requested another review of the minimum rates based only on turbine costs, which the Board promptly undertook (EDR–60, 28 F.R. 9989). This review resulted in a further reduction in the turbine rates from a scale based on 2.75 cents per round-trip passenger-mile to a scale based on 2.55 cents per round-trip passenger-mile (ER–401, 29 F.R. 2938).

However, the Board retained the old scale for application to the noncompetitive piston services, but did not require competitive piston services (i.e., those operated in areas where competitive turbine services were also performed) to observe such higher minimums. It was concluded that the Board should not foreclose any possible use of piston services by higher minimum rates, even though, in view of the DOD announcement, it appeared that there would be little or no use of such competitive piston services.

The third general review of MAC minimum rates was conducted last year and resulted in a further reduction in the turbine minimum rates from a scale based on 2.55 cents per round-trip passenger-mile to the current scale based on 2.2 cents per round-trip passenger-mile (ER–432, 30 F.R. 3861). The scale applicable to competitive piston services was not reduced, and neither was that applying to the noncompetitive piston services. Thus, three separate scales of minimum rates were stated: one for turbine services based on 2.2 cents per round-trip passenger-mile, one for competitive piston services based on 2.55 cents per round-trip passenger-mile, and one for noncompetitive piston services based on 2.75 cents per round-trip passenger-mile. The decision not to maintain the minimum rates applicable to competitive piston services at the same level as the turbine rates was based largely on carrier contentions that any MAC procurement of competitive services would not depend on their being offered at a rate competitive with the turbines. It was also contended that no carrier would be willing to offer piston aircraft to MAC at the new low turbine rates. Despite the fact that the 2.55-cent scale was implicitly considered to be below the costs of providing piston services, no efforts were made to obtain an increase.

In this review, both the carriers and DOD contend that the minimum rates for competitive piston services should be increased. Moreover, it appears that the MAC traffic requirements in the Pacific are such that piston charters are now being procured. The carriers have, however, been unwilling to offer such service at rates equal to the current minimums, and contract rates have been negotiated that generally approximate the minimum rates applied to noncompetitive piston services.

There is no doubt that the minimum rates now applicable to competitive piston services are well below the costs of operating such services. They were never related to piston costs but were only made applicable to such services for competitive reasons. In view of recent events, however, it does not appear necessary to maintain minimums at below cost levels for competitive reasons.

Predicting the costs of future piston operations for MAC presents difficult problems. The investment in particular piston aircraft varies widely depending on the extent to which they have been depreciated, and return requirements thus vary similarly. Moreover, a large number, but by no means all, piston aircraft are now fully depreciated. Without forecasts of what the MAC piston requirements will be and how they will be met, it is practically impossible to predict the return requirements and depreciation expenses to be included in the underlying cost projections on which minimum rates are based.

The only operations for which the Board has experienced results are those conducted in the noncompetitive areas. There are five such services performed by five different carriers. Excluding the intra-Alaska service performed by Alaska Airlines, which, as previously indicated, will be treated separately, there are four services which are largely performed in mixed configuration by Airlift, Capitol, Northwest, and Southern. As shown in Appendix C, Southern's DC–6 costs approximate $2.08 per aircraft-mile, which is quite close to its yield of $2.05 under the current minimum rates. Airlift, Capitol, and Northwest, operating the larger piston aircraft show recognized costs of $2.56, $2.14, and $2.42 per mile, respectively. Capitol's and Northwest's revenues per mile are only slightly above their indicated costs, while Airlift's yield per mile is somewhat below its cost per mile. These yields per aircraft-mile reflect in large measure the scale of minimum rates now in effect for the noncompetitive areas, e.g., 2.75 cents for round-trip passengers, 12.50 cents for round-trip cargo, etc. These data and comparisons indicate that minimum rates based on 2.75 cents per passenger-mile and 12.5 cents per cargo ton-mile would be reasonable.

However, the existing scale of minimums for the noncompetitive areas also contains rates for one-way passenger and cargo services reflecting very substantial reductions from the round-trip rates referred to. These reductions from the round-trip rate are much greater than exist in the current or reduced minimum rates for turbine aircraft. These one-way minimums produce yields below $2.00 per aircraft-mile for the DC–7 and L–1049 aircraft and as low as $1.40 per mile for the DC–6. On the basis of the cost data referred to above, such rate yields would be unreasonably low. This is due in part to the fact that the basic rate scale reflects not only piston aircraft costs but also, as noted, turbine costs. In addition, the reduction of the one-way rates from the corresponding round-trip rates is not justified by current facts and circumstances.

Accordingly, we have decided to establish the scale of minimum rates now applying to the specific noncompetitive areas to all piston aircraft charters (except within Alaska) with the exception of the one-way passenger and cargo rates. For the one-way passenger minimum we will fix 5.2 cents per passenger-mile. This rate is the round-trip rate less the 11 percent for cost savings on the backhaul ferry used in connection with other one-way rates. For the one-way cargo rate, we will establish 25.00 cents per ton-mile, which is the equivalent of the round-trip rate. We believe that the opportunities for cost savings on backhauls from one-way piston cargo flights is de minimis and warrants no adjustment of the one-way minimum rate. Similarly, it appears extremely unlikely that backhaul revenue flights could be developed in connection with the one-way piston charters, especially in view of the large volume of one-way jet flights now being operated. Therefore, no adjustment of either one-way rate is warranted on this score.

The new minimum rates herein established for piston aircraft in all areas except within Alaska will not change the rates now applicable to round-trip passenger and cargo charters and to mixed charters being performed in the noncompetitive areas. The one-way rates in those areas would be increased to a level more in line with costs. In the competitive areas, the new minimum piston rates will permit economical operations of piston aircraft when and if needed by MAC to fulfill its transportation requirements.[19]

In view of the DOD allegation that it will continue to pay Southern for 88 passengers on its DC–6's where that number of passengers is carried regardless of the fact that Part 288 states only an 83-passenger ACL for the DC–6, we will retain the 83-passenger ACL for the DC–6. This appears necessary, since DOD alleges that other DC–6 contractors do not carry more than 83 passengers.

With respect to rates for intra-Alaska piston services, we will finalize the rates proposed in the Notice, which reflect a 5-percent increase over the current rates, except for the one-way passenger and cargo minimums. Even with the 5-percent increase, these rates would produce unreasonably low revenues per mile in relation to the costs of intra-Alaska services with piston aircraft. This results from essentially the same factors as discussed in connection with the other piston rates. Similar treatment of the intra-Alaska one-way minimum rates produces a rate of 5.46 cents per passenger-mile and 26.20 cents per cargo ton-mile. By the same token, these rates are also 5 percent above the corresponding minimum piston rates for all other areas.

Standard mileage. Subsequent to the inception of this proceeding, MAC informally requested the Board to establish standard mileages for services in or through Japan and thereby obviate the three sets of mileages now required depending on whether a flight stops at Tokyo International, Tachikawa, or Yokota. MAC states that minor mileage differences create very small price differences depending on the airport served and that keeping track of these differences creates an administrative burden on both MAC and the carriers out of proportion to the amounts involved. MAC's proposal appears to be reasonable, but the necessary proposed amendment of Part 288 was inadvertently omitted from the Notice. We will proceed now to

[19] We note that several carriers have recently contracted to operate transpacific piston charters at rates close to the minimum rates herein established.

so modify Part 288, subject to petition for reconsideration by any person. We note, however, that Part 288 as now written provides that transpacific mileages to and from points beyond Tokyo are to be computed via only Tachikawa Air Base irrespective of the airport actually transited. We see no need to change this, and consistent therewith we will modify § 228.7(d)(2) to provide that mileages to and from Japan will be computed to and from Tachikawa Air Base.

Effective date. Because of the high level of aircraft utilization achieved by the MAC carriers in the first four months of fiscal year 1966, it appeared that the carriers would earn excessive returns on their MAC services under the minimum rates established by the Board in March 1965. The Notice therefore proposed that the revised rates be made effective February 1, 1966. While we recognize the value of rate stability, in our opinion the effect on unit costs of the increased utilization and the resulting high profits are developments materially affecting the nature and costs of the contract services that necessitate a reduction of minimum rates before the end of the fiscal year. While an early reduction in rates was proposed in this instance because it would be inequitable to require DOD to continue to pay at a rate that produced excessive earnings for the carriers, it was pointed out that the principle of effecting rate changes within a contract year to reflect unforeseen changes in circumstances would, in the long run, protect the interests of both the carriers and the Government.

DOD states that it would concur in a decision by the Board to make the new rates effective before July 1, provided that the Board makes the findings required by its contracts with the carriers.[20] However, the Department notes that the intent of its present policy of three-year contract cycles with annual rate reviews is to introduce stability into its airlift contract program and that midyear rate changes detract from this stability without adding to the long-run savings or reducing the expense to the Government. DOD does not believe that the current rates should be changed prior to July 1 on the basis of increased utilization rates unless the Board concludes that the carriers should be able to continue such high utilization even if the volume of DOD business returns to a more normal level.

A number of carriers who oppose the February 1 effective date base their objections principally on three factors: The MAC contract provisions, the need for rate stability, and practical considerations inhibiting any prompt establishment of a later necessary rate increase. The carriers argue that no "new facts" within the meaning of the contract provision have developed and that there is no showing of any "inequity" resulting from the current rates. They contend that the proposal to change the minimum rates during the contract year creates accounting problems, hinders financial planning, and jeopardizes market stability. The carriers also maintain that a later increase would not be a meaningful offset to the presently proposed rate reductions, because in the time required to effect such an increase the carriers, particularly the supplementals, might suffer serious consequences. The carriers also point out that MAC's dependence on annual Congressional appropriations might force it to reduce the volume of traffic or to expand operations within its own fleet if rates were increased during the fiscal year.

Upon full consideration of the matter, we have determined to adhere to our proposal in the notice to provide for an early effective date for the revised minimum rates. Although the Board believes that rate stability is desirable, it must reserve the right to continue surveillance of the minimum rates and to effect changes up or down when such revisions are required on the basis of unforeseen changes in facts not before the Board at the time the rates were set. In this case, it has become apparent that, for the bulk of the services subject to the provisions of Part 288, the sharply increased requirements of the military, combined with increased commercial traffic, have resulted in significant and unforeseen increases in aircraft utilization and lower unit costs. The carriers do not contest the fact that their earnings have become excessive in relation to established rate-of-return standards. Under these circumstances, a prompt reduction in the minimum rates is required.

We also find that unusual circumstances justify an early effective date for those minimum rates which we are increasing. Thus, at the time of our last rate review, the Defense Department had been making no use of piston aircraft for services in areas served by jets. The Department is now utilizing such equipment; and since the minimum rates are substantially below cost, it is appropriate to establish revised minimums promptly. Rates for the CV–880 and the intra-Alaska operations primarily affect Alaska Airlines, a heavily subsidized carrier that has suffered system net operating losses in the past two years and whose balance sheet reflects a negative equity. A prompt effectuation of revised minima is necessary in order to avoid a further drain on this carrier's resources.[21]

The objections based on the MAC contract provision are without merit. The carriers opposing the proposed early effective date appear to interpret the contract provision as limiting the Board's authority and duty to make changes in the minimum-rate conditions as changing facts and circumstances may warrant. We do not believe that such a result was intended or can be supported. In November 1964, before the contracts including the cited provision were entered into, we informed DOD that the minimum rates established in the proceeding then in progress would be reconsidered only on the basis of new facts not available or before the Board at the time. We reiterated our intention in setting the minimum rates in March 1965 that those rates would remain in effect throughout fiscal year 1966 absent some development that would materially affect the nature and costs of the contract services. Such a development has occurred, and it would be inequitable to leave the minimum rates at their present level for the remainder of the fiscal year. This inequity results from new facts that were not available for submission to the Board a year ago, primarily the greatly increased aircraft utilization, both military and commercial, that occurred in the latter half of calendar year 1965. In our opinion, no further findings are necessary to justify establishing an early effective date. Indeed, we believe that we would not otherwise fulfill our statutory duty. We will adhere to the policy announced last year that the minimum rates established herein will remain in effect throughout fiscal year 1967 absent some development that would materially affect the nature and costs of the services.[22]

We have determined that the new minimum charter rates shall become effective April 1, 1966. Although the notice proposed an effective date of February 1, 1966, we believe it is desirable as a general rule that adjustments of minimum rates not be made effective retroactively except in the most unusual circumstances. We have also taken into consideration the fact that those carriers which do not require exemptions to perform MAC contracts have tariff rates on file with the Board that cover the period since February 1, and reducing the minimum rates for that period would

[20] The contract provision referred to by DOD and the carriers reads as follows: "Except as otherwise provided in this contract, the prices set forth in this contract shall remain in effect throughout the period of performance of this contract (July 1, 1965, through June 30, 1966) unless the Civil Aeronautics Board determines that inequities would result to either the Department of Defense or the domestic or international industry under contract to MAC and then only provided that the inequity results from new facts not available for submission to the Board when it established the rate levels for this contract year."

[21] Seaboard contends that there is a question of law as to whether the Board can make the new minimum rates effective at an early date, because section 4(c) of the Administrative Procedure Act requires publication or service of a substantive rule thirty days before its effective date. It should be noted that section 4(c) also states that an agency may provide a lesser notice upon good cause found and published with the rule. We have found good cause for setting an early effective date, and the notice of rulemaking gave notice to all parties that we proposed to do so. As a technical matter it should also be noted that we are not as a matter of law depriving the carriers of any benefits; we are establishing minimum reasonable rates.

[22] World Airways argues that there will be no automatic rate reduction unless the Board modifies its exemption orders or DOD modifies its contracts. We see no necessity to modify the exemption orders, which are conditioned upon the observance of the contract terms and the minimum rates specified in Parts 288 and 399. We are in this proceeding changing some of these minimums. The implementation of the revised minimums is a matter solely between the carriers and DOD.

be inequitable to the other carriers. The considerations that led to the proposal to make these rates effective early still exist, however, and constitute good cause for making these changes effective on less than 30 days' notice. Therefore, we conclude that the new minimum rates adopted should go into effect at the earliest prospective date. We will allow the carriers operating under tariff rates to file immediate tariff changes.

Reissuance. Since it is also necessary to amend Part 288 at this time to reflect the redesignation of the Military Air Transport Service as the Military Airlift Command, we shall reissue the part and incorporate all amendments made since the last reissuance in 1965.

Pursuant to § 302.38(d) of the procedural regulations, express provision is hereby made for the filing of petitions for reconsideration with respect to those changes adopted herein that were not proposed in the notice; i.e., minimum rates for the CV–880, for DC–8F–61 mixed charters, for B–727 fixed mixed and one-way variable mixed charters, for fixed mixed and one-way variable mixed charters with other turbine-powered aircraft, and for piston charters in areas competitive with turbine charters, and the standard mileage applicable to Japan. Petitions for reconsideration and answers thereto shall be governed by the provisions of § 302.37 and shall be served upon the Department of Defense and all carriers who have filed comments in this proceeding. Petitions must be filed on or before April 11, 1966, and answers thereto before April 18, 1966.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends and reissues Part 288 of the economic regulations (14 CFR Part 288), effective April 1, 1966, as set forth below.

Subpart A—General

Sec.
288.1 Definitions.
288.2 Applicability.

Subpart B—Exemption, Conditions and Requirements

288.5 Exemption.
288.6 Scope of exemption.
288.7 Reasonable level of compensation.
288.8 Application for other relief.

Subpart C—Enforcement

288.15 Violations.

Subpart D—Duration

288.18 Expiration.

AUTHORITY: The Provisions of this Part 288 issued under secs. 204 and 416 of the Federal Aviation Act of 1958, 72 Stat. 743 and 771; 49 U.S.C. 1324 and 1386.

Subpart A—General

§ 288.1 Definitions.

As used in this part:

"Act" means the Federal Aviation Act of 1958, as amended.

"Air carrier" means a citizen of the United States holding economic operating authority to engage in air transportation as a direct air carrier with large aircraft, other than the authority conferred by this part.

"Large aircraft" means an aircraft of more than 12,500 pounds certificated maximum takeoff weight.

"MAC" means the Military Airlift Command.

"North Pacific routing" means a route between a point in the 48 continguous States and Japan via Alaska.

"Short-notice MAC charter service" means foreign and overseas air transportation, and air transportation between the 48 contiguous States on the one hand and the States of Hawaii or Alaska on the other hand, in planeload lots of persons and/or property pursuant to civil augmentation contracts with MAC whereunder the first flight under an award occurs not more than 3 weeks after the date established by MAC for the submission of proposals by the air carriers and all flights are to be performed within 30 days of the first flight: *Provided*, That MAC traffic only is carried on such flights.

"Substitute service" means the performance by an air carrier of foreign or overseas air transportation, or air transportation between the 48 contiguous States, on the one hand, and the States 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 MAC and when the performance of such air transportation is not to take place during a period longer than 3 weeks.

"Supplemental air carrier" means an air carrier deriving its operating authority from either an interim certificate or interim authority issued pursuant to Section 7 of Public Law 87–528 or a certificate of public convenience and necessity for supplemental air transportation issued pursuant to section 401(d)(3) of the Act.

All terms defined in the Act and not otherwise defined in this part are used in the sense of their statutory definitions.

§ 288.2 Applicability.

This part applies to substitute service and short-notice MAC charter service by air carriers holding economic authority from the Board to provide air transportation of persons and/or property by the use of large aircraft and which have contractually committed their CRAF aircraft to the Department of Defense: *Provided*, That, in the case of short-notice MAC charter service, the award contains or is accompanied by a written statement of the military establishment that such award is for transportation necessary to fulfill unforeseen military requirements as to which time is of the essence.

Subpart B—Exemption, Conditions, and Requirements

§ 288.5 Exemption.

(a) Subject to the provisions of this part and the conditions imposed, air carriers holding authority from the Board to engage in air transportation of persons and/or property by the use of large aircraft and which have contractually committed their CRAF aircraft to the Department of Defense are hereby exempted from the following provisions of Title IV of the Federal Aviation Act of 1958, as amended, and the Board's economic regulations: section 403 of the Act; Part 221 of this chapter.

(b) Subject to the provisions of this part and the conditions imposed, air carriers, other than supplemental air carriers, holding authority from the Board to engage in air transportation of persons and/or property by the use of large aircraft and which have contractually committed their CRAF aircraft to the Department of Defense, are hereby exempted from the following provisions of Title IV of the Federal Aviation Act of 1958, as amended, and the Board's economic regulations: section 401(a) of the Act; Part 202 of this chapter; Part 207 of this chapter.

§ 288.6 Scope of exemption.

The exemptions granted in §288.5 extend only to transportation of persons and/or property under agreements for short-notice MAC charter service as defined herein, where the award contains, or is accompanied by, the written statement set forth in the proviso to § 288.2, and to substitute service as defined herein. This authority is in addition to all other authority to engage in air transportation issued by the Board to any air carrier and will not be construed as in any manner limiting such other authority.

§ 288.7 Reasonable level of compensation.

It shall be a condition on the exemptions granted by this part that the level of compensation for transportation provided for short-notice MAC charter service and substitute service shall not be uneconomically low.

(a) *Minimum charges.* In the absence of specific Board approval, the compensation for such services shall not be less than the following:

(1) For services other than those specified in subparagraph (2) of this paragraph:

(i) Performed with turbine-powered aircraft:

Type of service	Rates for B–727 and CV–880 aircraft	Turbine aircraft other than B–727 and CV–880	
		Regular rates	Rates for North Pacific routing
Passenger, per passenger-mile:	*Cents*	*Cents*	*Cents*
Round trip	2.45	2.00	2.00
One way	4.41	3.60	3.60
Cargo, per ton-mile:			
Round trip	11.9	9.00	9.25
One way	22.4	16.95	17.45
Convertible:			
Passenger leg, per passenger-mile	2.60	2.15	2.15
Cargo leg, per ton-mile	13.70	10.46	10.71

Type of service	Rates for B-727 and CV-880 aircraft	Turbine aircraft other than B-727 and CV-880	
		Regular rates	Rates for North Pacific routing
Mixed passenger-cargo, per revenue plane-mile for following number of passengers and pallets:			
Round trip, variable:	*Dollars*	*Dollars*	*Dollars*
165 and 0		3.55	3.55
117 and 3		3.54	3.57
105 and 4		3.54	3.57
93 and 5		3.54	3.57
81 and 6		3.54	3.58
63 and 7		3.53	3.59
51 and 8		3.53	3.59
0 and 12		3.53	3.61
Round trip, fixed:			
165 and 0		3.30	3.30
117 and 3		3.30	3.32
105 and 4		3.29	3.33
93 and 5		3.29	3.33
81 and 6		3.29	3.34
63 and 7		3.29	3.35
51 and 8		3.29	3.35
0 and 12		3.28	3.38
One way, variable:	*Dollars*	*Dollars*	*Dollars*
165 and 0		6.19	6.19
117 and 3		6.25	6.30
105 and 4		6.27	6.33
93 and 5		6.28	6.36
81 and 6		6.30	6.39
63 and 7		6.32	6.44
51 and 8		6.34	6.47
0 and 12		6.41	6.59
One way, fixed:			
165 and 0		5.94	5.94
117 and 3		6.01	6.06
105 and 4		6.03	6.10
93 and 5		6.05	6.13
81 and 6		6.07	6.16
63 and 7		6.09	6.20
51 and 8		6.11	6.24
0 and 12		6.19	6.37
B-727, round trip, variable:			
105 and 0	2.73		
63 and 2	2.54		
52 and 3	2.49		
45 and 4	2.46		
0 and 7	2.26		
B-727, round trip, fixed:			
105 and 0	2.57		
63 and 2	2.40		
52 and 3	2.36		
45 and 4	2.33		
0 and 7	2.14		
B-727, one way, variable:			
105 and 0	4.79		
63 and 2	4.53		
52 and 3	4.46		
45 and 4	4.42		
0 and 7	4.14		
B-727, one way, fixed:			
105 and 0	4.63		
63 and 2	4.39		
52 and 3	4.33		
45 and 4	4.29		
0 and 7	4.03		
DC-8F-61, round trip, variable:			
219 and 0		4.71	
159 and 5		4.61	
65 and 12		4.45	
47 and 13		4.42	
0 and 18		4.35	
DC-8F-61, round trip, fixed:			
219 and 0		4.38	
159 and 5		4.29	
65 and 12		4.15	
47 and 13		4.12	
0 and 18		4.05	
DC-8F-61, one way, variable:			
219 and 0		8.21	
159 and 5		8.13	
65 and 12		8.01	
47 and 13		7.99	
0 and 18		7.92	
DC-8F-61, one way, fixed:			
219 and 0		7.88	
159 and 5		7.81	
65 and 12		7.70	
47 and 13		7.68	
0 and 18		7.63	

(ii) Performed with piston aircraft:

Type of service	Operations in all areas except within Alaska		Rates within Alaska
	Regular rates	Rates for North Pacific routing	
Passenger, per passenger-mile:	*Cents*	*Cents*	*Cents*
Round trip	2.75	2.75	2.89
One way	5.20	5.20	5.46
Cargo, per ton-mile:			
Round trip	12.50	13.00	13.10
One way	25.00	26.00	26.20
Convertible:			
Passenger leg, per passenger-mile	2.75	2.75	2.89
Cargo leg, per ton-mile	15.00	16.00	15.80
Mixed passenger-cargo:			
Round trip, per revenue plane-mile, for following aircraft and number of seats installed at request of MAC:			
DC-6A/B:	*Dollars*	*Dollars*	*Dollars*
0-2	[1] 1.625		
1-44	[2] 1.96		
45-54	2.01		
55-64	2.11		
65-74	2.22		
75-87	2.35		
88	2.42		
DC-7CF, L-1049/C/E/G/H, L-1649 A/F:			
0-2	[1] 2.25		[1] 2.36
1-47	[2] 2.43		[2] 2.55
48-59	2.45		2.57
60-71	2.50		2.63
72-85	2.55		2.68
86-92	2.59		2.72
93 and over	2.6125		2.74

[1] All-cargo rate applicable on flights designated as all-cargo where limited services for the personnel who may be carried are required under the MAC contract.

[2] Rate applicable on flights designated as mixed where full passenger services are required under the MAC contract.

Provided, That, subject to the provisions of paragraph (b) of this section, the minimum rates specified in subdivisions (i) and (ii) of this subparagraph shall not be applicable to passengers or cargo carried on a particular trip in excess of the amount that the contract calls for MAC to supply and the carrier to provide space.

(2) The compensation for substitute service shall not be less than that which the prime contractor would have received under his contract with MAC.

(b) *Minimum aircraft loads.* The minimum charges established by paragraph (a) of this section shall be deemed economic only when the resulting revenues are at least the equivalent of such charges applied to the following minimum loads:

Aircraft type	Number of passengers (all-passenger and convertible flights)	Tons of cargo	
		All-cargo flights	Convertible flights
B-707-320-B/C	165	36.5	33.7
B-707-300 series	159		
B-707-100 series	149		
DC-8F-61	219	45	
DC-8F	165	36.5	33.7
DC-8 (50 series)	149		
DC-8 (other)	147		
B-727	105	18	16.5
CV-880	110	18	16.5
CL-44	148	29.35	28
L-1649A	95	18	15
L-1049-C/E/G/H	95	18	15
DC-7-B/C/CF/F	95	18	15
L-1049A	88	15	12
DC-7	88	15	12
DC-6-A/B/C	83	13	12
DC-4	60	8	6

Provided, That, for the purpose of this paragraph (b), compensation equal to the minimum rate applied to the load that actually can be accommodated shall be considered economic whenever a carrier is prevented from accommodating a load equal to the minimum specified above, for reasons other than adverse weather, off-loading by MAC, or the bulk of the cargo supplied by MAC, but in no event less than 90 percent of the above minimum loads. For purposes of this proviso, failure by the carrier to accommodate more than 12 loaded pallets on the B-707-320B/C and DC-8F aircraft, or 10 loaded pallets on the CL-44 aircraft, irrespective of the total weight thereof, on the all-cargo segment of any convertible charter flight, due to the presence of galley equipment and/or crew facilities on the main deck of the aircraft for use on that convertible charter flight, is deemed to be due to the bulk of the cargo supplied by MAC.

(c) *Round-trip services defined.* For purposes of this section, round-trip services mean short-notice MAC charter service where (1) passengers and/or cargo are transported on two or more successive revenue flights and the last revenue flight terminates within 250 statute miles of the point of origin of the first revenue flight or, by mutual consent of MAC and the carrier, at a point within 250 statute miles of the carrier's principal operating base; (2) the scheduling permits departure within 4 hours after arrival at each point to be served except at one point where the aircraft may be scheduled for departure within 72 hours after arrival; *Provided*, That, on flights serving more than one U.S. departure point, by mutual consent, MAC and the carrier may agree on not more than three points where the aircraft may be scheduled for departure within 72 hours after arrival; and (3) the air carrier operates en route not more than one ferry flight not exceeding 50 statute miles without compensation and not more than one ferry flight not exceeding 1,500 statute miles for compensation equal to not less than 75 percent of the round-trip cargo rate specified in paragraphs (a) and (b) of this section where only cargo is carried on the other portions of the whole trip and for compensation equal to not less than 75 percent of the round-trip all-passenger rate specified in para-

graphs (a) and (b) of this section in all cases where passengers are carried on any other part of the whole trip.

(d) *Computation of passenger-miles and cargo ton-miles*—(1) *General rule.* For the purpose of this section, the computation of passenger-miles and cargo ton-miles shall be based on no lesser mileage than the nonstop airport-to-airport distance, in terms of statute miles from the point of origin of the revenue flight to the point of destination of such flight, via such intermediate points as are required to be served by the terms of the MAC contract.

(2) *Transpacific services.* In the case of transpacific services between the 48 contiguous States and points beyond Alaska or Hawaii, the general rule shall not apply but the mileage shall be computed as prescribed in Schedule A incorporated in this paragraph, as follows:

SCHEDULE A—TRANSPACIFIC ROUTINGS

Between	And									
	Thailand	South-Viet-Nam	Philippine Islands	Guam	Wake	Hawaii	Formosa	Okinawa	Japan [2]	Alaska
U.S. west coast [1]	8 or 5	8 or 5	7 or 4	7	6	1	14 or 4	7 or 4	7 or 2	1
Alaska	15	15	3				3	3	1	
Japan	12	12	1	1	1	9	1	1		
Okinawa	12	12	1	1	1	9	1			
Formosa	12	12	1	1	11	10				
Hawaii	13	13	9	9	1					
Wake	12	12	1	1						
Guam	12	12	1							
Philippine Islands	1	1								
South Viet-Nam	1	1								

Routings:

1. Direct.
2. Via Anchorage.
3. Via Tachikawa.
4. Via Anchorage–Tachikawa.
5. Via Anchorage–Tachikawa–Clark.
6. Via Honolulu.
7. Via Honolulu–Wake.
8. Via Honolulu–Wake–Clark.
9. Via Wake.
10. Via Wake–Guam.
11. Via Guam.
12. Via Clark.
13. Via Wake–Clark.
14. Via Honolulu–Wake–Guam.
15. Via Tachikawa–Clark.

NOTE: Alternative routings 7, 8, and 14 are to be used for calculation of the mileage if MAC requires that an intermediate point along the mid-Pacific route be served.

[1] Any place in the State of California, Oregon, or Washington.
[2] For services to and from Japan, compute mileage to and from Tachikawa Air Base.

(3) *Transatlantic services.* In the case of transatlantic services, when the nonstop airport-to-airport distance between origin and destination of the flight is 4,000 miles or more and no intermediate points are specified by the terms of the MAC contract, the mileage shall be no less than as computed via Shannon, Ireland, or via Lajes/Santa Maria, Azores, whichever routing yields a lower mileage.

(e) *On-loading and off-loading of traffic.* It shall not be deemed a violation of the provisions of this section for an air carrier operating a charter flight to permit MAC to on-load and/or off-load traffic (passenger or cargo) at any operational stops en route made for the carrier's convenience, to the extent that it does not interfere with the carrier's scheduled ground operation: *Provided,* That the carrier receives minimum compensation consistent with the provisions of this section for resulting load carried on any flight stage which is in excess of the load paid for under the contract.

§ 288.8 Application for other relief.

Air carriers may make timely applications for authority to engage in air transportation for the military establishment not covered by this part, including relief from any limitation or requirement imposed by this part. Such applications shall be governed by the provisions contained in Part 302, Subparts A and D of this chapter.

Subpart C—Enforcement

§ 288.15 Violations.

Operations by any carrier for the military establishment which are not within the scope of such carrier's basic authority or of this part or of other authority granted by the Board prior to the time such operations are undertaken, or noncompliance with any applicable requirements, conditions or limitations in this part constitute violations of the Federal Aviation Act of 1958 and will render the offending air carrier subject to imposition of lawful sanction, including in proper cases criminal prosecution under section 902(a) of the Act.

Subpart D—Duration

§ 288.18 Expiration.

(a) This part shall expire June 30, 1967, unless rescinded by the Board at an earlier date. The Board reserves the right to rescind this part or any provision thereof at any time, with or without notice or hearing, as the public interest may require.

(b) The transportation services performed pursuant to the authorization granted in this part do not constitute an activity of a continuing nature within the meaning of section 9(b) of the Administrative Procedure Act, 5 U.S.C. 1008(b).

By the Civil Aeronautics Board: [23]

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-3604; Filed, Apr. 4, 1966; 8:45 a.m.]

[23] Joint concurring and dissenting statement of Vice Chairman Murphy and Member Minetti filed as part of the original document.

SUBCHAPTER F—POLICY STATEMENTS

[Reg. No. PS-30]

PART 399—STATEMENTS OF GENERAL POLICY

Military Exemptions and Military Tariff Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of March, 1966.

On January 13, 1966, by notice of proposed rule making EDR-96/PSDR-15 (31 F.R. 565), the Board proposed to amend Part 399 by changing the minimum rates for domestic military charters and for individually ticketed and waybilled military transportation. Written data, views, and arguments have been filed in response to the notice. All comments and supporting statements before the Board have been carefully considered, and all contentions not otherwise disposed of hereinafter are rejected. Final amendments to Part 288, Exemption of Air Carriers for Short-Notice Military Contracts and Substitute Service, are being adopted concurrently herewith (ER-456).

Domestic military cargo charters. With respect to domestic military cargo charters (Logair and Quicktrans), the notice proposed a decrease in the CL-44 minimum rate, an increase in the C-46 rate, a multielement rate (consisting of a basic mileage rate plus $100 per landing) for the DC-6A and AW-650, and no change in the minimum rate for DC-7F and L-1049H aircraft. Comments on the proposals were received from five carriers [1] and from the Department of Defense (DOD). Upon consideration of the comments and adjusted cost data, the Board has adopted revised minimum fair and reasonable rates, which are listed below along with the current rates and the rates proposed in the notice:

Aircraft type	Rate per aircraft statute mile (course-flown)		
	Present	Proposed	Adopted
DC-7F, L-1049H	$1.950	$1.950	$1.950
CL-44	2.40	1.788	2.207
C-46	.735	.830	.830
DC-6A, AW-650	1.40	[1] 1.17	[1] 1.1765

[1] Plus $100/landing.

Aaxico, Zantop, Tiger, and DOD raised various objections to the adjusted costs recognized by the Board. Airlift asserted a return element equal to 19 cents per mile should be allowed in the C-46 rate. World objected only to the proposed dual-element rate for DC-6A and Argosy services and urged that the rate continue to be established as a single rate per aircraft-mile.

Aaxico proposes that the total operating cost of $1.35 per revenue mile for DC-6A aircraft recognized by the Board should be increased by 2.3 cents. Of this amount, 2.1 cents purports to be an in-

[1] AAXICO/Saturn Airways, Inc., Airlift International, Inc., The Flying Tiger Line Inc., World Airways, Inc., and Zantop Air Transport, Inc.

crease in the cost for engine overhauls, and the remainder is related to employees' group insurance expense. From the data submitted, we are not satisfied that Aaxico's total direct maintenance expense will be more than the 53.5 cents per mile recognized by the Board. It is noted that the recognized amount is about 10 percent above the carrier's experienced cost per mile in fiscal 1965 and should be sufficient to cover such increased overhaul costs as may actually be sustained. With respect to the other item raised by Aaxico, since the amount claimed has already been recognized as part of crew costs, no further allowance is required.

Zantop contends that the amounts per mile allowed for crew costs for both DC–6A and AW–650 operations are inadequate. Zantop's revised forecast would base these crew costs on the experienced rate per mile in the last 6 months of 1965 adjusted for substantial increases in pay and employee welfare taxes. We will accept the actual 6 months' costs as a starting point. With respect to the projected increases, however, we will recognize only the contract increase to be effective July 1, 1966, the increased F.I.C.A. tax, and the Federal and Ohio State unemployment tax increases. The other claimed cost increases are insufficiently established to be recognized. Zantop also asks the Board to increase the recognized DC–6A maintenance expense on the basis of recent experience. While the DC–6A maintenance expense to date is running moderately above the recognized amount, the AW–650 is running below. On this basis no adjustment appears warranted.

Flying Tiger objects to the disallowance of depreciation of maintenance facilities and ground property and claims that the full amount forecast should be allowed. On the basis of the data submitted, it appears that a substantial part of the amount claimed relates to ground property at the carrier's commercial stations. The Quicktrans contract service does not involve most of those commercial points and therefore should not bear the costs of depreciating such property. It is appropriate, however, to include a share of the depreciation cost related to the carrier's main base, and appropriate adjustment will be made. Tiger also objects to the disallowance of all claimed aircraft and traffic servicing expenses and contends that it performs all normal and customary functions in these categories except loading and unloading of the aircraft. The carrier's comment is pertinent, and we will allow 11.43 cents per mile (course-flown) for aircraft servicing expense, which is Tiger's experienced domestic unit cost in that category. It is probable that the costs of these activities and functions would be similar as between the commercial and contract services. Finally, Tiger asserts that its estimate of crew costs should be allowed in full since it reflects actual costs in Quicktrans services and the lower-than-average utilization. On further review of this item, we will recognize Tiger's estimate.

Tiger also contends that the 10-hour daily aircraft utilization projected by the Board is unattainable in Quicktrans service, and it submitted its current schedule pattern in support of its position. The carrier contends that utilization of 7.3 hours per day is the maximum for this operation. Tiger fails, however, to reflect the additional Quicktrans flight per week, which raises utilization to 7.8 hours per day. It appears that the Quicktrans operation requires one full aircraft, plus part-time use of another CL–44, to perform the extra weekly round-trip. It further appears that the Quicktrans schedules with intermediate stops effectively preclude significant other use of the one aircraft assigned full time. Therefore, we will accept 7.8 hours' utilization, although it is below the system average of 9.6 in fiscal 1965.[2]

Flying Tiger objects to the adjustments to its projected depreciation expense and investment base. In accordance with our treatment of aircraft utilization, we will revise our adjustment of Tiger's estimate and base the revised allowance on Tiger's estimate of 41.6 cents per revenue mile adjusted only for an increase in utilization from 7.3 hours to 7.8 hours. The depreciation allowance so computed amounts to 38.9 cents per mile. With respect to investment, Tiger now submits a whole new estimate reflecting its claimed investment for the CL–44 MAC charters adjusted for a reduction in utilization from 9.6 to 7.3 hours. We have reviewed the materials submitted by Tiger as well as DOD[3] on which our earlier estimate was predicated. Adjustment of the previously recognized amounts is warranted to reflect the 7.8-hour utilization level and other modifications. Flight equipment investment will be estimated on the basis of the system rate per mile of $2.40 adjusted to 7.8 hours. This results in flight equipment investment of $2.81 per mile. Investment in ground equipment, deferred preoperating costs, and other investment will be based on the amounts allowed herein for the MAC charter services of Tiger adjusted to 7.8 hours' utilization. Working capital will be based on 1 month's cash operating expenses, as recognized.

The carriers' cost data as developed in the notice and as revised herein are as follows (see appendixes [3a] for details):

	Total cost per aircraft-mile (course-flown)	
	PSDR–15	Revised
CL–44:		
Flying Tiger	$1.788	$2.207
C–46:		
Airlift	.889	.889
Zantop	.825	.825
DC–6A:		
AAXICO	1.451	1.457
World	1.274	1.269
Zantop	1.349	1.370
AW–650:		
Zantop	1.664	1.664

The foregoing data indicate that some modifications of the proposed rates are warranted. The recognized costs, including return on investment, of the CL–44 operations in domestic military cargo charter service amount to $2.207 per aircraft-mile on a course-flown basis. Accordingly, we will fix the minimum rate for such services with the CL–44 at that level. This rate reflects an 8-percent reduction from the current minimum of $2.40 per aircraft-mile.

With respect to the DC–6/AW–650 aircraft, the revised cost data as recognized herein are very slightly higher than the costs developed in the Notice. On a weighted average basis,[4] the composite DC–6/AW–650 costs are $1.4464 per aircraft-mile on a course-flown basis, as compared with $1.4399 set forth in the notice, and the current minimum of $1.40 per mile Therefore, we will modify the proposed mileage rate accordingly and will establish a new minimum rate for DC–6A and AW–650 aircraft in Logair and Quicktrans services at $1.1765 per aircraft-mile, course-flown basis, and $100 per landing. The dual rate applied to each carrier's actual services will yield different rates per mile depending on each carrier's average stage length. The carriers' overall composite yield should approximate the average cost of $1.4464 assuming no substantial changes in the nature of these operations.

World objects to the use of the dual-element rate structure presumably because its estimated yield of $1.41 is below what it would yield if the rate were fixed at the group's average costs, namely $1.45 per mile. World, however, has not advanced any substantial considerations contrary to the use of the dual-rate structure, and therefore we will adhere to that type of structure. The several carriers performing these services operate different routes with different cost characteristics. There is a significant difference in average stage length among the carriers and this affects attainable cost levels materially. The dual-element structure accommodates some of those differences by producing a higher yield for shorter-stage-length services and vice versa. We believe that a fairer overall result is achieved by using the dual-element rate than a single-element rate.

[2] Tiger conducted no Quicktrans operations in fiscal year 1965.

[3] In computing its investment data per mile, DOD apparently included aircraft miles attributed to leased CL–44 aircraft. This treatment is inappropriate, since no rental expense was allowed in operating expenses. Further, the computation was limited to CL–44 airframe and engine investment.

[3a] Filed as part of the original document.

[4] The individual carrier costs are weighted by the number of aircraft committed to MAC.

DOD objects to the level of the minimum rate proposed for the DC–6A/AW–650 aircraft on the grounds that we recognized an unduly high level of costs for the AW–650 and such costs inflate the overall AW–650/DC–6A average. We have again carefully reviewed the carrier's and MAC's submittals with respect to the AW–650 and, except for the minor revisions set forth in the appendix, can find no basis to further adjust the carrier's estimates.[5]

With respect to the proposed C–46 rate of 83.0 cents per mile, course-flown basis, DOD contends we have unnecessarily rounded Zantop's recognized cost of 82.5 cents to 83.0 cents. Airlift on the other hand urges that we recognize a much larger return element, i.e., 19 cents per mile in lieu of the 5 cents per mile set forth in the notice.

The 83-cent rate properly reflects a weighted average of the recognized Zantop and Airlift costs and is not merely a rounding of the Zantop figure. The return element of 5 cents per mile is consistent with that employed in earlier rate reviews, and no showing has been made as to why that allowance should be increased. Accordingly, we will adopt the 83-cent minimum rate for the C–46 aircraft.

Individual military transportation—Passenger. The notice proposed to restore the equality between the minimum rate for individual military passenger transportation (so-called Category A and Z) and that for one-way passenger charters (Category B) by reducing the economy-class Category A minimum rate to the level proposed in the notice for one-way passenger charters. No change was proposed in the thrift-class Category A minimum rate.

Alaska Airlines, Inc., Northwest Airlines, Inc., and Trans International Airlines, Inc., object to the proposed reduction, whereas the Department of Defense (DOD) argues for a greater reduction. TIA, a supplemental carrier, opposes any reduction in the Category A and Z rate, which would siphon off planeload charters into empty seats on commercial flights. Northwest objects to equating the Category A rate with the one-way charter rate, arguing that value of service dictates a higher rate for Category A transportation and that the Category A level should be a properly proportioned discount from the normal price of the seat used. Alaska contends that the higher cost levels prevailing in the State of Alaska should be recognized in establishing the Category A minimum rate and that the present rate should be retained for States-Alaska service. DOD objects to pricing Category A and Z services on the basis of value of service rather than cost of performance and recommends a minimum rate no higher than midway between the round-trip and one-way charter minimum rates.

The Board has decided to maintain the parity between Category A passenger fares and the one-way passenger charter (Category B) rate as proposed in the notice. In the notice a level of 3.36 cents per passenger-mile was proposed, but in ER–456 the one-way passenger charter rate is being raised to 3.6 cents per passenger-mile. Consistent with that action, the Category A passenger minimum will be established at a level of 3.6 cents per passenger-mile.

In adopting a rate parity, we continue to adhere to the premises stated in the notice. However, there are other factors which have been considered and point to the reasonableness of the disposition adopted by the Board.

The rate level established is above available-seat-mile but below revenue-passenger-mile costs that currently prevail in transoceanic service, a relationship which the Board has considered significant in the past. The discounts from normal economy fares which the Category A fares provide, of course, vary from market to market, but they generally appear to be less than 50 percent. Such discounts may be compared to the 50-percent discount applying domestically to military standby traffic, a type of traffic to which Category A bears some similarities. On the other hand, the Category A fares are only moderately below the normal economy fares in highly dense markets, such as New York-San Juan, where the revenue-passenger-mile cost characteristics are much more favorable than those generally prevailing internationally, and where somewhat lower Category A fares will continue to prevail. While it is difficult to be precise in dealing with the largely intangible concepts to which the Category A minimum is related, the comparisons above indicate that a level of 3.6 cents per passenger-mile is well within the zone of reasonableness.

DOD apparently believes that the Board, by referring to value-of-service considerations, has fixed the Category A rate with reference to what the traffic will bear. This is not the case. Instead, the Board has merely equated the Category A rate with the MAC one-way passenger charter rate, a highly favorable rate much lower than the lowest rate available under similar circumstances to commercial charters. The equating of these two rates does not reflect a judgment that Category A traffic will not move at a rate higher than that available to MAC on one-way charters. Rather this has been done because, among other reasons, the Board believes that it is not in the interest of air transportation for there to be a price incentive for DOD to favor use of one-way charters over scheduled services, since one-way charters generally represent a relatively uneconomic use of resources.

DOD also contends that the Category A minimum proposed by the Board is above the costs related to such service. It has not, however, referred us to a cost basis to sustain that theory. If DOD is referring to added cost, it is clearly true that the Category A fares proposed by us exceed the added cost of carrying the traffic by a substantial margin. This is also true, however, of even the lowest Category A fare proposed by DOD. It does not appear, therefore, that DOD contends that Category A traffic should be priced with reference to added costs. We would, in any case, have to reject such an argument, since added-cost pricing is clearly inappropriate for such an important traffic segment as Category A.

DOD appears to contend that in pricing Category A with reference to the one-way charter rate, the Board should take account of the fact that there are no ferry backhauls related to Category A traffic moving in one direction since the return flights are used by Category A and commercial traffic moving in the other direction. In other words, it attempts to draw an analogy to the treatment of revenue backhauls by the Board in costing one-way charters. Such an analogy is inappropriate. The Category A rate has not been equated with the one-way charter rate because of a belief that the cost characteristics of Category A traffic are similar to those related to one-way charters. Rather, it has been concluded that there is no satisfactory way to price Category A traffic purely by reference to cost considerations without considering obvious value-of-service factors.

Northwest's argument that the Category A rate should be above the one-way charter rate is based largely on the contention that Category A is a more valuable service to MAC than one-way charters. However, value is a difficult concept to measure comparatively. Category A traffic may use a large number of convenient time schedules to many destinations around the world, and this clearly permits MAC a great deal more flexibility in handling traffic than it would have using planeload charters. On the other hand, the management of highly diffused Category A traffic would appear to be more complicated and difficult for MAC than that associated with the large consolidated movements in planeload lots. We have concluded, therefore, that it would be unsound to rate Category A higher than one-way charter traffic on value-of-service grounds.

The best answer to TIA's argument that the Board should raise the Category A rate in order not to siphon traffic away from planeload charters is the currently high level of utilization being achieved by the supplemental carriers. It may also be pointed out that during this fiscal year the Category A rate has been below that applying to one-way charters, and an increase in the procurement of one-way charters has nevertheless taken place.

No special higher Category A fare will be established for services to or from the State of Alaska as requested by Alaska Airlines. There has been no showing that scheduled services to and from Alaska generally entail sufficiently higher cost to require a special Category A fare.

In the notice, the Board proposed to codify its policy of requiring that the

[5] DOD refers to an arbitrary adjustment of the carrier's projected profit element as one of the factors which increase the total AW–650 unit cost. The profit element recognized is based on a 9-percent return and income taxes at 48 percent. This treatment is consistent with past policy and with the treatment of other carriers' costs in this proceeding.

round-trip charter rate may be applied to the so-called "Category X" passengers but only when they are moved in planeload lots. There were no objections on this matter, and the Board will therefore finalize the proposal.

Cargo. The current minimum rates for individually waybilled military cargo (Category A) are 12 cents per ton-mile outbound and 10 cents per ton-mile inbound for one to four pallets per flight and 17.63 cents per ton-mile (the one-way charter rate) for more than four pallets. The notice proposed to raise the outbound four-pallet limit to eight and to eliminate the pallet limit on the 10-cent inbound rate, as suggested by the Military Airlift Command (MAC).

Pan American World Airways, Inc., and Trans World Airlines, Inc., the principal carriers of Category A cargo, object to the proposed extension of the low Category A minimum rates to more than four pallets. The carriers point out that the justification for the four-pallet rate was that such traffic is "top-off" and that such a theory cannot be applied to eight pallets, which represent 61.5 percent of the 13 pallets that can be carried in the B–707 aircraft used. TWA contends that, when this traffic becomes a significant proportion of total capacity, as it will if the Board adopts the proposal, then it should pay the full rate for the scheduled service on which it moves. Pan American also states that the existing disparity between Category A and one-way charter rates would be aggravated by the proposal.

The Board has decided not to adopt the proposed extension of the low (12-cent-per-ton-mile) Category A cargo rate now applying outbound from the United States to only the first four pallets per flight to the first eight pallets per flight. Thus, the current structure will be maintained, except that the outbound rate on pallets over four per flight will be reduced to coincide with the new one-way cargo charter rate, 16.95 cents per ton-mile. This was proposed in the notice, and no one has objected. The 10-cent inbound rate, currently applicable only to the first four pallets per flight, will be extended in application to all inbound Category A cargo in the Pacific without restriction, but will continue to apply to only the first four pallets in the Atlantic.

The proposal to extend the application of the 12-cent outbound rate to the first eight pallets per flight was based on the belief that capacity to accommodate such a load was frequently available on scheduled cargo flights. Such does not, however, appear to be the case. Information supplied the Board indicates that load factors on westbound transpacific cargo flights generally exceed 80 percent, and in some periods average load factors in excess of 90 percent have been experienced. Eastbound load factors in the Atlantic are somewhat lower, but are generally substantially above 50 percent.

MAC's current critical need for cargo lift is in the Pacific. Considering the high westbound load factors now being experienced in the Pacific, there appears to be no basis for authorizing a rate level, which can be justified only on the ground that it applies to top-off traffic, to be applied to traffic occupying more than 60 percent of an aircraft. The case against the eight-pallet extension in the Atlantic is less clear. However, the volume of MAC cargo traffic in the Atlantic is much smaller; and, in view of the large number of transatlantic cargo schedules, MAC would appear to have no trouble in moving Category A traffic in not more than four-pallet lots. Dividing the traffic in this manner would appear to be beneficial in terms of providing support for the many schedules while leaving room for promotion of commercial expansion.

There appears to be a substantial cargo directional imbalance in the Pacific but not in the Atlantic. Eastbound load factors in the Pacific are very low, and it appears desirable to permit the promotional 10-cent inbound rate to apply there without restriction as proposed in the notice. On the other hand, westbound load factors in the Atlantic approximate the load factors prevailing eastbound; and it is appropriate to continue to limit the application of the 10-cent rate to shipments that can truly be considered to be top-off.

Effective date. The notice proposed that the new minimum rates should be made effective February 1, 1966. The Board has determined to make the minimum rates established herein for Category A, Z, and X traffic effective on April 1, 1966, the same effective date as established for Category B charter minimum rates in ER–456, in order to maintain the desired rate parity. (See ER–456 for discussion of the effective date.)

The considerations relied on in ER–456 for an early effective date do not apply to the minimum rates for domestic military charters (Logair and Quicktrans). On the basis of the information before us, it does not appear that any inequity would result from continuation of the current minimum rates through the remainder of fiscal year 1966 or that the rate changes adopted are based upon unforeseen circumstances. We will therefore establish an effective date of July 1, 1966, for the new minimum rates for domestic military charters.

Amendments. In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 399, statements of general policy (14 CFR Part 399), effective April 1, 1966, as follows:

1. Amend § 399.16(c) to read as follows:

(c) The minimum charges considered fair and reasonable for the performance of Logair and Quicktrans military charter services in the 48 contiguous States will be as follows on and after July 1, 1966:

Aircraft type	*Rate per aircraft statute mile (course-flown miles)*
DC–7F, L–1049H	$1.950
CL–44	2.207
C–46	.830
DC–6A, AW–650	[1] 1.1765

[1] Plus $100 per landing.

2. Add a new § 399.16(d) to read as follows:

(d) The minimum charges considered fair and reasonable for the transportation of Category X passengers carried pursuant to the option provisions of MAC contracts in the direction opposite to individually waybilled cargo (Category A) will be 2.00 cents per passenger-mile on and after April 1, 1966: *Provided,* That such passengers shall be carried only in planeloads.

3. Amend § 399.16(e) to read as follows:

(e) The minimum charges considered fair and reasonable for the transportation of individually ticketed passengers (Categories A and Z) and individually waybilled cargo (Category A) in foreign and oversea air transportation and in air transportation between the 48 contiguous States on the one hand and Hawaii or Alaska on the other hand will be as follows on and after April 1, 1966:

(1) Passengers, per passenger-mile:

	Cents
Second (economy) class	3.60
Third (thrift) class	3.29

(2) Cargo, per ton-mile:

Eastbound transatlantic or westbound transpacific:

	Cents
One to four pallets per flight	12.00
Pallets in excess of four per flight	16.95

Westbound transatlantic:

One to four pallets per flight	10.00
Pallets in excess of four per flight	16.95
Eastbound transpacific, all pallets	10.00

* * * * *

(6) The cargo charges determined in accordance with subparagraphs (2) through (5) of this paragraph shall be applied on the basis of a standard weight per pallet of 4,500 pounds: *Provided,* That it is not required that cargo be tendered in pallets.

4. Amend § 399.38 to read as follows:

§ 399.38 Military tariff rates.

In passing upon the lawfulness of tariffs specifying rates and fares for the transportation of individually waybilled military cargo or individually ticketed military passengers in foreign or overseas air transportation or in air transportation between the 48 contiguous States on the one hand and Hawaii or Alaska on the other hand, the Board will give great weight to the level of rates and fares computed in accordance with § 399.16(e).

(Secs. 204, 403, 404, 416, and 1002 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758, 760, 771, 788, as amended; 49 U.S.C. 1324, 1373, 1374, 1386, 1482; and sec. 3 of the Administrative Procedure Act, 60 Stat. 238, 5 U.S.C. 1002)

By the Civil Aeronautics Board.

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

[F.R. Doc. 66–3605; Filed, Apr. 5, 1966; 8:45 a.m.]

Title 29—LABOR

Chapter XII—Federal Mediation and Conciliation Service

PART 1400—STANDARDS OF CONDUCT, RESPONSIBILITIES, AND DISCIPLINE

Pursuant to and in conformity with sections 201 through 209 of Title 18 of the United States Code, Executive Order 11222 of May 8, 1965 (30 F.R. 6469), and Title 5, Chapter 1, Part 735 of the Code of Federal Regulations, Part 1400 is added to Title 29 of the Code of Federal Regulations, reading as follows:

Subpart A—General

Sec.
1400.735–1 Introduction.
1400.735–2 Definitions.
1400.735–3 Advice and counseling service.

Subpart B—Employees: Ethical and Other Conduct and Responsibilities

1400.735–10 Gifts, entertainment, and favors.
1400.735–11 Outside employment, business activities, or interests (paid or unpaid).
1400.735–12 Financial interest and responsibilities.
1400.735–13 Use of Government property.
1400.735–14 Misuse of information.
1400.735–15 Indebtedness.
1400.735–16 Gambling, betting, and lotteries.
1400.735–17 General conduct prejudicial to the Government.
1400.735–18 Influencing members of Congress.
1400.735–19 Code of Professional Conduct for Labor Mediators.
1400.735–20 Miscellaneous statutory provisions.

Subpart C—Special Government Employees: Ethical and Other Conduct and Responsibilities

1400.735–30 Applicability of Subpart B of this part.
1400.735–31 Representation of persons outside Government.
1400.735–32 Use of Government employment.
1400.735–33 Use of inside information.
1400.735–34 Coercion.
1400.735–35 Miscellaneous statutory provisions.

Subpart D—Statements of Employment and Financial Interests

1400.735–40 Employees.
1400.735–41 Special Government employees.
1400.735–42 Confidentiality of statements.

Subpart E—Review of Statements, Disciplinary or Other Remedial Action: Responsibilities and Procedures

1400.735–50 Agency Counselor.
1400.735–51 Director.
1400.735–52 Supervisor reporting.
1400.735–53 Reports to the Director.

Subpart F—Disciplinary Actions and Penalties

1400.735–60 Disciplinary actions.
1400.735–61 Notice to and appeal of employee.

Appendix—Code of Professional Conduct for Labor Mediators.

AUTHORITY: The provisions of this Part 1400 issued under E.O. 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR 735.104.

Subpart A—General

§ 1400.735–1 Introduction.

(a) This part establishes a revised code of conduct, ethics, and responsibilities for all employees of the Service.

(b) The maintenance of high moral and ethical standards in the public service is essential both to efficiency in the conduct of Government business and to assuring the confidence of the public in their Government. Unwavering integrity and standards of behavior that reflect credit on the Government are required. The nature of Service operations requires that such a high standard of personal integrity and conduct must be established for and adhered to by its employees.

(c) The elimination of conflicts of interest and apparent conflicts of interest in the Federal service is one of the most important objectives in establishing general standards of conduct. A conflict of interest situation may be defined as one in which a Federal employee's private interest, usually of an economic nature, conflicts or raises a reasonable question of conflict with his public duties and responsibilities. The potential conflict is of concern whether it is real or only apparent. In this part are listed some of the kinds of conduct or activity prohibited or restricted by law, regulation, or commonly accepted standards of good conduct. These prohibitions are not all-inclusive; in addition, employees should refrain from any action prejudicial to the best interest of the Service.

(d) The failure of an employee to observe the basic principles of good conduct, ethics, and integrity will result in immediate remedial, adverse or disciplinary action of a severity in keeping with the offense committed and in accordance with equitable administrative practice. The regulations in this part covering Employees of the Service and special Government employees are established in conformity with Part 735 of the Civil Service Regulations, 5 CFR Part 735.

§ 1400.735–2 Definitions.

(a) "Executive order" means Executive Order 11222 of May 8, 1965.

(b) "Person" means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

(c) "Employee" means an officer or employee of the Service, but does not include a special Government employee.

(d) "Special Government employee" means a person appointed by the Service to a position as defined in FPM 735, Appendix C, and FPM 304–3.

§ 1400.735–3 Advice and counseling service.

The Director will designate a counselor for the Service on all matters relating to the conduct and responsibilities of employees, and special Government employees, under the Executive order. The counselor is responsible for providing individual employees with interpretations on questions of conflicts of interest, and other matters covered by this part. (Due to the small size of the Federal Mediation and Conciliation Service, it is unrealistic to designate deputy counselors, and therefore, all questions concerning matters covered in this part should be directed to the one counselor appointed by the Director.)

Subpart B—Employees: Ethical and Other Conduct and Responsibilities

§ 1400.735–10 Gifts, entertainment, and favors.

(a) Except as provided in paragraph (b) of this section, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with the Federal Mediation and Conciliation Service;

(2) Conducts operations or activities that are affected by Federal Mediation and Conciliation Service functions; or

(3) Has interests that may be substantially affected by the performance or nonperformance of his official duty.

(b) Exceptions may be necessary and appropriate in view of the nature of Federal Mediation and Conciliation Service work, and the duties and responsibilities of its employees. Appropriate exceptions are those that:

(1) Govern obvious family or personal relationships (such as those between the parents, children, or spouse of the employee and the employee) when the circumstances make it clear that those relationships rather than the business of the persons concerned are the motivating factors;

(2) Permit acceptance of food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting, or other meeting, or an inspection tour where an employee may properly be in attendance;

(3) Permit acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans; and

(4) Permit acceptance of unsolicited advertising or promotional material such as pens, pencils, note pads, calendars, and other items of nominal intrinsic value.

(c) An employee shall avoid any action, whether or not specifically prohibited by this part, which might result in, or create the appearance of:

(1) Using public office for private gain;

(2) Giving preferential treatment to any person;

(3) Impeding Government efficiency or economy;

(4) Losing complete independence or impartiality;

(5) Making a Government decision outside official channels; or

(6) Affecting adversely the confidence of the public in the integrity of the Government.

(d) An employee shall not solicit contributions from another employee for a gift to an employee in a superior official position. An employee in a superior official position shall not accept a gift presented as a contribution from employees

receiving less salary than himself. An employee shall not make a donation as a gift to an employee in a superior official position (5 U.S.C. 113).

(e) An employee shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 114–115a.

§ 1400.735–11 Outside employment, business activities, or Interests (Paid or unpaid).

(a) *Outside employment.* (1) An employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his Government employment.

(2) Outside employment limitations in subparagraph (1) of this paragraph do not preclude an employee from:

(i) Receipt of a bona fide reimbursement, unless prohibited by law, for actual expenses for travel and such other necessary subsistence as is compatible with this part for which no Government payment or reimbursement is made. However, an employee may not be reimbursed, and payment may not be made on his behalf, for excessive personal living expenses, gifts, entertainment or other personal benefits.

(ii) Participation in the activities of national or State political parties not prohibited by law.

(iii) Participation in the affairs of, or acceptance of an award for a meritorious public contribution or achievement given by, a charitable, religious, professional, social, fraternal, nonprofit educational and recreational, public service, or civic organization.

(3) Incompatible activities referred to in subparagraph (1) of this paragraph, include, but are not limited to:

(i) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, conflicts of interest; or

(ii) Outside employment if it is determined that engaging in the proposed outside activity might:

(*a*) Influence or conflict with the employee's decisions or actions in planning, interpreting, or executing policies, programs, and work assignments of the Service;

(*b*) Injure relations of the Service with the public;

(*c*) Impair the employee's physical capacity to render proper and efficient service at all times;

(*d*) Interfere with the impartial performance or jeopardize acceptability of the employee in his work;

(*e*) Conflict with the employee's normal office hours, including an allowance for sufficient time for travel to place of outside employment or activity. (Normal office hours will be considered as those which are established for the specific office in which the employee works.) In the absence of extenuating circumstances, approval generally will not be granted where the outside activity requires presence of the employee prior to 6 p.m. (NOTE: Teaching activities are not approved automatically, but rather on the basis of time required, appropriate subject matter, etc.).

(4) The Service, as a matter of policy, does not look upon any outside employment or business activity, including concurrent employment by the Federal Mediation and Conciliation Service and any other Governmental political subdivision or agency, as being consistent with the best interests of the Service.

(5) Employees may not engage in any outside employment, including teaching, lecturing, or writing, which might reasonably result in a conflict of interest, or an apparent conflict of interest, between the private interest of the employee and his official government duties and responsibilities. No employee shall directly or indirectly accept, engage in, or continue in any outside employment or business activity, full or part-time, paid or unpaid, without advance written approval (including teaching or lecturing).

(b) *Private compensation.* An employee shall not receive any salary or anything of monetary value from a private source as compensation for his services to the Government (18 U.S.C. 209).

(c) *Teaching, writing and lecturing.* (1) Teaching, writing and lecturing by Federal employees are generally to be encouraged so long as the laws, general standards, and regulations pertaining to conflicts of interest and the standards and regulations in this part applying to outside employment are observed. Teaching commitments will generally be limited to one class, course or assignment during a concurrent period. These activities frequently serve to enhance the employee's value to the Service, as well as to increase the spread of knowledge and information in our society. Such activities, if remuneration is anticipated, must not be dependent on information obtained as a result of the employee's official government position if such information is not available to others, at least on request.

(2) This provision does not, of course, prevent the Director from authorizing an employee to base his writings or lectures on nonpublic materials. In the Federal Mediation and Conciliation Service files (not involving national security) when this will be done in the public interest. Personal research relating to mediation, collective bargaining and labor management relations is encouraged as a progressive step in self-development. The writing of articles in this area, which may be released or submitted for publication, is also encouraged. Research and writing are not considered official activity, and therefore may not be undertaken on duty time; and the author may receive compensation for publication thereof. Advance approval by the Director, before undertaking the research or writing, is not required. However, when such research is undertaken, or such article is being written on the basis of an official assignment, the work will be performed on duty time and the product will be the property of the Service.

(3) If any type of article, when published or released, will identify the author in any manner as an employee of the Service, such identification necessarily implies that the article reflects either the official policy or the philosophies of the Service. For that reason, it must be submitted to the Director before release or publication, or it must contain a disclaimer phrase to the effect that the article or statement does not necessarily reflect the official policy or philosophies of the Service.

(d) *Procedure for approval of outside employment or teaching.* Clerical and administrative employees' approval for outside activity shall be in writing and may be granted by the Regional Director, if a regional employee, or by the Director of Administrative Management, if a national office employee. Approval for such outside activity for all other employees of the Service shall be granted by the Director or his designee. Requests for approval shall be made in writing through the employee's supervisor and must contain the following:

(1) The name and address of the employer or business activity;

(2) The exact nature of the work or employment;

(3) Working hours;

(4) Amount and kind of compensation.

§ 1400.735–12 Financial interest and responsibilities.

(a) An employee shall not:

(1) Have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his Government duties and responsibilities; or

(2) Engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through his Government employment.

(b) This section does not preclude an employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Government so long as it is not prohibited by law, the Executive order, or the regulations in this part.

§ 1400.735–13 Use of Government property.

An employee shall not, directly or indirectly, use, or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to him.

§ 1400.735–14 Misuse of information.

For the purpose of furthering a private interest, an employee shall not, except as provided in § 1400.735–11(c) directly or indirectly use, or allow the use of, official information obtained through or in connection with his Government employment, which has not been made available to the general public.

§ 1400.735–15 Indebtedness.

An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State or local taxes. For the purposes of this part, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which the agency does not, under the circumstances, reflect adversely on the Government as his employer. In the event of dispute between an employee and an alleged creditor, the Service is not required to determine the validity or amount of the disputed debt.

§ 1400.735–16 Gambling, betting, and lotteries.

An employee shall not participate, while on Government owned or leased property, or while on duty for the Government, in any gambling activity including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket.

§ 1400.735–17 General conduct prejudicial to the Government.

An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government.

§ 1400.735–18 Influencing Members of Congress.

No money appropriated to the Service shall be used by any employee of the Service to pay for any personal service, printed or written matter, or other devices intended to influence any Member of Congress regarding any legislation or appropriation before the Congress.

§ 1400.735–19 Code of Professional Conduct for Labor Mediators.

In 1964, a Code of Professional Conduct for Labor Mediators was drafted by a Federal-State Liaison Committee and approved by the Service and the Association of Labor Mediation Agencies at its annual meeting. It is expected that mediators in the Federal Mediation and Conciliation Service will make themselves familiar with this Code and will conduct themselves in accordance with the responsibilities outlined therein. The complete narrative of the Code appears in the Appendix to this part.

§ 1400.735–20 Miscellaneous statutory provisions.

Each employee shall acquaint himself with the statutes that relate to his ethical and other conduct as an employee of the Federal Mediation and Conciliation Service and of the Government. The attention of all employees is directed to the following statutory provisions and to the accompanying chart of penalties and statutory references:

(a) House Concurrent Resolution 175, 85th Congress, 2d Session, 72 Stat. B12, the "Code of Ethics for Government Service."

(b) Chapter 11 of Title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employees concerned.

(c) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(d) The prohibitions against disloyalty and striking (5 U.S.C. 118p, 118r).

(e) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(f) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (2) the disclosure of confidential information (18 U.S.C. 1905).

(g) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 640).

(h) The prohibition against the misuse of a Government vehicle (5 U.S.C. 78c).

(i) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(j) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (5 U.S.C. 637).

(k) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(l) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(m) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(n) The prohibitions agains (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(o) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(p) The prohibition against proscribed political activities—The Hatch Act (5 U.S.C. 1181, and 18 U.S.C. 602, 603, 607, and 608).

(q) Penalties: The following table, copied from the Federal Personnel Manual, lists maximum penalties for some of the more serious offenses.

Prohibition	Stat. and U.S.C.	Maximum penalty
A–1. Gifts to official superiors	Sec. 1784 Rev. Stats.; 5 U.S.C. 113.	Removal.
A–2. Conflicts of interest:		
a. Receiving compensation in relation to claims, contracts, etc.	76 Stat. 1121; 18 U.S.C. 203	$10,000 fine; 2 years imprisonment or both; and removal.
b. Prosecuting claims against and other matters affecting the Government.	76 Stat. 1122; 18 U.S.C. 205	$10,000 fine; 2 years imprisonment or both.
c. Prosecuting claims involving matters connected with former duties—disqualification of partners.	76 Stat. 1123; 18 U.S.C. 207	$10,000 fine; 2 years imprisonment or both.
d. Interested persons acting as Government agents.	76 Stat. 1124; 18 U.S.C. 208	$10,000 fine; 2 years imprisonment or both.
e. Salaries from other than Government sources.	76 Stat. 1125; 18 U.S.C. 209	$5,000 fine; 1 year imprisonment or both.
A–3. Lobbying with appropriated funds	Ch. 645, 62 Stat. 792; 18 U.S.C. 1913.	$500 fine; 1 year imprisonment or both; and removal.
A–4. Denial of rights to petition Congress	Ch. 389, sec. 6, 37 Stat. 555; Ch. 447, 62 Stat. 354; 5 U.S.C. 652(d).	No specific penalty provided.
A–5. Failure to make return or report	Ch. 645, 62 Stat. 796; 18 U.S.C. 2075.	$1,000 fine.
A–6. Disloyalty and striking	Ch. 690, sec. 1, 69 Stat. 624; 5 U.S.C. 118p., sec. 3, 69 Stat. 625; 5 U.S.C. 118r.	$1,000 fine; 1 year and a day imprisonment or both; and removal.
A–7. Employment of member of proscribed communist organization.	Ch. 1024, 64 Stat. 992; 50 U.S.C. 784 et seq.	$10,000 fine; 5 years imprisonment or both; and removal.
A–8. Disclosure of classified information	Ch. 655, sec. 24(a) 65 Stat. 719; 18 U.S.C. 798.	$10,000 fine; 10 years imprisonment or both.
	Ch. 1024, 64 Stat. 991; 50 U.S.C. 783.	Removal.
A–9. Disclosure of confidential information	Ch. 645, 62 Stat. 791; 18 U.S.C. 1905.	$1,000 fine; 1 year imprisonment or both; and removal.
A–10. Habitual use of intoxicants to excess	Ch. 27, sec. 8, 22 Stat. 406; 5 U.S.C. 640.	Removal.
A–11. Misuse of Government vehicles	Ch. 141, sec. 5, 38 Stat. 508; Ch. 744, sec. 16(a), 60 Stat. 810; 5 U.S.C. 78(c).	Removal.
A–12. Misuse of franking privilege	Ch. 645, 62 Stat. 783; 18 U.S.C. 1719.	$300 fine.
A–13. Deceit in examinations and personnel actions.	Ch. 27, sec. 5, 22 Stat. 405; 5 U.S.C. 637.	$1,000 fine; 1 year imprisonment or both.
A–14. Fraud and false statements	Ch. 645; 62 Stat. 749; 18 U.S.C. 1001.	$10,000 fine; 5 years imprisonment or both.
A–15. Unlawful mutilating or destroying public records.	Ch. 645; 62 Stat. 795; 18 U.S.C. 2071(b).	$2,000 fine; 3 years imprisonment or both; and removal.
A–16. Bribery and graft:		
a. Bribery of public officials	76 Stat. 1119–1120; 18 U.S.C. 201.	$20,000 fine or three times the money or thing received, whichever is greater; 15 years imprisonment or both; and removal.
b. Acceptance or solicitation to obtain appointive office.	76 Stat. 1125; 18 U.S.C. 211	$1,000 fine; 1 year imprisonment or both.
A–17. Counterfeiting and forgery of transportation requests.	Ch. 645, 62 Stat. 715; 18 U.S.C. 508.	$5,000 fine; 10 years inprisonment or both.
A–18. Embezzlement and theft:		
a. Taking money, property, or records	Ch. 645, 62 Stat 725; U.S.C. 641.	$10,000 fine; 10 years inprisonment or both.
b. Failure to render accounts for public money.	Ch. 645, 62 Stat. 726; 18 U.S.C. 643.	Fine equal to amount embezzled; imprisonment not more than 10 years or both.
c. Wrongfully converting property of another.	Ch. 645, 62 Stat. 728; 18 U.S.C. 654.	Same as penalty immediately above.
A–19. Taking or using papers related to claims.	Ch. 645; 62 Stat. 698; 18 U.S.C. 285.	$5,000 fine; 5 years imprisonment or both.

Subpart C—Special Government Employees: Ethical and Other Conduct and Responsibilities

§ 1400.735–30 Applicability of Subpart B of this part.

In addition to the rules of conduct issued herewith, special Government employees shall also be governed by the ethical and other conduct and responsibilities outlined in the following listed sections of this part:

§ 1400.735–10	Gifts, entertainment, and favors.
§ 1400.735–13	Use of Government property.
§ 1400.735–14	Misuse of information.
§ 1400.735–16	Gambling, betting, and lotteries.
§ 1400.735–17	General conduct prejudicial to the Government.
§ 1400.735–18	Influencing Members of Congress.
§ 1400.735–19	Code of Professional Conduct for Labor Mediators.

§ 1400.735–31 Representation of persons outside Government.

(a) A special Government employee may not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest, and in which he had at any time participated personally and substantially in the course of his Government employment.

(b) He may not, except in the discharge of his official duties, represent anyone else in a matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and which is pending before the Federal Mediation and Conciliation Service. However, this restraint is not applicable if he has served the Federal Mediation and Conciliation Service no more than 60 days during the past 365. He is bound by the restraint, if applicable, regardless of whether the matter is one in which he has ever participated personally and substantially.

(c) These restrictions prohibit both paid and unpaid representation and apply to a special Government employee on the days when he does not serve the Government, as well as on the days when he does.

§ 1400.735–32 Use of Government employment.

A special Government employee shall not use his Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business or financial ties.

§ 1400.735–33 Use of inside information.

A special Government employee shall not use inside information obtained as a result of his Government employment for private gain for himself or another person, either by direct action on his part, or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. For the purpose of this part, "inside information" means information obtained under Government authority which has not become a part of the body of public information. However, a special Government employee may teach, lecture, or write in a manner not inconsistent with § 1400.735–11(c) in regard to employees.

§ 1400.735–34 Coercion.

A special Government employee shall not use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business, or financial ties.

§ 1400.735–35 Miscellaneous statutory provisions.

Special Government employees shall acquaint themselves with each statute that relates to their ethical and other conduct as a special Government employee. Upon entrance on duty, each special Government employee will be issued a copy of the regulations in this part, and shall be counseled to acquaint themselves with the statutes outlined in § 1400.735–20.

Subpart D—Statements of Employment and Financial Interests

§ 1400.735–40 Employees.

(a) *Covered employees.* (1) The following employees in the Federal Mediation and Conciliation Service must file employment and financial statements:

(i) The Deputy Director;

(ii) Employees in Grade GS–16 or above of the General Schedule; See § 1400.735–2.

(2) Although Federal Mediation and Conciliation Service mediators are not required to submit a statement of employment and financial interests, inherent in the position is the responsibility of the individual to report to his supervisor (Regional Director or Disputes Director) any situation where possible or apparent areas of conflict could appear. Examples of possible or apparent conflicts follow:

(i) Case assignment where the assigned mediator has interest (securities, etc.) in the company(ies) involved.

(ii) The assigned mediator has a close family relationship to officials or the staff of either party to the dispute.

(iii) In the judgment of the mediator, assignment to a specific case would in any way possibly result in embarrassment to the Service or the U.S. Government.

in these situations, the mediator should explain the circumstances to the Regional Director and suggest that he be relieved of such assignment.

(b) *Form and content of statements.* (1) FMCS Form AP–41 "Confidential Statement of Employment and Financial Interests (For Use by Government employees)."

(2) Employees required to submit statements shall use FMCS Form AP–41 which will be issued to each employee for completion and signature at the time they meet the criteria specified in paragraph (a)(1) of this section.

(3) The statements shall be submitted to the counselor in confidence within 1 month of the employee's entrance into a covered category; or within one month of the effective date of this part, whichever is earlier. The Deputy Director shall file the required statement with the Director.

(c) *Supplementary statements.* Changes in, or additions to, the information contained in an employee's statement of employment and financial interests shall be reported in a supplementary statement at the end of the quarter in which the changes occur. Quarters end March 31, June 30, September 30, and December 31. If there are no changes or additions in a quarter, a negative report is not required. However, for the purpose of annual review, a supplementary statement, negative or otherwise, is required as of June 30 each year.

(d) *Interests of employees' relatives.* The interest of a spouse, minor child, or other member of an employee's immediate household is considered to be an interest of the employee. For the purpose of this part, "member of an employee's immediate household" means those blood relations who are residents of the employee's household.

(e) *Information not known by employees.* If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit information in his behalf.

(f) *Information prohibited.* Employees are not required to submit on a statement of employment and financial interests or supplementary statement any information relating to the employee's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. For these purposes, educational and other institutions doing research and development or related work involving grants of money from, or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

(g) *Effect of employees' statements on other requirements.* The statements of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for, or in derogation of, any similar requirements imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order or regulation.

§ 1400.735–41 Special Government employees.

(a) Each special Government employee appointed by the Federal Mediation and Conciliation Service to a position equal in pay to or in excess of Grade GS–16 of the General Pay Scale, shall file a statement of employment and financial interests on a form to be furnished by the Service: *Provided, however,* That special or ad hoc mediators, working only to mediate labor disputes or appointed to emergency panels, or boards to mediate or find facts in specific disputes, are not required to file a statement of employment and financial interests due to the fact that the duties of the positions held by these appointees are of such a nature and at such a level of responsibility that the submission of such a statement is not necessary to protect the integrity of the Government. However, these special or ad hoc mediators must report to the Director any situation where possible or apparent areas of conflict could appear. See Subpart D, § 1400.735–40 for examples of such situations.

(b) It shall be the duty of the Federal Mediation and Conciliation Service to notify each of its special Government employees of the specific requirements of the regulations in this part and Executive Order 11222 concerning impartiality, integrity, and conflicts of interest.

(c) The statement of employment and financial interests shall be submitted not later than 1 month after the time of employment of the special Government employee. Each special Government employee shall keep his statement current throughout his employment with the Service by the submission of supplementary statement.

§ 1400.735–42 Confidentiality of statements.

Employees' and special Government employees' statements submitted in accordance with this part will be held in confidence by the Director and Agency Counselor, and information may not be disclosed except as the Civil Service Commission or the Director may determine for good cause shown.

Subpart E—Review of Statements, Disciplinary Action: Responsibilities and Procedures

§ 1400.735–50 Agency counselor.

The counselor will review each statement and supplementary statement of employment and financial interests within one week of receipt.

(a) *No conflict or appearance of conflict exists.* If no conflict or appearance of conflict is apparent, the statements shall be filed as confidential material in a secure fashion until one year after leaving the position requiring the statement. The statements will then be shredded and destroyed as stipulated for the destruction of classified information.

(b) *Conflict or appearance of conflict is evident.* If the counselor believes that a conflict or possible conflict exists from review of the statement, he will:

(1) Contact the employee or special Government employee and request a written explanation of the conflict or appearance of conflict.

(2) Submit his findings and this explanation to the Director.

§ 1400.735–51 Director.

(a) If, after considering the findings and the explanation, the Director, decides that remedial action is required, he shall take immediate action to end the conflicts or appearance of conflicts of interest. Remedial action may include, but is not limited to:

(1) Changes in assigned duties;

(2) Divestment by the employee or special Government employee of his conflicting interest;

(3) Disciplinary action; or

(4) Disqualification for a particular assignment.

(b) All remedial action, whether disciplinary or otherwise, will be effected in accordance with Federal Mediation and Conciliation Service and Civil Service procedures.

§ 1400.735–52 Supervisor reporting.

Each supervisor shall be responsible for immediately reporting to the counselor the commission of any prohibited activity, as well as any conduct prejudicial to the best interests of the Service, or of a nature to bring discredit on it. The supervisor will promptly make a preliminary investigation of the matter and file a written report with the counselor. The counselor shall be responsible for:

(a) Receiving and following up complaints and information from all sources, including Federal agencies;

(b) Investigating by someone outside the organizational unit involved;

(c) Referring immediately to the Department of Justice any information, allegation, or complaint indicating criminal activity;

(d) Taking such immediate interim action, through the Office of the Director of Administrative Management, as may be required to protect the best interests of the Service, including suspension.

§ 1400.735–63 Reports to the Director.

The counselor shall keep the Director advised as to any and all charges, suspensions, and reports concerning prohibited activity, prejudicial, or discreditable conduct on the part of any employee. The counselor shall submit a written report to the Director setting forth the method of investigation and the facts ascertained, together with his decision.

Subpart F—Disciplinary Actions and Penalties

§ 1400.735–60 Disciplinary actions.

The Service shall take prompt disciplinary action against an employee committing prohibited activity, or whose conduct is prejudicial to the best interests of the Service, or of a nature to bring discredit to it. There are four major types of disciplinary action possible, following the above proceedings.

(a) *Reprimand.* An official reprimand usually shall be issued to an employee or special Government employee for a first offense which is not serious.

(b) *Suspension.* Under Civil Service and Federal Mediation and Conciliation Service regulations, an employee or special Government employee may be suspended without pay during the course of an investigation of alleged criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct. Also, an employee may be suspended without pay for a definite period of time because of some offense of a less serious nature for which more drastic action is not justified.

(c) *Demotion.* When such action will "promote the efficiency of the Service," an employee or special Government employee may be demoted because of some offense for which more drastic action is not justified.

(d) *Separation.* The Service is responsible for the prompt dismissal of unsatisfactory, incompetent, or unfit employees. Separation (dismissal or removal) can be the penalty for a single breach of conduct that is extremely serious in nature.

§ 1400.735–61 Notice to and appeal of employee.

The Director of Administrative Management will prepare charges and institute proceedings, which in all cases will be in accordance with Civil Service procedures for disciplinary actions against status employees. Such proceedings will include notification to the employee of his appeal rights.

This Part 1400 was approved by the Civil Service Commission on February 17, 1966.

Effective date. This Part 1400 shall become effective upon publication in the FEDERAL REGISTER.

APPENDIX—CODE OF PROFESSIONAL CONDUCT FOR LABOR MEDIATORS

PREAMBLE

The practice of mediation is a profession with ethical responsibilities and duties. Those who engage in the practice of mediation must be dedicated to the principles of free and responsible collective bargaining. They must be aware that their duties and obligations relate to the parties who engage in collective bargaining, to every other mediator, to the agencies which administer the practice of mediation, and to the general public.

Recognition is given to the varying statutory duties and responsibilities of the city, State and Federal agencies. This code, however, is not intended in any way to define or adjust any of these duties and responsibilities, nor is it intended to define when and in what situations mediators from more than one agency should participate. It is, rather, a personal code relating to the conduct of the individual mediator.

This code is intended to establish principles applicable to all professional mediators employed by city, State or Federal agencies or to mediators privately retained by parties.

1. *The Responsibility of the Mediator to the Parties.*

The primary responsibility for the resolution of a labor dispute rests upon the parties themselves. The mediator at all times should recognize that the agreements reached

in collective bargaining are voluntarily made by the parties. It is the mediator's responsibility to assist the parties in reaching a settlement.

It is desirable that agreement be reached by collective bargaining without mediation assistance. However, public policy and applicable statutes recognize that mediation is the appropriate form of governmental participation in cases where it is required. Whether and when a mediator should intercede will normally be influenced by the desires of the parties. Intercession by a mediator on his own motion should be limited to exceptional cases.

The mediator must not consider himself limited to keeping peace at the bargaining table. His role should be one of being a resource upon which the parties may draw and, when appropriate, he should be prepared to provide both procedural and substantive suggestions and alternatives which will assist the parties in successful negotiations.

Since mediation is essentially a voluntary process, the acceptability of the mediator by the parties as a person of integrity, objectivity, and fairness is absolutely essential to the effective performance of the duties of the mediator. The manner in which the mediator carries out his professional duties and responsibilities will measure his usefulness as a mediator. The quality of his character as well as his intellectual, emotional, social and technical attributes will reveal themselves by the conduct of the mediator and his oral and written communications with the parties, other mediators and the public.

II. *The Responsibility of the Mediator Toward Other Mediators.*

A mediator should not enter any dispute which is being mediated by another mediator or mediators without first conferring with the person or persons conducting such mediation. The mediator should not intercede in a dispute merely because another mediator may also be participating. Conversely, it should not be assumed that the lack of mediation participation by one mediator indicates a need for participation by another mediator.

In those situations where more than one mediator is participating in a particular case, each mediator has a responsibility to keep the others informed of developments which are essential to a cooperative effort, and should extend every possible courtesy to his fellow mediator.

The mediator should carefully avoid any appearance of disagreement with or criticism of his fellow mediator. Discussions as to what positions and actions mediators should take in particular cases should be carried on solely between or among the mediators.

III. *The Responsibility of the Mediator Toward His Agency and His Profession.*

Agencies responsible for providing mediation assistance to parties engaged in collective bargaining are a part of government. The mediator must recognize that, as such, he is part of government. The mediator should constantly bear in mind that he and his work are not judged solely on an individual basis but that he is also judged as a representative of his agency. Any improper conduct or professional shortcoming, therefore, reflects not only on the individual mediator but upon his employer and, as such, jeopardizes the effectiveness of his agency, other government agencies, and the acceptability of the mediation process.

The mediator should not use his position for private gain or advantage, nor should he engage in any employment, activity or enterprise which will conflict with his work as a mediator, nor should he accept any money or thing of value for the performance of his duties—other than his regular salary—or incur obligations to any party which might interfere with the impartial performance of his duties.

IV. *The Responsibility of the Mediator Toward the Public.*

Collective bargaining is in essence a private, voluntary process. The primary purpose of mediation is to assist the parties to achieve a settlement. Such assistance does not abrogate the rights of the parties to resort to economic and legal sanctions. However, the mediation process may include a responsibility to assert the interest of the public that a particular dispute be settled; that a work stoppage be ended; and that normal operations be resumed. It should be understood, however, that the mediator does not regulate or control any of the content of a collective bargaining agreement.

It is conceivable that a mediator might find it necessary to withdraw from a negotiation, if it is patently clear that the parties intend to use his presence as implied governmental sanction for an agreement obviously contrary to public policy.

It is recognized that labor disputes are settled at the bargaining table; however, the mediator may release appropriate information with due regard (1) to the desires of the parties, (2) to whether that information will assist or impede the settlement of the dispute and (3) to the needs of an informed public.

Publicity shall not be used by a mediator to enhance his own position or that of his agency. Where two or more mediators are mediating a dispute, public information should be handled through a mutually agreeable procedure.

V. *The Responsibility of the Mediator Toward the Mediation Process.*

Collective bargaining is an established institution in our economic way of life. The practice of mediation required the development of alternatives which the parties will voluntarily accept as a basis for settling their problems. Improper pressures which jeopardize voluntary action by the parties should not be a part of mediation.

Since the status, experience, and ability of the mediator lend weight to his suggestions and recommendations, he should evaluate carefully the effect of his suggestions and recommendations and accept full responsibility for their honesty and merit.

The mediator has a continuing responsibility to study industrial relations to improve his skills and upgrade his abilities.

Suggestions by individual mediators or agencies to parties, which give the implication that transfer of a case from one mediation "forum" to another will produce better results, are unprofessional and are to be condemned.

Confidential information acquired by the mediator should not be disclosed to others for any purpose, or in a legal proceeding or be used directly or indirectly for the personal benefit or profit of the mediator.

Bargaining positions, proposals or suggestions given to the mediator in confidence during the course of bargaining for his sole information, should not be disclosed to other party without first securing permission from the party or person who gave it to him.

Washington, D.C., March 30, 1966.

WILLIAM E. SIMKIN,
Director.

[F.R. Doc. 66-3669; Filed, Apr. 5, 1966; 8:48 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-243; Order 300-A]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Main Line Direct Industrial Sales

MARCH 30, 1966.

The Commission's Order No. 300, issued June 24, 1965, in this proceeding prescribed a schedule entitled "Curtailments of Main Line Industrial Customers" to be filed as a supplement to the annual report, FPC Form No. 2, required by § 260.1 of the Commission's regulations to be made by Class A and B natural gas companies subject to the jurisdiction of the Commission (30 F.R. 8331, 33 FPC ____). The order also provided that the schedule would be effective for the reporting year 1965 and is to be filed by March 31, 1966, with, but separate from, Form No. 2.

Recently, we have received informal requests from two of the companies required to submit the schedule. They ask clarification of the instructions which it contains. The first relates to Instruction No. 1 to the schedule which reads:

1. The pipeline company shall report below particulars concerning curtailments of deliveries of natural gas to each customer identified in the preceding schedule (Main Line Industrial Sales of Natural Gas). Curtailments of customers to which sales of less than 50,000 Mcf per year were made may be grouped in totals by States.

The schedule requires the reporting of curtailments of main line industrial customers, the average daily delivery during the system 3-day peak period, and the maximum 24-hour delivery during during the year to such customers.

The question raised by one company was whether the delivery information should be reported even if the customer was not curtailed during the reporting year. Our answer is affirmative. Our order in this proceeding not only prescribed the schedule here under discussion but, more basically, completely revised Part 155 of the regulations which requires the companies to furnish copies of, and information with respect to, their contracts and rate schedules for direct industrial sales. Our purpose in so doing is made clear by the following paragraph of that order (mimeo. ed., p. 2):

The Commission has no rate jurisdiction over direct industrial sales but it does have certificate jurisdiction pursuant to section 7 of the Act to determine whether the transportation and delivery of natural gas to such customers, and the facilities, if any, meet the standards of public convenience and necessity. In order to exercise this jurisdiction intelligently as well as to make proper allocation between jurisdictional and nonjurisdictional operations of a pipeline in fixing the rates for the jurisdictional sales, we believe we must secure reasonable informa-

tion as to the nature of the pipeline's direct industrial sales.

Hence, reports on curtailment comprise only a portion of the information needed and Instruction No. 1 in the schedule requires delivery information to be reported for each main line direct industrial customer, whether or not the customer was curtailed during the year. We are here amending the instruction to make this clear.

The second point raised relates to the yearly period for which curtailment is to be reported. The instructions to the schedule make no reference to the subject and one company requests clarification. Although the annual report, of which the schedule is a part, is designed generally for the reporting of information on a calendar year basis, the company suggests that information on curtailments would be more meaningful if it covered a period which includes a single heating season rather than a period including portions of two noncontinuous heating seasons, as the calendar basis does. We recognize that the yearly period covered by the schedule (p. 520) "Main Line Industrial Sales of Natural Gas" is not coterminous with the period for reporting curtailments here being prescribed but we do not believe that this will cause the reporting companies any particular difficulty. We find, therefore, that the suggestion made merits adoption and, accordingly, we are amending ordering paragraph (C) of Order No. 300 and the schedule it prescribes to that effect.

The Commission finds:

(1) It is necessary and appropriate for the administration of the Natural Gas Act that amendments to Order No. 300 and the schedule it prescribed interpreting Instruction No. 1 and adding Instruction No. 7 be adopted.

(2) Since one of the amendments herein ordered involves interpretation of an existing requirement and the other involves a change in procedure not imposing any additional reporting burden on the persons affected thereby, further notice pursuant to section 4(a) of the Administrative Procedure Act is not required.

(3) Since the information required by the schedule here being amended is, in all probability, now being compiled by the persons affected thereby, the changes here made should be brought to their attention as soon as possible. To that end we are making the amendments effective forthwith.

The Commission, acting pursuant to the authority heretofore set out in Order No. 300, orders:

(A) Ordering paragraph (C) of Order No. 300, issued herein on June 24, 1965 (33 FPC ____, 30 F.R. 8331), is amended to read as follows:

"(C) Effective for the 12-month period ending April 30, 1966, a new schedule, 'Curtailments of Main Line Industrial Customers,' as set out in Attachment A hereto, is prescribed as a supplement to FPC Form No. 2. The schedule shall be filed by May 15, 1966, and shall not be available for inspection in public files of the Commission except pursuant to § 1.36(e) of this chapter. The Commission may, also, when it finds such action to be in the public interest, authorize such schedules to be made public and incorporated in the record of any proceeding before the Commission or the courts."

(B) The schedule "Curtailments of Main Line Industrial Customers," prescribed by ordering paragraph (C) of Order No. 300, as amended by paragraph (A) hereof, is amended as follows:

1. Instruction 1, is amended by inserting a sentence, to follow the first sentence thereof, to read:

If there were none, so state in column (b).

2. Add the following Instruction 7:

7. The information on this schedule shall cover the period May 1 of the reported year through April 30 of the year following the reported year. The schedule shall be filed by May 15 of the year following the reported year.

These amendments are set out on the appended copy of the schedule.[1]

(Secs. 10, 16, 52 Stat. 826, 830; 15 U.S.C. 717i, 717o)

(C) These amendments shall be effective upon the issuance of this order.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-3662; Filed, Apr. 5, 1966; 8:47 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 2—DELEGATIONS OF AUTHORITY

Directors of VA Hospitals

In Part 2, § 2.56 is revised to read as follows:

§ 2.56 Directors of Veterans Administration hospitals authorized to appoint boards of medical officers, consisting of at least three qualified physicians, one of whom must be qualified in treatment of mental disorders, to determine whether members of uniformed services who are being furnished medical care in our hospitals are mentally capable of managing their own affairs.

This delegation of authority is identical to § 17.952(c) of this chapter.

By direction of the Administrator.

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

[F.R. Doc. 66-3628; Filed, Apr. 5, 1966; 8:45 a.m.]

[1] Filed as part of original document.

PART 17—MEDICAL

Determination of Mental Competency of Members of the Uniformed Services Being Furnished Medical Care in Veterans Administration Hospitals

Section 17.952 is revised to read as follows:

§ 17.952 Instructions relating to determination of mental competency of members of the uniformed services being furnished medical care in Veterans Administration hospitals.

(a) *Purpose.* These instructions are issued to implement the provisions of sections 601–604 of title 37, United States Code (Public Law 87–649, 37 U.S.C. 601–604, superseding the Act of June 21, 1950, as amended by Public Law 86–145 of August 7, 1959) relating to the appointment of boards of medical officers for the purpose of determining mental competency of members of the uniformed services. This is in connection with the provisions of that law which authorize the Secretary of the Military Department to which a member of the uniformed services belongs to designate persons to receive active duty pay or retired pay where the member is mentally incapable of managing his own affairs.

(b) *Scope of the law.* Section 602, title 37, United States Code authorizes the determination of mental competency of members of the uniformed services by competent medical authority appointed by the head of the department or agency charged with the hospital or medical care of those members or by a person designated by the head of that department or agency. The term "members of the uniformed services" as used in the act means any person on the active or retired list of the Army, Navy, Marine Corps, Air Force, Coast Guard, Coast and Geodetic Survey, or Public Health Service, including transferred members of the Fleet Reserve and of the Fleet Marine Corps Reserve, and members of the Reserve components of the respective services entitled to Federal pay either on the active or any retired list of said services. Competent medical authority under the statute consists of a board of at least three qualified medical officers or physicians, one of whom must be specially qualified in the treatment of mental disorders.

(c) *Delegation of authority.* Directors of Veterans Administration hospitals are authorized to appoint Boards of Medical Officers, consisting of at least three qualified physicians, one of whom must be qualified in the treatment of mental disorders, to determine whether members of the uniformed services who are being furnished medical care in our hospitals are mentally capable of managing their own affairs.

(d) *Instructions.* In view of the nature of the determination and the need for special staff as well as careful and sometimes lengthy evaluation, appointments of boards of medical officers for the purposes of 37 U.S.C. 601–604 are limited solely to hospitals and determi-

nations as to mental competency will be made only on the basis of inpatient examination. A board will be appointed in all cases where:

(1) A request is received from a military department to determine the mental competency of a member, or

(2) Hospital management feels such determination in the case of a hospitalized member will serve a useful purpose, or

(3) The member is drawing military retired pay and hospital management feels such determination is indicated. (Instruction 1, Public Law 87-649, 37 U.S.C. 601-604)

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

This revision of § 17.952 is effective the date of approval.

Approved: March 30, 1966.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 66-3629; Filed, Apr. 5, 1966; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 204—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO DENIAL, SUSPENSION, OR REVOCATION OF SECOND-CLASS MAIL PRIVILEGES

Intervention or Other Participation; Correction

In F.R. Doc. 66-3412, appearing in the issue for Thursday, March 31, 1966, at page 5198, the first sentence in the introduction should read as follows:

Section 204.10 is amended to allow persons desiring to intervene in second-class mail proceedings to do so at any time prior to the Departmental Decision so long as their intervention is otherwise justified and will not unduly prolong the proceeding.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501, 509)

TIMOTHY J. MAY,
General Counsel.

MARCH 31, 1966.

[F.R. Doc. 66-3689; Filed, Apr. 5, 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 3959]

[Oregon 017357]

OREGON

Withdrawal for Protection of Archeological and Recreation Values

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:

Subject to valid existing rights the following described public lands which are under the jurisdiction of the Secretary of the Interior, are hereby 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, for protection of archeological and recreation values:

WILLAMETTE MERIDIAN

T. 2 S., R. 15 E.,
Sec. 13, S½SW¼ and SW¼SE¼;
Sec. 24, NW¼NE¼ and N½NW¼.

The areas described aggregate 240 acres.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

MARCH 30, 1966.

[F.R. Doc. 66-3646; Filed Apr. 5, 1966; 8:46 a.m.]

[Public Land Order 3964]

[Oregon 016907]

OREGON

Withdrawal for Recreation Area

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:

Subject to valid existing rights, the following described lands which are under jurisdiction of the Secretary of the Interior, are hereby 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, for protection of recreation values:

WILLAMETTE MERIDIAN

T. 12 S., R. 4 E.,
Sec. 19, lots 1 and 2, W½NE¼, SE¼NE¼, and E½NW¼.

The areas described aggregate 224.48 acres.

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 30, 1966.

[F.R. Doc. 66-3647; Filed, Apr. 5, 1966; 8:46 a.m.]

[Public Land Order 3962]

[New Mexico 0558843]

NEW MEXICO

Addition to National Forest

By virtue of the authority contained in the act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315g-1), it is ordered as follows:

Subject to valid existing rights, the following described lands, acquired in an exchange made pursuant to section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended, are hereby added to and made a part of the Cibola National Forest and hereafter the lands shall be subject to all laws and regulations applicable to said national forest:

NEW MEXICO PRINCIPAL MERIDIAN

T. 10 N., R. 11 W.,
Sec. 4, lots 3 and 4, SW¼NE¼, W½SE¼NE¼, S½NW¼ and S½;
Sec. 5, lots 1 to 4, incl., S½N½ and S½;
Sec. 6, lots 1 to 7, incl., S½NE¼, SE¼NW¼, E½SW¼ and SE¼;
Sec. 7, lots 1 to 4, incl., NE¼, E½W½ and N½SE¼;
Sec. 8, N½, N½SW¼ and SE¼;
Sec. 17;
Sec. 19, lots 1 to 4, incl., E½ and E½W½;
Sec. 20, NE¼NE¼;
Sec. 31, lots 1 to 4, incl., E½W½ and SW¼SE¼.

The areas described aggregate 4,607.61 acres in Valencia County.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

MARCH 30, 1966.

[F.R. Doc. 66-3639; Filed, Apr. 5, 1966; 8:45 a.m.]

[Public Land Order 3958]

[Wyoming 0310245]

WYOMING

Withdrawal for Reclamation Purposes

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

Subject to valid existing rights, the following described lands are hereby 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, and reserved for the Hanover-Bluff Unit, Bighorn Basin Division, Missouri River Basin Project:

SIXTH PRINCIPAL MERIDIAN

T. 47 N., R. 92 W.,
Sec. 26, NW¼SW¼.

The area described contains 40 acres in Washakie County.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

MARCH 30, 1966.

[F.R. Doc. 66-3653; Filed, Apr. 5, 1966; 8:46 a.m.]

[Public Land Order 3960]

[Anchorage 063998]

ALASKA

Withdrawal for Railroad Purposes; Partial Revocation of Executive Order No. 8102

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 are hereby withdrawn from all forms of ap-

propriation under the public land laws, including the mining laws (Title 30 U.S.C.; Ch. 2), in aid of programs of the Alaska Railroad:

SEWARD MERIDIAN

T. 13 N., R. 3 W.,
Sec. 9, SW¼SW¼, that part lying south of Ship Creek.

Containing 28.2 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.

3. Executive Order No. 8102 of April 29, 1939, withdrawing lands for use of the War Department for military purposes, is hereby revoked so far as it affects the above described lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

MARCH 30, 1966.

[F.R. Doc. 66-3654; Filed, Apr. 5, 1966; 8:47 a.m.]

[Public Land Order 3961]

[Oregon 017358]

OREGON

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), it is ordered as follows:

Subject to valid existing rights, the following described reconveyed Coos Bay Wagon Road grant lands are hereby withdrawn from location under the U.S. mining laws (30 U.S.C., Ch. 2), and reserved as a source of materials for highway construction:

WILLAMETTE MERIDIAN

T. 27 S., R. 12 W.,
Sec. 3, lots 1, 2, S½NE¼ and SE¼.

The areas described aggregate 321.45 acres in Coos County.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

MARCH 30, 1966.

[F.R. Doc. 66-3655; Filed, Apr. 5, 1966; 8:47 a.m.]

[Public Land Order 3963]

[New Mexico 0558084]

NEW MEXICO

Addition to Cibola National Forest

By virtue of the authority contained in the Act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315g-1), and upon recommendation of the Secretary of Agriculture, it is ordered as follows:

Subject to valid existing rights the following described lands, acquired in an exchange made pursuant to section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended, are hereby added to and made a part of the Cibola National Forest and shall hereafter by subject to all laws and regulations applicable to such national forest:

NEW MEXICO PRINCIPAL MERIDIAN

T. 1 N., R. 9 W.,
Sec. 5, lots 1, 2, 3, 4, S½N½ and S½.
T. 2 N., R. 9 W.,
Sec. 7, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 8, N½NE¼, SE¼NE¼ and NE¼SE¼;
Secs. 9, 11, 15 and 17;
Sec. 19, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 20, SW¼NE¼, E½SE¼ and NW¼SE¼;
Secs. 21, 23, 27 and 29;
Sec. 31, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 33.
T. 2 N., R. 10 W.,
Sec. 11;
Sec. 12, NW¼NE¼, N½NW¼ and SW¼NW¼;
Secs. 13, 15 and 21;
Sec. 22, SE¼SE¼;
Secs. 23 and 25.

The areas described above aggregate 12,672.96 acres.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

MARCH 30, 1966.

[F.R. Doc. 66-3656; Filed, Apr. 5, 1966; 8:47 a.m.]

[Public Land Order 3965]

[Arizona 033067]

ARIZONA

Withdrawal for National Forest Administrative Sites

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 lands in the Tonto National Forest are hereby withdrawn from appropriation under the mining laws (Title 30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

GILA AND SALT RIVER MERIDIAN, ARIZONA

TONTO NATIONAL FOREST

Copper Creek Administrative Site

T. 10 N., R. 4 E.,
Sec. 30, SE¼NE¼SW¼, NE¼SE¼SW¼; 20.00 acres.

Cave Creek Administrative Site

T. 6 N., R. 5 E., partially surveyed,
Sec. 22, S½NW¼NE¼, SW¼NE¼, W½W½SE¼NE¼, E½SW¼SE¼NE¼, SE¼NE¼NW¼, NE¼SE¼NW¼, E½NW¼SE¼NW¼, S½SE¼NW¼, NE¼NE¼SW¼, N½NW¼NE¼SW¼, W½NW¼NE¼SE¼, N½NW¼SE¼, excluding a portion of Exchange Survey 659; 158.00 acres.

Humboldt Peak Lookout Administrative Site

T. 7 N., R. 5 E., unsurveyed,
Sec. 1, SE¼SW¼NW¼, SW¼SE¼NW¼, NW¼NE¼SW¼, NE¼NW¼SW¼; 40.00 acres.

Ashdale Administrative Site

T. 7 N., R. 5 E., unsurveyed,
Sec. 7, A rectangular area with dimensions 14 chains due east-west and 10 chains due north-south; the southeast corner of said area bears S 81° W a distance of 2,268 feet from corner No. 2 of HES 318; area located approximately in the SE¼ of section 7; 14.00 acres.

Tangle Creek Administrative Site

T. 9 N., R. 5 E.,
Sec. 1, W½NW¼NW¼SW¼;
Sec. 2, E½NE¼NE¼SE¼; 10.00 acres.

Pine Administrative Site

T. 12 N., R. 8 E., partially surveyed,
Sec. 36, W½NE¼SE¼; 20.00 acres.

Tonto Basin Administrative Site

T. 6 N., R. 10 E., partially surveyed,
Sec. 10, E½SW¼SE¼, W½SE¼SE¼;
Sec. 15, N½NE¼NE¼, N½S½NE¼NE¼; 70.00 acres.

Diamond Point Lookout Administrative Site

T. 11 N., R. 11 E., unsurveyed,
Sec. 23, E½NW¼NE¼; 20.00 acres.

Indian Gardens Administrative Site

T. 11 N., R. 12 E.,
Sec. 20, NE¼SE¼;
Sec. 21, NW¼SW¼; 80.00 acres.

Reynolds Creek Administrative Site

T. 6 N., R. 13 E., unsurveyed,
Sec. 12, S½SW¼NE¼SW¼, E½SE¼NW¼SW¼, E½NE¼SW¼SW¼, N½SE¼SW¼, N½S½SE¼SW¼, SW¼NW¼SW¼SE¼, NW¼SW¼SW¼SE¼; 50.00 acres.

McFadden Peak Lookout Administrative Site

T. 7 N., R. 13 E., unsurveyed,
Sec. 36, SE¼NE¼NE¼, NE¼SE¼NE¼; 20.00 acres.
T. 7 N., R. 14 E., unsurveyed,
Sec. 31, SW¼NW¼NW¼, NW¼SW¼NW¼; 20.00 acres.

Aztec Peak Lookout Administrative Site

T. 5 N., R. 14 E.,
Sec. 3, NW¼ of Lot 3;
T. 6 N., R. 14 E.,
Sec. 34, SE¼SE¼SW¼; 20.09 acres.

Pleasant Valley Administrative Site Addition

T. 9 N., R. 14 E.,
Sec. 29, S½N½NE¼NW¼, SE¼NE¼NW¼NW¼; 12.50 acres.

Colcord Mountain Lookout Administrative Site

T. 10 N., R. 14 E.,
Sec. 1, W½NE¼ and E½NW¼ of Lot 2;
T. 10½ N., R. 14 E., unsurveyed,
Sec. 36, E½SW¼SW¼SE¼, W½SE¼SW¼SE¼; 21.39 acres.

Red Lake Administrative Site

T. 10 N., R. 15 E.,
Sec. 22, NW¼SE¼; 40.00 acres.

Top Of The World Administrative Site

T. 1 S., R. 14 E.,
Sec. 8, W½SW¼, excluding Patented M.S. No. 2337; 57.00 acres.

Ferndell Administrative Site

T. 2 S., R. 15 E., partially surveyed,
Sec. 4, NW¼SW¼;
Sec. 5, NE¼SE¼; 80.00 acres.

Signal Peak Lookout Administrative Site

T. 2 S., R. 15 E., partially surveyed,
Sec. 5, S½NE¼NE¼NW¼, S½NW¼NE¼NW¼, N½SW¼NE¼NW¼, N½SE¼NE¼NW¼; 20.00 acres.

Roosevelt Ranger Station Administrative Site

T. 4 N., R. 12 E.,
Sec. 21, SE¼SE¼ (fractional), NE¼SE¼ (fractional), above the high water line of the Roosevelt Reservoir;
Sec. 22, NW¼SW¼ (fractional), SW¼SW¼ (fractional), SE¼SW¼ (fractional), above the high water line of the Roosevelt Reservoir;
Sec. 27, N½NW¼;
Sec. 28, NE¼NE¼; 179.00 acres.

The areas described aggregate 951.98 acres.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest 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 30, 1966.

[F.R. Doc. 66-3657; Filed, Apr. 5, 1966; 8:47 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 75, 2d Rev., Amdt. 11]

PART 308—WAR RISK INSURANCE

Miscellaneous Amendments

Part 308 is hereby amended to reflect the following changes:

Amend § 308.6 *Period of interim binders and renewal procedure,* § 308.106 *Standard form of war risk hull insurance interim binder and optional disbursements insurance endorsement,* § 308.206 *Standard form of war risk protection and indemnity insurance interim binder,* and § 308.305 *Standard form of Second Seamen's war risk insurance interim binder,* by changing the expiration dates contained therein to read "midnight, June 7, 1966, G.m.t."

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

By order of the Acting Maritime Administrator.

Dated: March 31, 1966.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 66-3687; Filed, Apr. 5, 1966; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 973-A]

PART 95—CAR SERVICE

Car Distribution Directions; Appointment of Agents

At a session of the Interstate Commerce Commission, division 3, held at its office in Washington, D.C., on the 31st day of March A.D. 1966.

Upon further consideration of Corrected Service Order No. 973 (31 F.R. 1303) and good cause appearing therefor:

It is ordered, That:

Sec. 95.973 *Appointment of agents,* be and it is hereby vacated and set aside, effective at 11:59 p.m., March 31, 1966.

(Secs. 1, 12, 15, 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 each State railroad regulatory body, the Association of American Railroads, Car Service Division, and upon The American Short Line Railroad Association as agents of 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, division 3.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-3699; Filed, Apr. 5, 1966; 8:50 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Lake Ilo National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

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

NORTH DAKOTA

LAKE ILO NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Ilo National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to fishing. This open area comprising 400 acres is delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations and subject to the following special conditions.

(1) The open season for sport fishing on the refuge extends from May 7, 1966, through September 14, 1966, daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 14, 1966.

HOMER L. BRADLEY,
Refuge Manager, Lake Ilo National Wildlife Refuge, Dunn Center, N. Dak.

MARCH 30, 1966.

[F.R. Doc. 66-3637; Filed, Apr. 5, 1966; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 17—BAKERY PRODUCTS

Bread, Identity Standard; Listing of Succinylated Monoglycerides as Optional Ingredient

In the matter of amending the standard of identity for bread (21 CFR 17.1) by listing succinylated monoglycerides as an optional ingredient:

A notice of proposed rulemaking in the above-identified matter was published in the FEDERAL REGISTER of October 4, 1963 (28 F.R. 10717), based on a petition filed by the National Dairy Products Corp., 801 Waukegan Road, Glenview, Ill., 60025.

The information submitted by the petitioner, the comments received in response to the proposal, and other relevant material have been considered, and it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the amendment proposed by incorporating it into § 17.1(a)(15).

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120; 31 F.R. 3008): *It is ordered,* That § 17.1(a)(15) be revised to read as follows:

§ 17.1 Bread, white bread, and rolls, white rolls, or buns, white buns; identity; label statement of optional ingredients.

(a) * * *

(15) Calcium stearyl-2-lactylate, sodium stearyl fumarate, succinylated monoglycerides, alone or in combination, complying with the provisions of §§ 121.1047, 121.1183, and 121.1195, respectively, of this chapter; but the quantity of each is not more than 0.5 part for each 100 parts by weight of flour used.

* * * * *

Because of cross-references, this listing of succinylated monoglycerides as an optional ingredient for bread also applies to enriched bread, milk bread, raisin bread, and whole wheat bread (§§ 17.2, 17.3, 17.4, 17.5).

Any person who will be adversely affected by the foregoing order may at 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.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 948; 21 U.S.C. 341, 371)

Dated: March 28, 1966.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 66-3677; Filed, Apr. 5, 1966; 8:48 a.m.]

PART 45—OLEOMARGARINE, MARGARINE

Standard of Identity

In the matter of amending the definition and standard of identify for oleomargarine, margarine (21 CFR 45.1):

A notice was published in the FEDERAL REGISTER of October 23, 1965 (30 F.R. 13544), proposing amendments to the margarine standard by:

1a. Corn Products Co., the petitioner, to permit water to be used in lieu of a cream, milk, skim milk, or soybean suspension ingredient as required by § 45.1 (a)(2). Water is presently permitted only in combination with nonfat dry milk or ground soybeans. The petitioner proposed that water be separately listed as an optional ingredient in margarine, but did not propose that label declaration of such water be required. The statutory provision for "a full and accurate statement of all the ingredients" would require such label declaration of water in colored margarine, but for uncolored (white) margarine the ingredient labeling requirements are those prescribed in § 45.1(b).

b. The petitioner to permit use of certain artificial flavoring ingredients by adding them, by specific name, to the list in § 45.1(a)(3)(iv).

2a. The Commissioner of Food and Drugs, on his own initiative, by adding a general provision permitting use of any safe and suitable artificial flavoring ingredient that imparts a flavor in semblance of butter (as an alternative to 1b above that would, in effect, incorporate that proposal).

b. The Commissioner, to require label declaration of all optional ingredients used. This would require labels on noncolor margarine to be as fully informative of optional ingredients as labels on colored margarine.

In response to the proposals, The National Milk Producers Federation, and other representatives of the dairy industry, filed comments protesting both the proposal to separately list water as an optional ingredient in margarine (1a above) and the proposal to permit use of additional artificial flavoring ingredients (1b and 2a above). Corn Products Co., and others, filed comments in support of the proposals generally. The only comment that mentioned the proposed requirement of label declaration of all optional ingredients (2b above) expressed no objection thereto.

Based on the information furnished by the petitioner, comments received, and other relevant information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the proposed amendments referred to in 1a, 2a, and 2b above.

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120; 31 F.R. 3008): *It is ordered,* That § 45.1 be amended by changing the introduction of paragraph (a)(2), by adding a new subdivision (vii) to paragraph (a)(2), by revising paragraph (a)(3)(iv), and by revising paragraph (b). As amended, the affected portions read as follows:

§ 45.1 Oleomargarine, margarine; identity; label statement of optional ingredients.

(a) * * *

(2) One of the articles designated in subdivision (i), (ii), (iii), (iv), (v), (vi), or (vii) of this subparagraph is intimately mixed with the fat ingredient or ingredients. The ingredients named in subdivisions (i), (ii), (iii), (iv), and (v) are pasteurized and then subjected to the action of harmless bacterial starters. The term "milk" as used in this subparagraph means cow's milk.

* * * * *

(vii) Water in lieu of any of the foregoing articles of this subparagraph.

* * * * *

(3) * * *

(iv) Any safe and suitable artificial flavoring substance that imparts to the food a flavor in semblance of butter. Such artificial flavoring substances are deemed to be safe if they are not food additives as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act; or, if they are food additives as so defined, they are used in conformity with regulations established pursuant to section 409 of the act.

* * * * *

(b) The name of the food for which a definition and standard of identity is prescribed by this section is "oleomargarine" or "margarine." The presence of optional ingredients, provided for in paragraph (a) of this section, in the finished margarine shall be declared as set forth in this paragraph.

(1) Fat ingredients shall be declared first in the ingredient statement by the name of the specific fat or oil or stearin used. Where combinations of fat ingredients are used, the names shall be arranged in order of decreasing predominance. If any fat ingredient is hydrogenated, the ingredient statement shall include the word "hydrogenated" or "hardened" at such place or places in the list of fats as to indicate which fats are hydrogenated; for example, "corn oil, hardened soybean oil."

(2) Immediately following the listing of fat ingredients, other optional ingredients used shall be named in the order of decreasing predominance.

(i) The optional ingredients butter, salt, water, cream, milk, skim milk, nonfat dry milk and water, ground soybeans and water, lecithin, mono- or diglycerides, sodium sulfo-acetate derivatives of mono- or diglycerides shall each be declared by those terms.

(ii) Artificial colors shall be declared by the statement "Artificially colored" or "Artificial coloring added" or "With added artificial coloring."

(iii) Artificial flavors shall be declared by the statement "Artificially flavored" or "Artificial flavoring added" or "With added artificial flavoring."

(iv) Margarine that contains the optional ingredients citric acid, isopropyl citrate, stearyl citrate, or calcium disodium EDTA shall be labeled by the statement "_____ added as a preservative" or "_____ added to protect flavor." Margarine that contains the optional ingredients sodium benzoate or benzoic acid shall be labeled by the statement "_____ added as a preservative" or "_____ as a preservative" or "With added _____ as a preservative." Margarine that contains the optional ingredient potassium sorbate shall be labeled by the statement "_____ added as a preservative" or "_____ added to retard mold growth." The blank in each of the statements in this subdivision is filled in with the common name of the preservative ingredient used.

(v) Vitamin A shall be declared by the statement "Vitamin A added" or "With added vitamin A." Vitamin D shall be declared by the statement "Vitamin D added" or "With added vitamin D." Margarine containing added vitamin A, vitamin D, or both, is subject to the regulations for foods for special dietary use promulgated under the provisions of section 403(j) of the act.

(vi) Where two or more optional ingredients named in paragraph (a)(3) of this section are used the words "Added" or "With added" need appear only once, either at the beginning or end of the list of such ingredients declared.

(3) Wherever the name "oleomargarine" or "margarine" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed in this section, showing the ingredients used shall immediately and conspicuously precede or follow, or in part precede and in part follow, such name, without intervening written, printed, or other graphic matter.

Any person who will be aversely 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.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended; 70 Stat. 948; 21 U.S.C. 341, 371)

Dated: March 28, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66-3674; Filed, Apr. 5, 1966; 8:48 a.m.]

PART 45—OLEOMARGARINE, MARGARINE

Liquid Margarine; Standard of Identity and Label Statement of Optional Ingredients

In the matter of establishing a standard of identity for liquid margarine:

A notice of proposed rulemaking in the above-identified matter was published in the FEDERAL REGISTER of February 22, 1966 (31 F.R. 3028), based on a petition filed by Fricks' Foods, Inc., Cedartown, Ga., 30125, and Osceola Foods, Inc., Osceola, Ark., 72370. Comments were received in response to the proposal.

On the basis of relevant information available, the comments received, and the information submitted by the petitioners, it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the standard as proposed. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008): *It is ordered*, That Part 45 be amended by adding thereto the following new section:

§ 45.2 Liquid oleomargarine, liquid margarine; identity; label statement of optional ingredients.

(a) Liquid oleomargarine, liquid margarine conforms to the definition and standard of identity and to the requirements for label declaration of optional ingredients prescribed for oleomargarine by § 45.1, except that it is in liquid rather than plastic form.

(b) The name of the food for which a definition and standard of identity is prescribed by this section is "liquid oleomargarine" or "liquid margarine."

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. 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. Each objection to a provision of the order shall be separately numbered and each such objection may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 31 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.

(Secs. 401, 701, 52 Stat. 1046, 1055 as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: March 30, 1966.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 66-3675; Filed, Apr. 5, 1966; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

SUCCINYLATED MONOGLYCERIDES

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 2A0771) filed by National Dairy Products Corp., 801 Waukegan Road, Glenview, Ill., 60025, and other relevant data, has concluded that a food additive regulation should issue to prescribe the safe use of succinylated monoglycerides in 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) Part 121 is amended by adding to Subpart D a new section as follows:

§ 121.1195 Succinylated monoglycerides.

The food additive succinylated monoglycerides may be safely used in food in accordance with the following prescribed conditions:

(a) The additive is a mixture of semi- and neutral succinic acid esters of mono- and diglycerides produced by the succinylation of a product obtained by the glycerolysis of edible fats and oils, or by the direct esterification of glycerol with edible fat-forming fatty acids.

(b) The additive meets the following specifications:

Succinic acid content	14.8%–25.6%.
Melting point	50° C.–60° C.
Acid number	70–120.

(c) The additive is used or intended for use in the following foods:

(1) As an emulsifier in liquid and plastic shortenings at a level not to exceed 3 percent by weight of the shortening.

(2) As a dough conditioner in bread baking, when such use is permitted by an appropriate food standard, at a level not to exceed 0.5 percent by weight of the flour used.

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 28, 1966.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 66-3676; Filed, Apr. 5, 1966; 8:48 a.m.]

Chapter II—Bureau of Narcotics, Department of the Treasury

[T.D. 78]

PART 305—OPIATES

Piritramide Classified as an Opiate

Treasury Decision 75, published in the FEDERAL REGISTER on December 31, 1964, 29 F.R. 19241 (F.R. Doc. 64-13476), which classified "Piritramid" as an opiate, is hereby revoked and replaced by this notice in order to properly indicate the action taken by the World Health Organization on the drug involved.

Notice is hereby given pursuant to the provisions of section 5(b) of the Narcotics Manufacturing Act of 1960, 74 Stat. 60, 21 U.S.C. 503(b) and 21 CFR

307.61(b) that the United States has received notification under date of August 20, 1965, from the Secretary-General of the United Nations that the World Health Organization has found a certain substance, not heretofore determined to be an opiate, to fall under the regime laid down in the 1931 Convention for the drugs specified in Article 1, paragraph 2, Group I of that Convention.

The substance and its salts to which the World Health Organization decision relates and which has been found by that Organization to be convertible into a drug capable of producing addiction is: (Piritramide) 1-(3-cyano-3,3-diphenylpropyl)-4-(1-piperidino) piperidine-4-carboxylic acid amide.

Accordingly, § 305.2(b) is amended by adding a new drug to the chronological list of findings. As amended, § 305.2(b) reads as follows:

§ 305.2 Chronological list of findings.

* * * * *

(b) The following is a chronological list of drugs or other substances found by the World Health Organization as being capable of producing addiction or of conversion into a drug or other substance capable of producing addiction and designated as opiates by the Commissioner of Narcotics pursuant to the provisions of § 307.61(b) of this chapter. Drugs and other substances listed include any salts thereof.

JUNE 20, 1962

(Methadone-intermediate) 4-cyano-2-dimethylamino-4,4 diphenylbutane.

(Pethidine - intermediate - A) 4-cyano-1-methyl-4-phenylpiperidine.

(Moramide - intermediate) 2 - methyl-3-morpholino - 1,1 - diphenylpropanecarboxylic acid.

APRIL 2, 1963

(Pethidine-intermediate-C) 1-methyl-4-phenylpiperidine-4-carboxylic acid.

APRIL 7, 1964

(Norpipanone) 4,4-diphenyl-6-piperidino-3-hexanone.

(Fentanyl) 1-phenethyl-4-N-propionylanilinopiperidine.

MARCH 1966

(Piritramide) 1 - (3 - cyano-3,3-diphenylpropyl)-4-(1-piperidino) piperidine-4-carboxylic acid amide.

Because this amendment of § 305.2(b) merely adds to the chronological list of findings a new drug designated by the World Health Organization as being convertible into a drug capable of producing addition and therefore recognized and published as an opiate by the Commissioner of Narcotics under the provisions of section 5(b) of the Narcotics Manufacturing Act of 1960, 74 Stat. 60, 21 U.S.C. 503(b), and 21 CFR 307.61(b), it is hereby found that it is unnecessary to issue this Treasury Decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

Effective date. This Treasury Decision shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 5(b) Pub. Law 86-429 (74 Stat. 60); sec. 17, Pub. Law 86-429; 74 Stat. 67)

[SEAL] HENRY L. GIORDANO,
Commissioner of Narcotics.

Approved: March 31, 1966.

DAVID C. ACHESON,
Special Assistant to the Secretary (for Enforcement).

[F.R. Doc. 66-3693; Filed, Apr. 5, 1966; 8:50 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FHA Instruction 444.5]

PART 322—RURAL HOUSING LOANS AND GRANTS

Subpart D—Senior Citizens Rental Housing Loan Policies, Procedures and Authorizations

Part 322, Title 6, Code of Federal Regulations (30 F.R. 15981, 31 F.R. 4663) is amended to add a new Subpart D setting forth the regulations for making direct and insured Senior Citizens Rental Housing Loans under the provisions of section 515 of the Housing Act of 1949, and to read as follows:

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AUTHORITY: The provisions of this Subpart D issued under secs. 508, 510, 515, 517, 518, 520, 63 Stat. 436, as amended, 437, 76 Stat. 671, 79 Stat. 498, 500, 502; 42 U.S.C. 1478, 1480, 1485, 1487, 1488, 1490; Orders of Secretary of Agriculture, 29 F.R. 16210, 16840, 30 F.R. 14049.

§ 322.81 General.

This Subpart D sets forth the policies and procedures, and delegates authority for making direct and insured Senior Citizens Rental Housing (SCH) loans under section 515 of the Housing Act of 1949.

§ 322.82 Objective.

The basic objective of SCH loans is to provide for senior citizens in rural areas economically designed and constructed rental housing and related facilities suited to their special needs and living requirements.

§ 322.83 Definitions.

As used in this subpart:

(a) "Senior citizen" means a person who, or a family the head of which (or spouse), is 62 years of age or over and is or has been until recently a resident of a rural area.

(b) "Housing" means structures and related facilities in a rural area which are or will be suitable for and available to senior citizens for dwelling use to provide independent living on a rental basis.

(c) "Related facilities" means community rooms or buildings, cafeterias, dining halls, appropriate recreation facilities, small garden plots, infirmaries, assembly halls, and other essential service facilities such as central heating, sewerage and light systems, ranges and refrigerators, and clothes washing machines and dryers for the common use of the tenants.

(d) "Development cost" means the costs of constructing, purchasing, improving, altering, or repairing housing, and purchasing and improving the necessary land. It includes necessary architectural, engineering, legal, and official fees and charges and other appropriate technical, and professional fees and charges. It does not include other fees, charges, or commissions such as payments to brokers, negotiators, or other persons for the referral of prospective applicants or solicitation of loans.

(e) "Rural areas" means open country or places of 5,500 persons or less not parts of or associated with urban areas, and further defined in § 322.3(c).

(f) "Individual" means a natural person.

(g) "Private nonprofit corporation" for the purpose of a direct SCH loan means a corporation which (1) is controlled by private persons or interests, (2) is organized and operated for purposes other than making gains or profits for the corporation or its members or stockholders, and (3) is legally precluded from distributing to its members or stockholders any gains or profits during its existence.

(h) "Consumer cooperative" for the purpose of a direct SCH loan means a corporation which (1) is organized as a cooperative, (2) will operate the housing on a nonprofit basis solely for the benefit of the occupants, and (3) is legally precluded from distributing during the life of the loan any gains or profits from operation of the housing. For this purpose any patronage refunds to occupants of the housing would not be considered gains or profits. A consumer cooperative may accept nonmembers as well as members for occupancy of the housing.

(i) "Organization" for the purpose of a direct SCH loan means a private nonprofit corporation or a consumer cooperative.

(j) "Organization" for the purpose of an insured SCH loan means any profit or nonprofit corporation, association, trust, or partnership, including a munici-

pal corporation or other corporate agency of a State or local government.

§ 322.84 Eligibility requirements.

(a) *Eligibility of applicant.* To be eligible for an SCH loan the applicant must:

(1) For an insured loan, be either an individual who is a citizen of the United States or an organization as defined in § 322.83(j).

(2) For a direct loan, be an organization as defined in § 322.83(i) which will provide housing for senior citizens of low or moderate income.

(3) Be unable to provide the housing from the applicant's own resources and unable to obtain the necessary credit from private or cooperative sources upon terms and conditions the applicant could reasonably be expected to fulfill.

(4) Have the ability and intention to maintain and operate the housing for the purpose for which the loan is made.

(5) Own or become the owner, when the loan is closed, of the housing and related land.

(6) Have initial operating capital and expect to have sufficient income to meet operating and other expenses, make necessary capital purchases and replacements, and meet payments on all debts, including the loan.

(i) The applicant will be required to provide any maintenance equipment and furnishings and to provide initial operating capital sufficient to cover preliminary expenses and beginning operating expenses. Usually the applicant should have operating capital amounting to at least 3 percent of the total cost of the project to cover these costs.

(ii) If, in addition, the applicant is to provide other movable equipment and furnishings, the initial capital will need to be increased sufficiently to cover the cost of these items.

(7) Possess the legal capacity to incur, and the legal capacity, character, ability, and experience to carry out, the undertakings and obligations required for the loan.

(8) In case of an insured loan:

(i) Be an individual residing in, or an organization of which members or stockholders who own a majority of the voting stock or membership rights reside in, the community where the housing will be located, or be an applicant who resides close enough to the project to provide general supervision and will provide a manager or caretaker who either resides on the housing property or is readily accessible to the tenants and near enough to reach the housing within a few minutes.

(ii) In case of an organization or an individual who is required to execute a loan agreement, legally obligate itself not to divert income from housing to any other business, enterprise, or purpose until a cash reserve is accumulated and maintained as required by the Farmers Home Administration (FHA).

(9) In case of a direct loan:

(i) Be an organization each of whose members or stockholders is limited to one vote in the affairs of the organization and a majority of whose members or stockholders reside in the community where the housing will be located. The manager or caretaker must reside on the housing property or be readily accessible to the tenants and near enough to be able to reach the housing within a few minutes.

(ii) Have a board of directors or trustees of whose members not less than five are among the leaders in the community where the housing will be located.

(iii) Have a broadly based ownership. The purpose of this requirement is to afford reasonable assurance of success of the housing project, to assure community support, to protect the Government's financial interest as mortgagee, and to provide reasonable assurance that the purposes of the loan will be carried out. In direct SCH loans there is no profit incentive. Eligible occupants are limited to elderly persons of low or moderate incomes. The terms of the loan may extend for as long as 50 years and eligible transferees could be found only among qualified private nonprofit corporations and consumer cooperatives. Therefore, factors such as the prospect for competent management and supervision and adequate community support of the housing project over the expected life of the loan become vitally important. The "broadly based ownership" requirement may vary depending upon whether the applicant is a well established or a new corporation, the applicant's financial condition, the present and future effective demand for the housing by persons who will be eligible for occupancy, and the ratio of loan to the appraised value of the security.

(iv) Legally obligate itself not to divert income from the housing to any other business, enterprise, or purpose. If the applicant has issued or plans to issue stock and pay dividends thereon, provide for such stock to be (*a*) nonvoting, (*b*) limited as to the amount of dividends that can be paid thereon, and (*c*) limited as to liquidation value in the event of corporate dissolution. If the stock complies with these three requirements, dividends paid on it would not be considered gains or profits within the meaning of § 322.83 (g) and (h) and therefore such an applicant, if otherwise qualified, would be eligible for an SCH loan.

(b) *Authorized representative of applicant.* The FHA will deal only with the applicant or a bona fide representative of the applicant and his technical advisers. An authorized representative of the applicant must be a person who has no pecuniary interest in the award of the architectural or construction contracts, the purchase of equipment, or the purchase of the land for the housing site.

§ 322.85 Loan purposes.

SCH loans may be made to qualified applicants for:

(a) Construction, purchase, improvement, alteration, or repair of housing, as defined in § 322.83(b), which:

(1) Is economical in construction and not of elaborate or extravagant design or materials;

(2) Consists of apartments, duplex houses, or detached dwellings, and any appropriate related facilities;

(3) Is residential in character and design to meet the needs of senior citizens who are capable of caring for themselves;

(4) Has special consideration given to (i) safety and convenience, (ii) access to necessary shopping, medical services, and recreation facilities, (iii) sustaining the independence and dignity of the individual by providing for privacy and freedom of movement, and (iv) facilities contributing to the individual's comfort and ease of household activities;

(5) If it consists of apartments, may be the one-room "efficiency" type or one-bedroom units, with a limited number of two-bedroom units included when justified by a demand shown by a market analysis;

(6) Contains a bathroom and kitchen facilities in each unit;

(7) In case of insured loans, may include the addition of rooms to a dwelling owned by the applicant, in order to provide rental housing suitable for and publicly available to senior citizens on a continuing basis;

(8) In case of direct loans, is provided for senior citizens of low or moderate income.

(b) Purchase or improvement of the necessary land on which the housing will be located.

(1) In case the loan includes funds for land purchase, the cost of land may not exceed its present market value in its present condition. Present market value will be determined by a current appraisal. Loan funds will not be used to buy land from a member of the applicant-organization or from another organization in which one or more members of the organization have an interest without the prior consent of the National Office.

(2) Loan funds may be used to acquire land in excess of that needed for the housing, including related facilities, when the applicant cannot acquire only the needed land at a fair price and the cost of the excess land bears a reasonable proportion to the amount of the loan. When excess land is thus acquired, the applicant must (i) justify the acquisition, (ii) agree to sell the land as soon as practicable and apply the proceeds on the loan, and (iii) have legal authority to acquire and administer such land.

(c) Development and installation of water supply, sewage disposal, heat and light systems necessary in connection with the housing, and other related facilities such as:

(1) Maintenance workshop and equipment storage.

(2) Recreation center, including lounge.

(3) Central cooking and dining facilities when the project is large enough to justify such services to supplement the kitchen facilities in each unit.

(4) Small infirmary for emergency care only, when justified.

(5) Laundry room and storage.

(6) Office and living quarters for the resident manager and other operating personnel. Such facilities may be pro-

vided only in those cases where there will be enough rental units to require the presence of operating and management personnel for sufficient time to justify the additional investment and the cost of these service facilities is a minor part of the loan.

(7) Appropriate recreational facilities and other essential needs.

(d) Construction of fallout shelters or similar protective structures.

(e) Purchase and installation of ranges and refrigerators to be installed in the individual rental units or as a part of the central cooking facilities, and clothes washing machines and dryers to be installed in project utility rooms for the common use of the tenants.

(f) Purchase and installation of essential equipment which upon installation becomes a part of the real estate.

(g) Provision of landscaping, foundation planting, seeding or sodding of lawns, or other necessary facilities related to buildings such as walks, yards, fences, parking areas, and driveways.

(h) Payment of related costs such as fees and charges for legal, architectural, engineering, and other appropriate technical and official services.

(i) In insured loan cases, payment of the interest portion of the first installment when the applicant's income and resources will be insufficient to pay such interest.

§ 322.86 Limitations.

As used in this subpart, the value of the security means its present market value as determined by the loan approval official less the unpaid principal balance plus past-due interest of any other liens against it. Other liens will include any prior liens and any junior liens likely to be taken at or immediately after loan closing.

(a) *Loan limits for direct loans.* No direct loan or loans to any applicant will exceed $200,00 less any other liens against the security, and no such loan will exceed the development cost or the value of the security, whichever is less.

(b) *Loan limits for insured loans.* No insured loan or loans to any applicant will exceed $300,000, and no such loan will exceed the development cost or the value of the security whichever is less. The limitations in this paragraph also apply to cases in which the majority of stockholders or directors or other controlling interests of two or more applicants are the same.

(1) No loan docket which would result in the applicant's insured SCH indebtedness exceeding $100,000 will be developed without the prior consent of the national office. Any request for such consent should include detailed justification for the loan including:

(i) Name and address of the applicant.

(ii) Applicant's assets.

(iii) A listing of any debts owed.

(iv) Status of each debt.

(v) A general description of the housing planned including the number and kind of units.

(vi) A realistic estimate of the need and demand for the size project proposed.

(vii) Applicant's financial contribution to the project.

(viii) Any other factors having a bearing on the need and financial soundness of the proposed housing.

(c) *Limitations on use of loan funds.* Loans will not be made for:

(1) Nursing or medical facilities, other than a small emergency care infirmary when justified by the size of the project and the fact that facilities for the emergency care expected to be needed for the occupants are not readily accessible elsewhere.

(2) Any commercial facilities except essential service-type facilities for use by the tenants when such facilities are not otherwise conveniently available in the area.

(3) Housing to be used for any transient or hotel purposes. No rental term shall be for less than 30 days.

(4) Nursing, special care, or institutional-type of homes.

(5) Any facility not essential to the needs of the tenants.

(6) Refinancing debts of the applicant.

(7) Housing which the applicant intends to sell or lease to another operator.

(8) Payment of any fee, charge, or commission to any broker, negotiator, or other person for the referral of a prospective applicant or solicitation of a loan.

(9) Except as provided in § 322.85(h), the payment of any fee, salary, commission, profit, or compensation to an applicant, or to any officer, director, trustee, stockholder, member, or agent of an applicant.

(10) Housing in isolated locations in which occupants will not have reasonable access to the facilities and activities essential to their continued welfare and health.

(d) *Obligations incurred before loan closing.* When an applicant files an application for a loan the County Supervisor will advise the applicant that construction must not be started and obligations for such work or materials must not be incurred before the loan is closed. If, nevertheless, the applicant incurs debts for materials or construction before the loan is closed, the State Director may authorize the use of loan funds to pay such debts only when he finds that all of the following conditions exist:

(1) The debts were incurred after the applicant filed a written application for a loan.

(2) The applicant is unable to pay such debts from his own resources or to obtain credit from other sources, and failure to authorize the use of loan funds to pay such debts would impair the applicant's financial position.

(3) The debts were incurred for authorized loan purposes.

(4) Contracts and construction work meet FHA standards.

(5) Payment of the debts will remove any mechanics' and materialmen's liens which have attached, and any basis for any such liens that may attach, to the property.

§ 322.87 Source of funds and rates and terms.

(a) *Source of funds.* (1) Direct SCH loans may be made to private nonprofit corporations or consumer cooperatives eligible under § 322.84, to provide rental housing and related facilities for senior citizens of low or moderate income.

(2) Insured SCH loans may be made to individuals or organizations defined in § 322.83(j) and eligible under § 322.84, to provide rental housing and related facilities for senior citizens. Insured SCH loans will be made only from the Rural Housing Insurance Fund.

(b) *Interest rates.* On direct loans the interest rate will be 3 percent per annum on the unpaid principal balance. On insured loans the interest rate will be as specified in Part 310 of this Chapter III. Interest will begin from the date of the note. When a direct loan is made in multiple advances, interest on the first advance will begin on the date of the note and interest on each subsequent advance will begin on the date of the check.

(c) *Amortization period.* Each loan will be scheduled for payment within such a period as may be necessary to assure that the loan will be adequately secured, taking into account the probable depreciation of the security; however,

(1) For a direct loan, the payment period will not exceed 50 years from the date of the note.

(2) For an insured loan, the payment period will not exceed 40 years from the date of the note.

§ 322.88 Special conditions.

(a) *Deferred payments on direct loans.* In case of direct loans, when necessary because of deficiency in the applicant's income or resources, smaller than regular payments or no payments may be provided for the first and second January 1 dates after loan closing.

(b) *Deferred principal payments on insured loans.* In case of insured loans, when necessary because of deficiency in the applicant's income or resources, smaller than regular payments of principal or no payments of principal may be provided for the first and second installment dates after loan closing. However, the first installment may not be less than interest accruing to the first February 1 following the date of the first installment, and the second installment may not be less than interest accruing for one year.

(c) *Refinancing SCH loans.* Each borrower must agree to refinance the unpaid balance of his SCH loan at the request of the FHA whenever it appears to the FHA that the borrower is able to obtain a loan from responsible cooperative or private credit sources at reasonable rates and terms.

(d) *Loan resolutions or agreements.* For an organization applicant a loan resolution in a form approved by FHA will be adopted by the applicant's board of directors. For an individual applicant a loan agreement in a form approved by FHA will be executed by the applicant when the loan exceeds $50,000 or when required by the State Director if

the loan is for a lesser amount. The loan resolution or agreement will provide for the maintenance of certain accounts and the pledge of housing income as security and contain regulatory provisions governing, and giving the FHA power to impose requirements regarding, the housing and related operations of the applicant.

(e) *Multiple advances.* A direct loan may be disbursed in not more than three advances over a period not to exceed two years from the date of the first advance. Insured loans may be disbursed in only one advance.

(f) *Nondiscrimination in use and occupancy.* When the loan is to finance housing of more than two rental units the borrower shall not discriminate, or permit discrimination by any agent, lessee, or other operator, in the use or occupancy of the housing or related facilities because of race, color, creed, or national origin.

(g) *Eligibility for occupancy.* (1) Eligible occupants of SCH housing will be limited to persons who are senior citizens or senior citizens and their spouses and who in direct cases have low or moderate incomes, except that eligible occupants may also include:

(i) A person younger than 62 who resides with, and is considered a member of, the family of the senior citizen occupant.

(ii) A person younger than 62 if it can be shown that the younger person's occupancy is necessary for the well-being of the senior citizen occupant or spouse.

(2) Loans will be made on the basis of the housing being occupied by eligible persons; however, if in connection with future servicing of the loan it becomes necessary to permit ineligible persons to occupy the housing for temporary periods in order to protect the financial interest of the Government, this may be permitted with the written prior approval of the national office.

(h) *Supervisory assistance.* Supervision will be provided borrowers to the extent necessary to achieve the objective of the loan and to protect the interests of the Government.

§ 322.89 Security.

Each loan will be secured in a manner that adequately protect the financial interest of the Government. A first lien, if obtainable, will be taken on the property purchased or improved with the loan. If a first lien is not obtainable, a junior lien may be taken in compliance with the requirements of Subpart A of this Part 322 regarding junior mortgage loans. When the real property as improved will not provide adequate security for the loan, a lien may also be taken on other property owned by the applicant. Also, other additional security may be taken when necessary, such as a pledge or assignment of, or other security interest in, income from the housing, and (in case of an organization) promissory notes, stock or membership subscription agreements, personal liability agreements, and mortgages or pledges of property of individual members or stockholders.

(a) As a general policy, personal liability will be required from the members or stockholders of a corporation whose members or stockholders are few in numbers, in order to provide adequate security and adequate assurance of carrying out the purpose of the loan.

(b) If it is not legally or otherwise possible, or advisable for an applicant which is a public or quasi-public organization to give a note and real estate mortgage, the forms of obligations and security instruments to be taken should be determined with the advice and assistance of the Office of the General Counsel.

§ 322.90 Technical, legal, and other services.

(a) *Appraisals.* When real estate is taken as security, the property will be appraised by an FHA employee authorized to make real estate appraisals. If the security does not involve more than two rental units, the property will be appraised in accordance with the policies outlined in Part 309 of this Chapter III. Form FHA 426–1, "Valuation of Buildings," will be completed to show the depreciated replacement value of all the buildings existing or to be constructed on the property to be taken as security.

(b) *Title clearance and legal services.* When the applicant for an SCH loan is an organization, or an individual with special title or loan closing problems, title clearance and legal services will be obtained in accordance with instructions from the Office of the General Counsel. In other cases, the provisions of Subpart A of this Part 322 regarding title clearance and legal services will apply.

(c) *Architectual and engineering services.* (1) Housing and related facilities will be planned and performed in accordance with Part 304 of this Chapter III and the "Interim Construction Guide for Use in Connection With Farmers Home Administration Loans for Senior Citizens Rental Housing." The applicant will provide the architectual and engineering services necessary to plan the housing including the design of the facilities and proposed site development and preparation of detailed plans, specifications, and cost estimates.

(2) Housing must be designed by persons who understand the needs of senior citizens and who can project their needs into architectural designs appropriate for housing senior citizens. In order to assure good economical design and construction without placing an excessive burden on the FHA staff, architectural and engineering services will be required on all projects when the estimated cost is in excess of $50,000 unless prior consent is given by the national office to proceed without complete architectural services. Any requests for exceptions should state the size of the development, the design and type of construction, and how the architectural services will be provided. Architectural and engineering services should be required where the nature and characteristics of the project are such that architectural services are needed. The applicant should select an architect who can and will furnish a design providing economical and thoroughly liveable housing at a cost within the rental rates the senior citizens can afford.

(3) A written contract will be required when loan funds will be used for architectural and engineering services. All such contracts will be subject to review and approval by the FHA and, therefore, should be submitted to the FHA before execution by the applicant. Such contracts will provide for the type of services to be performed, such as preliminary and final planning, the furnishing of sketches, drawings, specifications, and cost estimates, assisting in preparing the soliciting of construction bids, analyzing bids, preparing and awarding construction contracts, preparing change orders, exercising supervision during construction, certification of all payments for work performed, the amount of fees to be paid and payment of the fees in lump sum upon completion of all services or in installments as services are performed. The amount of fees payable from loan funds will be based on the nature and extent of the services needed by the applicant in connection with the planning and development of the housing.

(d) *Construction and development policies.* (1) Contract construction will be encouraged on all loans. Contracts on the basis of competitive bids with qualified builders will be encouraged.

(2) Borrower construction may be necessary or desirable in some cases. In a case of this type when a borrower or its stockholders, directors, or officers will serve, directly or indirectly, as the builder of the project, or as a supplier of labor or materials, the work will be performed by the borrower method with the following modifications. In order to conserve the County Supervisor's time, the number of payments of materials and labor should be kept to a minimum. All invoices will be signed by the borrower as correct and received. Form FHA 424–11, "Statement of Labor Performed," will be signed by the borrower. Under no circumstances will loan funds be used to pay the borrower or its stockholders, directors, or officers, directly or indirectly, any profits from the construction or from supplying materials or any compensation for their own labor. Discounts and rebates given in advance must be deducted before the invoices are paid. If discounts or rebates are given after the invoices are paid, the funds must be returned to the supervised bank account.

(3) Form FHA 424–13, "Certificate and Actual Cost of Construction," will be furnished by the borrower upon completion of the work on projects estimated to cost $20,000 or more.

(e) *Compliance with local codes and regulations.* Planning, construction, zoning, and operation of housing financed with the SCH loan will conform with any applicable laws, ordinances, codes, and regulations governing such matters as construction, heating, plumbing, electrical installation, fire prevention, and health and sanitation.

(f) *Contracts for legal services.* On housing requiring extensive legal serv-

ices, the applicant will be required to have a written contract when loan funds will be used for these services. All such contracts, including the amount of the fees to be paid, will be subject to review and approval by the FHA and, therefore, should be submitted to the FHA before execution by the applicant. Contracts will provide for the types of services to be performed, the amount of the fees to be paid, and payment of the fee in lump sum on the completion of all services or in installments as services are performed. The amount of the fees payable from loan funds will be based on the nature and extent of the legal service needed by the applicant in connection with the housing planning and development.

(g) *Optioning of land.* If a loan includes funds to purchase real estate, the applicable provisions of § 321.15 of this Chapter III regarding options will be followed. After the loan is approved, the County Supervisor will have Form FHA 443–9, "Acceptance of Option," or other appropriate form of acceptance, completed, signed, and mailed to the seller.

(h) *Use of and accountability for loan funds.* Loan funds and any funds furnished by the borrower will be deposited and handled in accordance with Part 303 of this Chapter III. Pledging collateral for deposit of funds will be in accordance with Administration Letter 802 (402). Funds furnished by the borrower for the purchase of special equipment and furnishings to be used in connection with the project, for which loan funds could not be used, should not be deposited in the supervised bank account with loan funds. Withdrawals of funds from the supervised bank account may be made only for legally eligible loan purposes.

(i) *Insurance.* The State Director will determine the minimum amounts and types of insurance the applicant will carry.

(1) Fire and extended coverage will be required on all buildings included in the security for the loan in accordance with Part 306 of this Chapter III.

(2) Suitable Workman's Compensation Insurance will be carried by the applicant for all its employees.

(3) The applicant will be advised of the possibility of incurring liability and encourage, or may be required when appropriate, to obtain liability insurance.

(j) *Bonding.* (1) The provisions of Part 304 of this Chapter III pertaining to surety bonds are applicable to SCH loans, except that approved corporate surety bonds will be required in all cases involving a construction contract in excess of $20,000 unless an exception is made by the national office.

(2) If the applicant is an organization, the applicant will provide fidelity bond coverage for the official entrusted with the receipt, custody, and disbursement of its funds and the custody of any other negotiable or readily salable personal property. The amount of the bond will be at least equal to the maximum amount of money that the applicant will have on hand at any one time exclusive of loan funds deposited in a supervised bank account. If permitted by State law, the United States will be named co-obligee in the bond. Form FHA 440–24, "Position Fidelity Schedule Bond," may be used if permitted by State law.

§ 322.91 Maximum income limit for occupancy of housing financed with direct loan.

For direct SCH loans only the maximum income level for occupancy will be established for each direct loan housing project as follows:

(a) The County Supervisor, after making a preliminary determination that a loan might be made, will assemble appropriate information concerning income levels and living costs of senior citizens in the area, including the cost of renting suitable housing that permits independent living.

(b) The County Supervisor, with the advice of the County Committee, will recommend the income which, in his judgment, is needed by a senior citizen family of two in the locality to meet reasonable living expenses, rent modest but satisfactory housing in the area, and otherwise live comfortably but not extravagantly. Family income means gross income received by the family, as defined by the Internal Revenue Service for income tax purposes, plus any retirement, Social Security, pensions or similar payments, and interest on State and municipal bonds.

(c) The County Supervisor will submit his recommendation and supporting information to the State Director with the preliminary loan docket. The State Director will review this information together with other information available on income for the area, such as census data, living standards, and other income studies, establish the maximum income level for occupancy of the housing, and notify the County Supervisor. The State Director's determination and the basis for establishing the maximum income level for occupancy will be documented as part of the completed loan docket. This determination will be subject to review by the National Office when the loan docket is submitted.

(d) Maximum income levels for occupancy will not be adjusted from year to year. However, the maximum income level may be adjusted when justified by a substantial change in living costs in the area and other pertinent factors. To justify such an adjustment, the same procedure will be followed as when establishing the maximum income level initially.

(e) The maximum income level for occupancy of any housing project will not exceed $6,000 a year unless properly justified and approved by the Administrator.

§ 322.92 Processing applications.

(a) *Application.* An application will be in the form of a letter to the local County Supervisor. The letter should include a statement about the purpose for which the loan is requested; an estimate of the amount of the loan needed; any previous experience in operating rental housing; and the proposed manner of securing and repaying the loan. Included in or attached to the letter should be:

(1) A currently dated financial statement showing assets and liabilities, together with information on the repayment schedule and status of each debt.

(2) Evidence of inability to obtain credit from other sources.

(3) Preliminary survey of the area showing the need and estimate of the probable demand for future senior citizens rental housing. The preliminary report at this stage may vary, as determined by the State Director, from the number of senior citizens living in the area to a complete market analysis in accordance with § 322.93(a)(3).

(4) A proposed operating budget showing anticipated income and expenses for a typical year of operation.

(5) Plot plan and preliminary plans and specifications for the proposed housing, including the building layout, type of construction, number and type of living units, special design features for use of senior citizens, and the estimate of cost.

(6) Information on neighborhood and existing facilities, such as distance to shopping area, neighborhood churches, available transportation, drainage, sanitation facilities, water supply, and access to essential services such as doctors, dentists, and hospitals.

(7) For an organization applicant, a copy of, or an accurate citation to, the specific provisions of State law under which the applicant is organized; a copy of the applicant's charter, articles of incorporation, bylaws, and other basic authorizing documents; the names and addresses of the applicant's principal stockholders or members and its directors and officers; and, if a principal stockholder is another organization, its name, address, and principal business.

(b) *County Supervisor review.* The letter of application and supporting documents will be reviewed by the County Supervisor and forwarded to the State Director along with a statement by the County Supervisor of any additional facts he has concerning the applicant, the need for senior citizens rental housing in the area, any comments or recommendations of the County Committee, the County Supervisor's recommendations and findings with respect to all items of eligibility, and any other information about the applicant or housing that would be helpful to the State Director in evaluating the application. If the applicant is an organization, the County Supervisor will express his views of the financial position, income, occupation, and background of the directors, principal stockholders or members, and executive officers. If the applicant for an insured loan is a closely held corporation, current financial statements will be required from its directors and stockholders or members who hold a controlling interest.

(c) *State office action.* The State Director will determine whether the applicant is eligible. The State Director will review the preliminary plans or detailed plans, specifications, and cost estimates, and, unless the applicant is an organization, or is an individual and the project involves more than four rental units, instruct the County Supervisor as to any required modifications, and whether the modified plans should be returned for review and approval prior to submission of the docket. He also will give the County Supervisor any other instructions needed for any corrective actions to be taken to process the loan. If the applicant is an organization, the State Director's determination of eligibility will be made with the advice of the Office of the General Counsel. If the applicant is eligible and is an individual whose application involves more than four rental units or an organization and the State Director recommends further consideration, the letter of application and all supporting documents together with any memorandum of the Office of the General Counsel will be submitted to the national office for review and instructions as to further processing, which may include, when appropriate, authorization for the State Director to approve the loan without further submission to the national office.

§ 322.93 Preparation of loan docket.

(a) *Information needed.* If the State Director authorizes further processing of the application, the County Supervisor will advise the applicant of the information he will need to furnish so that the loan can be processed. Such information, if applicable, will include:

(1) Detailed plans, specifications, and cost estimates prepared in accordance with the "Interim Construction Guide for Use in Connection with Farmers Home Administration Loans for Senior Citizens Rental Housing," and the "Guide for the Construction of Farm Buildings." The completed docket will contain a detailed cost breakdown of the project for such items as land and rights-of-way, building construction, equipment, utility connections, on-site improvements, architectural and engineering services, and legal services. The cost breakdown also should show separately the items not included in the loan, such as furnishings and equipment.

(2) Satisfactory evidence of review and approval of the proposed housing by applicable State and local officials whose approval is required by State or local laws, ordinances, or regulations.

(3) Statements, supported by statistical data, describing and explaining the basis for the expectancy of a continued effective demand for senior citizens housing over the period of the loan. Information of this type may be determined from census reports and other published data showing the number of persons 62 years of age and over and the condition of the housing occupied. In a direct loan case the income distinction should be observed.

(i) If relatively few units, generally not more than 10, are being built in a community where an obvious effective demand exists for rental housing for the elderly, the information in this subparagraph (3) generally will be adequate.

(ii) For any proposed loan that includes more than 10 units or in a case with fewer units where there is any doubt concerning the demand, the applicant will be required to furnish a complete market analysis showing the need and demand for senior citizens housing in the area. Such a survey should be based on the best information available and should include:

(*a*) Estimate of number of houses or apartments in the area for rent or sale.

(*b*) Characteristics of present available rental housing, such as location, quality and size of unit, type of building, age of structure, house value, tenure, vacancy rate, nature of vacancies, and price or rental levels.

(*c*) Number of persons 62 years of age and over.

(*d*) Characteristics of the elderly such as single or couple, male or female.

(*e*) Income and financial condition of the senior citizens in the area.

(*f*) Present living arrangements of elderly in the area and the extent to which inadequate housing is associated with health or financial reasons.

(*g*) Estimate of the number of senior citizens who are willing and financially able to occupy the proposed housing.

(iii) If the housing is located in an area where there are relatively few senior citizens, or for any other reason there is a question as to whether the housing will be occupied, the applicant may be required to obtain written expressions of interest in applying for occupancy from a sufficient number of eligible senior citizens to clearly indicate full occupancy reasonably soon after construction is completed.

(4) Evidence supporting a continued effective demand for senior citizens rental housing required in subparagraph (3) of this paragraph should be based on the number of senior citizens in the area willing and financially able to occupy the housing at the proposed rental levels. This does not preclude occupancy by some who are receiving welfare assistance; however, the economic justification for the housing should be based on senior citizens in the area to be served by the proposed housing with incomes which are not subject to fluctuation such as those that may occur in welfare assistance payments.

(5) A description and justification of any related facilities included in the loan.

(6) A statement giving location of other essential facilities that will be available in the community, such as restaurants, doctors, dentists, hospitals, churches, shopping center, barber shops, beauty shops, and recreational facilities.

(7) A schedule of rental rates proposed for the housing and any separate charges for the use of related facilities.

(8) A detailed operating budget proposed for the first year of operation and a typical year's operation, showing the operating cost of the rental housing, the debt structure of the applicant, and how the debts will be paid. If the applicant has previously operated a rental housing or similar business, a copy of the operating budgets for the past 5 years also will be included.

(9) A statement in narrative form outlining the management of the proposed housing such as whether by owner or hired manager, age of manager, duties and responsibilities, experience, and long-range training program planned, and other factors pertaining to the qualifications of the manager.

(10) A statement of policy regarding occupancy including method of selecting tenants, a copy of the proposed form of lease or rental agreement to be offered tenants, and a copy of any rules or regulations governing administration and occupancy.

(11) When the loan is secured by a junior real estate mortgage, agreements with prior lienholders and information concerning prior mortgages as provided in § 322.10 (b) and (c).

(12) When land is being purchased or the building site will be part of a tract owned by the applicant, or in any other case when necessary to clearly identify the property, a survey of the land to be given as security prepared by a licensed surveyor will be included in the loan docket.

(b) *County Supervisor's responsibility.* As the information for the loan docket is being developed, the County Supervisor will work closely with the applicant and review the information furnished for adequacy and completeness. The County Supervisor will observe the proposed site and consider its desirability. He will evaluate the manner in which the applicant plans to conduct his business and financial affairs, commenting on the adequacy of the management. The County Supervisor's comments together with the application and the completed docket will be submitted to the County Committee for its consideration.

(c) *County Committee certification.* Before a loan is approved, the County Committee will make the necessary certification on Form FHA 440–2, "County Committee Certification or Recommendation." Before executing Form FHA 440–2, the County Committee will consider all pertinent information concerning the applicant and the proposed facility, and will be given an opportunity to talk with the applicant or its representative if the Committee desires to do so.

(d) *Forms.* (1) Form FHA 440–23, "Promissory Note," will be used for direct loans.

(2) Form FHA 440–22, "Promissory Note," will be used for insured loans to organizations except when legally inappropriate.

(3) Form PHA 440–16, "Promissory Note," will be used for insured loans to individuals.

(4) Forms FHA–28 or FHA 442–6, "Association Proposal and Request for Funds," will be used for a loan to an organization, or a loan to an individual involving more than four rental units.

(e) *Submission of docket to State office.* The loan docket together with

any comments from the County Committee and the County Supervisor will be submitted to the State Office for review. The State Director will prepare a memorandum to the County Supervisor requesting additional information needed, or setting forth the conditions of approval. If the prior consent of the National Office is required for loan approval and such consent has not previously been given, a copy of the State Director's unsigned memorandum, together with his recommendation and the complete loan docket, will be submitted to the National Office.

§ 322.94 Loan approval.

(a) *Authority.* The State Director is authorized to approve or disapprove SCH loans in accordance with this Subpart D. The State Director may redelegate loan approval in writing to State Office employees other than the Area Supervisor and the State Office employee making the appraisal.

(1) Without the prior consent of the National Office no SCH loan may be approved by the State Director if:

(i) The loan is to an organization; or

(ii) The amount of the loan plus unpaid principal and past-due interest of any other lien(s) on real estate of the applicant would exceed $50,000; or

(iii) The proposed loan together with unpaid principal of any other FHA loans of the applicant would exceed $50,000.

(2) When prior consent of the National Office is required for loan approval, the loan docket and the State Director's recommendation will be sent to the National Office.

(b) *Loan approval action.* When a loan is approved, the approval official will:

(1) Indicate on Form FHA 440–3, including all copies, any conditions that must be met before the loan is closed, including the amount of surety and fidelity bond coverage and other insurance, the security (such as real estate lien or junior lien subject to certain prior liens), title evidence, and any other special requirements. If more space is needed, Form FHA 440–3 will be supplemented by a memorandum.

(2) Sign the original and two copies of Form FHA 440–3 and insert his title in the space provided.

(3) Sign the original of Form FHA 440–1 and insert his title in the space provided.

(4) If a loan is disapproved after the docket has been developed, the reason for such action will be shown on the original of Form FHA 440–3. Form FHA 440–3 will be initialed and dated. When a loan is disapproved, the County Supervisor will notify the applicant of the disapproval of the loan and the reasons therefor.

§ 322.95 Actions subsequent to loan approval.

(a) *Requesting check.* When loan approval conditions can be met, including any real estate title requirement, and a date for loan closing has been agreed upon, the County Supervisor will order the loan check so that it will be available on or immediately prior to the date set for loan closing.

(b) *Handling the loan check.* The loan check will be handled in accordance with Part 303 of this Chapter III.

(c) *Property insurance.* Buildings will be insured in accordance with Part 306 of this Chapter III.

§ 322.96 Loan closing.

(a) *Applicable instructions.* SCH loans will be closed in accordance with applicable provisions of Part 307 of this Chapter III and any supplementary, or closing instructions, and with the assistance of the designated attorney, representative of the title insurance company, or local attorney, whichever is appropriate.

(b) *Mortgage.* Unless the Office of the General Counsel determines the form to be inappropriate in any case, real estate mortgage Form FHA 427–2 (State), "Real Estate Mortgage for _____," will be used for a direct loan to an organization, and Form FHA 427–1 (State), "Real Estate Mortgage for _____," will be used for an insured loan to an individual or to an organization. For loans to organizations, Form FHA 427–2 and Form FHA 427–1 will be modified as prescribed by or with the advice of the Office of the General Counsel with respect to the name, address, and other identification of the borrower, the style of execution, and the acknowledgment.

(1) When the loan is to finance housing of more than two rental units, the mortgage or other security instrument shall contain the following covenant:

Borrower covenants and agrees that it will not discriminate, or permit discrimination by any agent, lessee, or other operator, in the use or occupancy of the housing or related facilities financed in whole or in part with the loan in connection with which this instrument is given, because of race, color, creed, or national origin.

(2) When a loan resolution or loan agreement is used, an additional paragraph will be included in the mortgage to read as follows:

This instrument also secures the obligations and covenants of Borrower set forth in Borrower's Loan Resolution (Loan Agreement) of _____, which is
(Date)
hereby incorporated herein by reference.

(3) In case of a loan to an individual where a loan agreement is not used, additional paragraphs will be included in the mortgage to read as follows:

Occupancy of the housing and related facilities on the property will be limited to eligible senior citizen occupants as defined in the regulations of the Farmers Home Administration, unless the Government gives prior written approval to other occupancy.

As required by the Government: Borrower will permit the Government to inspect and examine the operation of the housing, and the books, records, and operations of Borrower; submit regular and special reports pertinent to the purpose of the loan or the Government's financial interests; subject rents and charges and other terms of rental agreements with occupants of the housing, and compensation to employees connected with its operation, to prior approval by the Government, or to adjustment at the direction of the Government when necessary in its judgment to carry out the purpose of the loan or protect its financial interests; and comply with any other requirements which in the discretion of the Government are reasonably appropriate to the purpose of the loan or protection of the Government's interests.

(c) *Promissory note.* (1) The total amount to be shown in the note will be the amount of the loan.

(2) Payments on SCH loans will be scheduled with annual installments due January 1. Form FHA 440–9 will be used to schedule payments on a monthly basis. As provided in § 322.88 (a) and (b), the first installment or the first and second installments may be less than regular annual installments. If the first installment or first two installments are less than regular annual installments, the regular annual installment will be computed by multiplying the amount of the loan by the factor for the number of years over which regular installments will be scheduled.

(3) The note will be signed in accordance with Part 307 of this Chapter III.

(4) For an insured loan the note will not be endorsed or the insurance endorsement executed until the loan is assigned from the insurance fund to a lender. In such cases, the Director, Finance Office, or the Insured Loan Officer, will sign the endorsement on the reverse of the note and will execute the insurance endorsement in accordance with Part 373 of this Chapter III.

(5) When a loan is closed during December and the first installment is due the next January 1, the first installment will be collected at the time of loan closing if it is a nominal amount or the borrower consents.

(6) When a loan is disbursed in more than one advance, Forms FHA 440–1 will be prepared and executed. The actual date of each advance will be entered on the reverse of the note. The date of the first advance will be the date of loan closing, and each subsequent advance the date of the loan check.

(d) *Recorded mortgage.* When the real estate mortgage or other security instrument is returned by the recording official, the County Supervisor will retain the original in the borrower's case folder. If the original is retained by the recording official for the county records, a conformed copy including the recording data showing the date and place of recordation and book and page number will be prepared and filed in the borrower's case folder. A copy of the mortgage will be delivered to the borrower and will be conformed only if required by State law or if it is the custom of other lenders in the area.

(e) *Date of loan closing.* An SCH loan is considered closed when the security instrument is filed of record, or, if there is no security instrument filed of record, when the loan funds are deposited in the supervised bank account or otherwise made available to the borrower after he executes and delivers the note and any other required instruments.

§ 322.97 Subsequent SCH loans.

A subsequent SCH loan is an SCH loan to an applicant indebted for an initial loan of the same type (direct or insured). A subsequent SCH loan may be made for the same purposes and on the same conditions as an initial loan.

§ 322.98 Complaints regarding discrimination in use and occupancy of housing in projects of more than two rental units.

(a) Any occupant or applicant for occupancy or use of such SCH housing or related facilities who believes he has been discriminated against because of race, color, creed, or national origin may file a complaint with the County Supervisor or State Director.

(b) The complaint must be in writing and signed by the complainant and contain the following information:

(1) The name and address (including telephone number) of the complainant.

(2) The name and address of the person committing the alleged discrimination.

(3) Date and place of the alleged discrimination.

(4) Any other pertinent information that will assist in the investigation and resolution of the complaint.

Dated: April 1, 1966.

HOWARD BERTSCH,
Administrator,
Farmers Home Administration.

[F.R. Doc. 66-3707; Filed, Apr. 5, 1966; 8:51 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER H—DETERMINATION OF WAGE RATES

[Sugar Determination 862.6, Amdt. 1]

PART 862—WAGE RATES; SUGARBEETS

Miscellaneous Amendments

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended (herein referred to as "act"), the effective date of Federal Register Document 66-3265, appearing in the FEDERAL REGISTER published Saturday, March 26, 1966 (31 F.R. 5003), is amended to read April 11, 1966; and § 862.6 (31 F.R. 5003), is amended in the following respects:

1. Paragraph (a)(1) is amended by changing the effective date of April 4, 1966 in the first sentence thereof to read April 11, 1966.

2. Subdivisions (ii) and (iii) of paragraph (a)(1) are amended to read as follows:

§ 862.6 Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarbeets.

(a) *Requirements.* * * *

(1) *Wage rates.* * * *

(i) *When employed on a time basis.* * * *

(ii) *When employed on a piecework basis for the hand labor operations in the following table:*

Hand labor operations	*Rate per acre*
(A) Trimming—removing either weeds or excess beets with a hoe only	$10.75
(B) Hoeing—removing weeds and excess beets with a hoe only	13.00
(C) Hoe Trimming—removing weeds with a hoe and by hand and removing excess beets with a hoe only	15.75
(D) Weeding—removing weeds with a hoe and by hand following either (A), (B), or (C) above, or (E) below	8.00
And in the State of California only:	
(E) Blocking and Thinning—removing weeds and excess beets with a hoe and by hand	21.50

Wide Row Planting. The above rates may be reduced by not more than the indicated percentages for the following row spacings: 28 inches or more but less than 31 inches, 20 percent; 31 inches or more but less than 34 inches, 25 percent; 34 inches or more, 30 percent.

(iii) *When employed on a piecework basis for hand labor operations not specified or defined, or for harvesting.* The piecework rate for Blocking and Thinning in States other than California, Weeding not preceded by (A), (B), (C), or (E) above, and any other hand labor operation involving the removal of beets or weeds which is not defined above, and for the operations of Pulling, Topping, Loading, or Gleaning, shall be as agreed upon between the producer and the worker: *Provided,* That the average hourly rate of earnings of each worker for each operation shall be not less than $1.35 per hour computed on the basis of the total time such worker is employed on the farm for such operation.

* * * * *

Statement of bases and considerations. This amendment provides a piecework rate for the hand labor operation of Blocking and Thinning for California, and changes the effective date of section 862.6 (31 F.R. 5003) from April 4 to April 11, 1966.

With the availability of monogerm seed, precision planting, weedicides, and mechanical thinning, the hand labor operation of Blocking and Thinning has fallen into general disuse in most parts of the sugarbeet area. There are localities in California, however, where this operation is still prevalent. Accordingly, this amendment provides for California a piecework rate of $21.50 per acre for the hand labor operation of Blocking and Thinning. The rate specified is about 8 percent higher than the rate in the prior determination. In other States a specific piecework rate is not provided; however, the producer and worker may agree upon a piecework rate for this hand labor operation, but the average rate of earnings of each worker shall not be less than $1.35 per hour.

In order to permit sugarbeet producers additional time to be informed and to arrange for payment of wages at the higher rates, the effective date of the wage determination is changed from April 4 to April 11, 1966.

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

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

Effective date. When filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on April 1, 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-3716; Filed, Apr. 4, 1966; 12:50 p.m.]

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

[Navel Orange Reg. 106, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1) (i) and (ii) of § 907.406 (Navel Orange Regulation 106, 31 F.R. 5007) are hereby amended to read as follows:

§ 907.406 Navel Orange Regulation 106.

* * * * *

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

(i) District 1: 1,075,000 cartons;

(ii) District 2: 400,000 cartons.

* * * * *

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

Dated: April 1, 1966.

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

[F.R. Doc. 66–3697; Filed, Apr. 5, 1966; 8:50 a.m.]

[Valencia Orange Reg. 153, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (iii) of § 908.453 (Valencia Orange Regulation 153, 31 F.R. 5008) are hereby amended to read as follows:

§ 908.453 Valencia Orange Regulation 153.

* * * * *

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

(iii) District 3: Unlimited movement.

* * * * *

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

Dated: April 1, 1966.

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

[F.R. Doc. 66–3698; Filed, Apr. 5, 1966; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. A]

PART 201—ADVANCES AND DISCOUNTS BY FEDERAL RESERVE BANKS

Demand Paper

§ 201.107 Eligibility of demand paper for discount and as security for advances by Reserve Banks.

(a) The Board of Governors has reconsidered a ruling made in 1917 that demand notes are ineligible for discount under the provisions of the Federal Reserve Act. (1917 Federal Reserve Bulletin 378.)

(b) The basis of that ruling was the provision in the second paragraph of section 13 of the Federal Reserve Act that notes, drafts, and bills of exchange must have a maturity at the time of discount of not more than 90 days, exclusive of grace. The ruling stated that "a demand note or bill is not eligible under the provisions of the act, since it is not in terms payable within the prescribed 90 days, but, at the option of the holder, may not be presented for payment until after that time."

(c) It is well settled as a matter of law, however, that demand paper is due and payable on the date of its issue. The generally accepted legal view is stated in Beutel's Brannan on Negotiable Instruments Law, at page 305, as follows:

> The words "on demand" serve the same purpose as words making instruments payable at a specified time. They fix maturity of the obligation and do not make demand necessary, but mean that the instrument is due, payable and matured when made and delivered.

(d) Accordingly, the Board has concluded that, since demand paper is due and payable on the date of its issue, it satisfies the maturity requirements of the statute. Demand paper which otherwise meets the eligibility requirements of the Federal Reserve Act and this part (Regulation A) therefore, is eligible for discount and as security for advances by Reserve Banks.

(12 U.S.C. 248(i). Interprets 12 U.S.C. 343)

Dated at Washington, D.C., this 25th day of March 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 66–3658; Filed, Apr. 5, 1966; 8:47 a.m.]

[Reg. U]

PART 221—LOANS BY BANKS FOR PURPOSE OF PURCHASING OR CARRYING REGISTERED STOCKS

Forms

1. Effective March 30, 1966, § 221.51 is deleted.

2. (a) The purpose of this action is to terminate the requirement that persons (other than banks, as defined in § 221.3(k), and creditors, as defined in § 220.2(b) of this chapter (Reg. T)) who are engaged in the business of extending credit, and who in the ordinary course of business extend credit for the purpose of purchasing or carrying securities registered on a national securities exchange, shall within 90 days of the first extension of credit for such purpose file reports on Form FR 728. It seems advisable to eliminate this requirement because Form FR 728 was originally designed principally for the purpose of making a one-time survey of such lenders, and the supplementary information provided through subsequent filings has not proved sufficiently valuable to justify continuation of the reporting requirement.

(b) The notice, public participation, and deferred effective date procedures described in section 4 of the Administrative Procedure Act are now followed in connection with this amendment for the reasons and good cause found as stated in § 262.1(e) of the Board's rules of procedure (Part 262), and especially because in connection with this amendment such procedures are unnecessary as they would serve no useful purpose.

(Sec. 23, 48 Stat. 901; 15 U.S.C. 78w. Interprets or applies sec. 17(b), 48 Stat. 897; 15 U.S.C. 78q)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 66–3648; Filed, Apr. 5, 1966; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 6485o]

PART 13—PROHIBITED TRADE PRACTICES

B. F. Goodrich Co. and Texaco, Inc.

Subpart—Cutting off access to customers or market: § 13.535 *Contracts restricting customers' handling of competing products.* Subpart—Dealing on exclusive and tying basis: § 13.670 *Dealing on exclusive and tying basis:* 13.670–20 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Order on remand to cease and desist, The B. F. Goodrich Co. et al., Akron, Ohio, Docket 6485, Jan. 14, 1966]

Order, following a remand direction by the Supreme Court, opinion dated June 7, 1965, 381 U.S. 739, the Commission prohibits, for the second time, The B. F. Goodrich Co. and Texaco, Inc. (formerly The Texas Co.), from carrying out their sales commission agreement—under the agreement Goodrich pays Texaco a commission for promoting the sale of Goodrich tires, batteries, and automotive accesories (TBA) to its retail gasoline dealers—and from entering into sales commission arrangements with any other company.

On June 7, 1965, the Supreme Court vacated the judgment of the Court of Appeals, District of Columbia Circuit, dated July 30, 1964, 336 F. 2d 754, which had set aside the Commission's cease and desist order of April 15, 1963, 28 F.R. 4349.

The order on remand to cease and desist, as published in 28 F.R. 4349 is as follows:

It is ordered, That respondent, The Texas Co. [now known as Texaco, Inc.], a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device in connection with the promotion, offering for sale, or sale and distribution of tires, inner tubes, batteries, and automotive accessories and supplies (hereinafter referred to as "TBA products") in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from, directly or indirectly:

1. Entering into or continuing in operation or effect any contract, agreement, or combination, express or implied, with The B. F. Goodrich Co., or with any other rubber company or tire manufacturer, or any other supplier of tires, batteries, or accessories, whereby The Texas Co. receives anything of value in connection with the sale of TBA products to any wholesaler or retailer of Texas petroleum products by any marketer or distributor of TBA products other than The Texas Co.;

2. Accepting or receiving anything of value from any manufacturer, distributor, wholesaler, or other vendor of TBA products, for acting as sales agent or for otherwise sponsoring, recommending, urging, inducing, or promoting the sale of TBA products, directly or indirectly, by any such vendor to any wholesaler or retailer of The Texas Co. petroleum products;

3. Using or attempting to use any contractual or other device, such as, but not limited to, agreements, leases, training programs, promotions, dealer meetings, dealer discussions, service station identification, credit cards, and financial loans, to sponsor, recommend, urge, induce, or otherwise promote the sale of TBA products by any distributor or marketer of such products other than The Texas Co. to or through any wholesaler or retailer of The Texas Co. petroleum products;

4. Employing any method of inspecting, reporting, or surveillance or using or attempting to use, in any manner, its relationship with Texas outlets to sponsor, recommend, urge, induce, or otherwise promote the sale of any specified brand or brands of TBA products by any distributor or marketer of such products other than The Texas Co. to any wholesaler or retailer of Texas petroleum products;

5. Intimidating or coercing or attempting to intimidate or coerce any wholesale or retailer of The Texas Co. petroleum products to purchase any brand or brands of TBA products;

6. Preventing or attempting to prevent any wholesaler or retailer of The Texas Co. petroleum products from purchasing and reselling, merchandising, or displaying TBA products of his own independent choice.

It is further ordered, That respondent, The B. F. Goodrich Co., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the promotion, offering for sale or sale and distribution of tires, inner tubes, batteries and automotive accessories and supplies (hereinafter referred to as "TBA products") in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from, directly or indirectly:

1. Entering into or continuing in operation or effect any contract, agreement, or combination, express or implied, with The Texas Co. or with any other marketing oil company whereby The B. F. Goodrich Co., directly or indirectly, pays or contributes anything of value to any such marketing oil company in connection with the sale of TBA products by The B. F. Goodrich Co. or any distributor of Goodrich products to any wholesaler or retailer of petroleum products of such marketing oil company;

2. Paying, granting, or allowing, or offering to pay, grant, or allow, anything of value to The Texas Co. or to any other marketing oil company for acting as sales agent or for otherwise sponsoring, recommending, urging, inducing, or promoting the sale of TBA products, directly or indirectly, by The B. F. Goodrich Co. or any distributor of Goodrich products to any wholesaler or retailer of petroleum products of such marketing oil company;

3. Reporting or participating in the reporting to The Texas Co. or to any other marketing oil company concerning sales of TBA products to wholesalers or retailers of petroleum products, individually or by groups, of any such marketing oil company.

By "Final Order" report of compliance is required as follows:

The respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form of their compliance with this order.

Issued: January 14, 1966.

By the Commission.[1]

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

[F.R. Doc. 66-3651; Filed, Apr. 5, 1966; 8:46 a.m.]

[1] Chairman Dixon and Commissioner MacIntyre not participating.

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 34-7847]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Withdrawal from Registration

On November 30, 1965, in Securities Exchange Act Release No. 7756, and in the FEDERAL REGISTER of December 7, 1965, 30 F.R. 15105, the Securities and Exchange Commission published its proposal to amend Rule 15b6-1 (17 CFR 240.15b6-1) under the Securities Exchange Act of 1934 to require that notice of withdrawal from registration as a broker-dealer be filed on a new form to be designated Form BDW (17 CFR 249.501a), in accordance with the instructions thereon. The proposal also provided that the 30-day waiting period between the filing and effective dates would be extended to 60 days.

The Commission has considered the comments and suggestions received and has adopted the amendment, in the form stated below, and Form BDW (17 CFR § 249.501a), a copy of which is attached hereto,[1] effective May 2, 1966.

Form BDW (17 CFR 249.501a) requires the broker-dealer seeking to withdraw from registration to furnish specified information: (a) Whether he owes any money or securities to any customer, broker, or dealer, and if he does, the amount involved and the arrangements made for payment (in this case he would also have to furnish a current report of financial condition); (b) whether he is involved in any actions or proceedings and whether there are any unsatisfied judgments or liens against him; (c) the name and address of the person who will have custody or possession of his books and records required to be preserved under Rule 17a-4 (17 CFR 240.17a-4); and (d) the address where such books and records will be located. This information will help the Commission to determine whether it is necessary in the public interest or for the protection of investors (particularly customers of the broker-dealer), to impose terms and conditions on the withdrawal of registration. Section 15(b) of the Act provides that the Commission may impose such terms and conditions as it deems necessary for such purpose.

Form BDW (17 CFR 249.501a) also contains a consent by the withdrawing broker-dealer to make the books and records he is required to preserve by Rule 17a-4 (17 CFR 240.17a-4) available for examination by authorized members of the Commission's staff, and an authorization to the custodian of such

[1] Form BDW filed as part of original document.

books and records to make them so available.

Form BDW (17 CFR 249.501a) also requires the withdrawing broker-dealer to state whether he is a member of the National Association of Securities Dealers, which is a self-regulatory association registered under section 15A of the Act. Since membership in the NASD would generally be terminated when registration with this Commission is withdrawn, and since Form BDW (17 CFR 249.501a) becomes a public document when filed, the Commission intends to furnish the NASD with a copy of each Form BDW (17 CFR 249.501a) filed by a member so that it will be aware that the broker-dealer is seeking to withdraw his registration.

The amendment to the rule provides for a 60-day waiting period between the filing date and the effective date, unless acceleration is granted or proceedings pursuant to section 15(b) of the Act are pending or are instituted, in which event the notice of withdrawal would not become effective except at such time and upon such terms and conditions as the Commission deems necessary or appropriate in the public interest or for the protection of investors.

Prior to the amendment, Rule 15b6–1 (17 CFR 240.15b6–1) provided that a notice of withdrawal would become effective on the 30th day after filing unless proceedings to revoke or suspend were pending, or the Commission, within the 30-day period, instituted proceedings. It has been found that 30 days are not sufficient to complete an investigation if one is required, and to institute proceedings in appropriate cases. It is believed that the amendments will enable the Commission to carry out its responsibilities under the Act more effectively in the public interest and for the protection of investors.

Statutory basis. The Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, as amended, and particularly sections 15(b), 17(a), and 23(a) thereof, and deeming it necessary for the exercise of the functions vested in it, and necessary and appropriate in the public interest and for the protection of investors, hereby amends Rule 15b6–1 (17 CFR 240.15b6–1), as set forth below, and adopts Form BDW (17 CFR 249.501a), the form attached, effective May 2, 1966.

Text of Rule 15b6–1 (17 CFR 240.15b6–1):

§ 240.15b6–1. Withdrawal from registration.

(a) Notice of withdrawal from registration as a broker or dealer pursuant to section 15(b) shall be filed on Form BDW in accordance with the instructions contained therein.

(b) Except as hereinafter provided, a notice to withdraw from registration filed by a broker or dealer pursuant to section 15(b) shall become effective on the 60th day after the filing thereof with the Commission or within such shorter period of time as the Commission may determine. If a notice to withdraw from registration is filed with the Commission at any time subsequent to the date of the issuance of a Commission order instituting proceedings pursuant to section 15(b) to censure, suspend, or revoke the registration of such broker or dealer, or if prior to the effective date of the notice of withdrawal the Commission institutes such a proceeding or a proceeding to impose terms or conditions upon such withdrawal, the notice of withdrawal shall not become effective except at such time and upon such terms and conditions as the Commission deems necessary or appropriate in the public interest or for the protection of investors.

(c) Every notice of withdrawal filed pursuant to this section shall constitute a "report" within the meaning of sections 15(b) and 17(a) and other applicable provisions of the Act.

(Secs. 15(b), 17(a), 23(a); 48 Stat. 895, 897, 901, as amended; 15 U.S.C. 78o, 78q, 78w)

In connection with Rule 15b6–1 (17 CFR 240.15b6–1), Subpart F of Part 249 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding § 249.501a, as follows:

§ 249.501a. Form BDW, Notice of withdrawal from registration as broker-dealer pursuant to § 240.15b6–1 of this chapter.

Copies of this form have been filed with the original of this document, and additional copies can be obtained from the Commission's main office and regional and branch offices on and after April 8, 1966.

(Secs. 15(b), 17(a), 23(a); 48 Stat. 895, 897, 901, as amended; 15 U.S.C. 78o, 78q, 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

APRIL 1, 1966.

[F.R. Doc. 66–3650; Filed, Apr. 5, 1966; 8:46 a.m.]

Title 25—INDIANS

Chapter III—Indian Claims Commission

PART 500—EMPLOYEE STANDARDS OF CONDUCT

Pursuant to and in conformity with sections 201 through 209 of Title 18 of the United States Code, Executive Order 11222 of May 8, 1965 (30 F.R. 6469), and Title 5, Chapter I, Part 735 of the Code of Federal Regulations, Part 500 is added to Title 25 of the Code of Federal Regulations, reading as follows:

Sec.

AUTHORITY: The provisions of this Part 500 issued under E.O. 11222, 30 F.R. 6469, 3 CFR 1965 Supp.; 5 CFR 735.104.

§ 500.735–101 Purpose and adoption of regulations.

(a) (1) The maintenance of high moral and ethical standards in the public service is essential both to efficiency in the conduct of Government business and to assure the confidence of the public in their Government. Unwavering integrity and standards of behavior that reflect credit on the Government are required of all members of the public service, including of course, the personnel of the Indian Claims Commission. The elimination of conflicts of interest in the Federal service is one of the most important objectives in establishing general standards of conduct. A conflict of interest situation may be defined as one in which a Federal employee's private interest, usually of an economic nature, conflicts, or raises a reasonable question of conflict with his public duties and responsibilities. The potential conflict is of concern whether it is real or only apparent.

(2) It is essential that consideration be given to two key objectives:

(i) Ethical standards of the Federal Government must be beyond reproach;

(ii) The Federal Government must be in a position to obtain the high quality personnel needed for effective, representative government in the modern age. To accomplish the purpose set forth in this paragraph, the Indian Claims Commission adopts, in paragraph (b) of this section, all major provisions of the Civil Service Commission's regulations prescribing Government-wide standards of conduct.

(b) Pursuant to 5 CFR 735.104(f), the Indian Claims Commission (referred to hereinafter as the Commission) hereby adopts the following sections of Part 735 of Title 5, Code of Federal Regulations: §§ 735.101, 735.102, 735.202 (a), (c), (d), (e) through 735.210, 735.302, 735.303(a), 735.304, 735.305(a), 735.403 (a) through (c), 735.404, 735.405, 735.406, 735.407 through 735.411, 735.412 (b) and (d). These adopted sections are modified and supplemented as set forth in this part.

§ 500.735–102 Review of statements of employment and financial interests.

Each statement of employment and financial interests submitted under this part shall be reviewed by the Chairman of the Commission. When this review indicates a conflict between the interests of an employee or special Government employee of the Commission and the performance of his services for the Government, the Chairman of the Commission shall have the indicated conflict brought to the attention of the employee or special Government employee, grant the employee or special Government employee an opportunity to explain the in-

dicated conflict, and attempt to resolve the indicated conflict. If the indicated conflict cannot be resolved, the Chairman of the Commission shall resolve the conflict under § 500.735–103.

§ 500.735–103 Disciplinary and other remedial action.

An employee or special Government employee of the Commission who violates any of the regulations in this part or adopted under § 500.735–101 may be disciplined. The disciplinary action may be in addition to any penalty prescribed by law for the violation. In addition to or in lieu of disciplinary action, remedial action to end conflicts or appearance of conflicts of interest may include but is not limited to:

(a) Changes in assigned duties;

(b) Divestment by the employee or special Government employee of his conflicting interest; or

(c) Disqualification for a particular assignment.

§ 500.735–104 Gifts, entertainment, and favors.

The Commission authorizes the exceptions to 5 CFR 735.202(a) set forth in 5 CFR 735.202(b) (1)–(4).

§ 500.735–105 Outside employment.

(a) In addition to the prohibitions in 5 CFR 735.203(a), employees may not engage in any outside employment or other outside activity, including teaching, lecturing, or writing, which might reasonably result in a conflict of interest, or an apparent conflict of interest, between the private interests of the employee and his official Government duties and responsibilities.

(b) An employee who engages in outside employment shall report that fact in writing to the Chairman of the Commission.

§ 500.735–106 Employee conduct on the job.

(a) The manner in which an employee conducts himself on the job is frequently relevant to the proper, economical, and efficient accomplishment of his official duties and responsibilities. In addition, those employees who are in direct contact with the public play a most significant role in determining the public's attitude toward the Federal service, both by the manner in which they serve the public and the way in which they conduct themselves generally in the view of the public.

(b) Employees must conduct themselves in such a manner that the work of the Commission is effectively accomplished and must also observe the requirements of courtesy, consideration, and promptness in dealing with or serving the public or the clientele of the Commission.

§ 500.735–107 Other standards of conduct.

In addition to the major topics covered above, the following standards on protection of information are to be observed:

(a) Emplyoees may not disclose official information without either appropriate general or specific authority under Commission regulations.

(b) Since the Commission is in effect a Court of Claims charged with the single responsibility of adjudicating Indian tribal claims against the United States which came into existence prior to August 13, 1946, and involving large sums of money its standards of ethics and behavior for members and employees should be the same as prevails in the Federal Courts of the United States. These standards the Commission approves and adopts.

(c) Generally speaking, under these standards, information with respect to the processing of claims by the Commission, including the decisions it may make, may not be disclosed at any time by the Commission personnel except as is disclosed in the decisions and orders made and entered by the Commission: *Provided,* That information secured by the Commission pursuant to its investigative powers, as stated in section 13 of the Act creating the Commission, may be given to the parties and agencies therein named, and as provided.

(d) These standards in spirit prohibit the judicial tribunal's employees from fraternizing or communicating, except in performance of duty, with the parties to claims or cases filed with this tribunal, or with their attorneys, agents, or witnesses called to testify before this tribunal.

(e) The Commission adopts these standards, which require the highest kind of ethical conduct, on the basis that the conduct of judicial officers and their employees, not only must be strictly ethical, but must also appear to be ethical, if the Commission is to have and maintain the respect of the people of the United States.

§ 500.735–108 Specific provisions of Commission regulations governing special Government employees.

(a) Special Government employees of the Commission shall adhere to the standards of conduct applicable to employees as set forth in this part and adopted under § 500.735–101, except 5 CFR 735.203(b).

(b) Special Government employees of the Commission may teach, lecture, or write in a manner not inconsistent with 5 CFR 735.203(c).

(c) Pursuant to 5 CFR 735.305(b), the Commission authorizes the same exceptions concerning gifts, entertainment, and favors for special Government employees as are authorized for employees by § 500.735–104.

§ 500.735–109 Statements of employment and financial interest.

(a) In addition to the employees required to submit statements of employment and financial interest under 5 CFR 735.403 (a) and (c), employees in the following named positions shall submit statements of employment and financial interest: Employees in grade GS–14 or above of the General Schedule established by the Classification Act of 1949, as amended.

(b) Each statement of employment and financial interest required by this section shall be submitted to the Chairman of the Commission.

This part was approved by the Civil Service Commission on March 28, 1966.

Effective date. This part is effective upon publication in the FEDERAL REGISTER.

ARTHUR V. WATKINS,
Chief Commissioner,
Indian Claims Commission.

[F.R. Doc. 66–3684; Filed, Apr. 5, 1966; 8:49 a.m.]

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

SUBCHAPTER K—PROCEDURES

PART 42—SUBSIDENCE AND STRIP MINE REHABILITATION, APPALACHIA

Miscellaneous Amendments

On February 4, 1966, in 31 F.R. 2378, regulations were published for Subsidence and Strip Mine Rehabilitation, Appalachia (Title 30, Code of Federal Regulations, Part 42). The following amendments to Part 42 are issued to clarify various provisions and shall become effective on the date of publication in the FEDERAL REGISTER.

Part 42 of Title 30, Code of Federal Regulations, is amended as follows:

1. Paragraph (c) of § 42.4 is amended to read as follows:

§ 42.4 Application for contribution.

* * * * *

(c) If the Secretary approves the project, the Director will submit to the State a contribution contract establishing the estimated cost of the project in the amount approved by the Secretary.

2. Paragraphs (a) and (d) of § 42.5 are amended to read as follows and paragraph (e) of § 42.5 is deleted in its entirety:

§ 42.5 Contribution contracts.

(a) Each project shall be covered by a contribution contract between the Government, as represented by the Director, and the State. The contract shall establish the total estimated cost of the project and, if the project is to be accomplished in phases, the estimated cost of each phase. The maximum obligations of the parties to share the cost of the project shall be stated in terms of the total estimated cost of the project and, if a project is to be accomplished in phases, in terms of the estimated cost of each phase. Other responsibilities of the parties shall also be described in the contract, as may be agreed upon and as may be in conformity with these regulations, to meet the needs and requirements of a particular project.

* * * * *

(d) The Director may, without approval by the Secretary execute amendments to a contribution contract which will cover (1) acceptance of a bid on a proposed project contract that does not

exceed by more than 20 percent the estimated cost, initially established in the contribution contract, of the work covered by the proposed project contract, and (2) the estimated costs of additional work under a project contract, if the estimated cost, initially established in the contribution contract, of the work covered by the project contract will not be increased by more than 20 percent.

(e) [Deleted]

3. Paragraphs (b) and (d) of § 42.6 are amended to read as follows:

§ 42.6 Project contract.

* * * * *

(b) Project contracts shall be entered into only with the lowest responsible bidder pursuant to suitable procedures for advertising and competitive bidding. The Government's obligation to contribute to the cost of a project, or a phase of a project, is limited to the estimated costs established in the contribution contract. If the bids on work to be done under a proposed project contract exceed the estimated cost of the work covered by the project contract, the State should not enter into the project contract unless the contribution contract has been amended to provide for an increase in contributions sufficient to meet the increase in costs, or unless the State wishes to assume the excess cost of the project.

* * * * *

(d) If the State amends a project contract, or issues a change order thereunder, and the amendment or change order results in an expenditure under the project contract in excess of the estimated costs established in the contribution contract, the Government shall be under no obligation to contribute to such excess costs unless the contribution contract has been amended to provide for an increase in contributions by the parties sufficient to meet such excess costs.

* * * * *

STEWART L. UDALL,
Secretary of the Interior.

MARCH 31, 1966.

[F.R. Doc. 66-3652; Filed, Apr. 5, 1966; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 101-26.1—General

GENERAL SUPPLY FUND BILLINGS

Section 101-26.103(d)(2) is revised to make mandatory the presently permissive provision for use of General Supply Fund billings as a basis for immediate payment by Federal agencies to GSA for goods and services furnished through the Fund.

Section 101-26.103(d)(2) is amended to read as follows:

§ 101-26.103 Payments to the General Supply Fund.

* * * * *

(d) *Payment in absence of advances.* * * *

(2) GSA renders General Supply Fund billings on a semimonthly basis. Requisitioning agencies are authorized by the General Accounting Office to process payments promptly on the basis of constructive receipt. Since GSA does not issue General Supply Fund billings until materials are shipped or services provided, such billings are construed as sufficient evidence of delivery to establish liability and to make payment. Accordingly, all Federal agencies shall pay such bills immediately upon their receipt in the exact amount billed, subject only to availability of funds and adjustments for obvious, significant errors in dollar amount. If it is subsequently determined by the ordering office that adjustment in billing is required due to any failure to deliver in accordance with the requisition, request for such adjustment should be forwarded to GSA and adjustment will be reflected appropriately in subsequent billings.

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

Effective date. This regulation is effective June 1, 1966, but may be observed earlier.

Dated: March 30, 1966.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 66-3670; Filed, Apr. 5, 1966; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 51]

FRESH FREESTONE PEACHES FOR CANNING

Proposed Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering the revision of U.S. Standards for Fresh Freestone Peaches for Canning 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 May 1, 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. Present U.S. standards have been in effect since April 17, 1946. The addition of certain stipulations, requirements and allowances in specific language is needed to adapt these standards to current industry practices.

Both canning plant managers and Federal-State inspection supervisors have requested changes to clarify the present standards and to make certain changes which have often been handled in recent years through special contractual provisions.

The principal changes proposed are:

In both the U.S. No. 1 grade and the U.S. No. 2 grade the requirement "of one variety" is replaced by "of similar varietal characteristics."

"Firm-ripe" is added as a maturity stage in both U.S. No. 1 and U.S. No. 2 grades, and is defined.

The U.S. No. 1 grade is changed to specify "free from" split-pits rather than "free from damage by."

In the U.S. No. 1 grade the ground color requirement is made more specific by the designation "not greener than yellowish-green." This same ground color requirement is added to the U.S. No. 2 grade which has no color requirement in present standards.

"Not badly misshapen" is made a requirement for the U.S. No. 2 grade, and the meaning is defined.

In the definitions of "damage" and "serious damage," scab and bacterial spot are specifically limited and the factors of possible excessive time and labor in preparation for processing are included.

In the application of standards, when a contract specifies acceptance of one grade only the tolerance allowed for peaches which fail to meet requirements other than for size is unchanged at 10 percent, but as part of and included in the 10 percent tolerance decay is limited to 2 percent and peaches affected by worms are limited to 1 percent. An additional 5 percent tolerance is provided for peaches smaller than the minimum specified size and a 10 percent tolerance for peaches larger than a maximum specified size.

The proposed standards, as revised, are as follows:

GRADES

Sec.
51.3695 U.S. No. 1.
51.3696 U.S. No. 2.

CULLS

51.3697 Culls.

APPLICATION OF STANDARDS

51.3698 Application of Standards.

CALCULATION OF PERCENTAGES

51.3699 Calculation of percentages.

MINIMUM SIZES

51.3700 Minimum sizes.

DEFINITIONS

51.3701 Mature.
51.3702 Well formed.
51.3703 Hard.
51.3704 Firm.
51.3705 Firm-ripe.
51.3706 Ripe.
51.3707 Soft.
51.3708 Damage.
51.3709 Not badly misshapen.
51.3710 Serious damage.
51.3711 Diameter.

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

§ 51.3695 U.S. No. 1.

"U.S. No. 1" consists of fresh freestone peaches of similar varietal characteristics which are mature, well formed, firm, firm-ripe, or ripe, but not hard or soft; which are free from decay, worms, worm holes, and split pits, and free from damage caused by scab, bacterial spot, other disease, insects, bruises, or other means. Ground color shall not be greener than yellowish-green.

§ 51.3696 U.S. No. 2.

"U.S. No. 2" consists of fresh freestone peaches of similar varietal characteristics which are mature, not badly misshapen, which may be hard, firm, firm-ripe, or ripe, but not soft; and are free from decay, worms, worm holes and from serious damage by split pits, scab, bacterial spot, other disease, insects, bruises or other means. Ground color shall not be greener than yellowish-green.

CULLS

§ 51.3697 Culls.

"Culls" consist of peaches which fail to meet the requirements of the U.S. No. 2 grade.

APPLICATION OF STANDARDS

§ 51.3698 Application of standards.

It is presumed that sellers usually will not sort peaches into separate grade lots before delivery to the buyer. Under these circumstances no tolerances are provided for defective or undersize peaches, as it is contemplated that processors will pay for the exact percentage of U.S. No. 1 and U.S. No. 2 peaches in the lot as determined by inspection. However, if the contract between buyer and seller calls for delivery of lots consisting of only one grade, then, unless otherwise specified, a 10 percent tolerance shall be allowed for peaches which fail to meet the requirements, other than size, of the one grade upon which the contract is based, including not more than 2 percent affected by decay, and not more than 1 percent affected by worms. In addition, a 5 percent tolerance shall be allowed for peaches smaller than the minimum specified size and a 10 percent tolerance for peaches larger than the maximum specified size.

CALCULATION OF PERCENTAGES

§ 51.3699 Calculation of percentages.

Calculation of percentages shall be on the basis of weight.

MINIMUM SIZES

§ 51.3700 Minimum sizes.

Minimum sizes for U.S. No. 1 and U.S. No. 2 grades may be fixed by agreement between buyer and seller, and shall be stated in terms of diameter in inches, or inches and not less than eighth inch fractions thereof.

DEFINITIONS

§ 51.3701 Mature.

"Mature" means the peach has reached a stage of growth which will insure satisfactory completion of the ripening process.

§ 51.3702 Well formed.

"Well formed" means that the peach will yield two reasonably well shaped halves.

§ 51.3703 Hard.

"Hard" means that the peach is solid and does not yield to moderate pressure.

[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.

§ 51.3704 Firm.

"Firm" means that the peach is fairly solid but yields very slightly to moderate pressure.

§ 51.3705 Firm-ripe.

"Firm-ripe" means that the peach is relatively firm but yields moderately to moderate pressure.

§ 51.3706 Ripe.

"Ripe" means that the peach yields readily to moderate pressure.

§ 51.3707 Soft.

"Soft" means that the peach is overripe, has little resistance to slight pressure, and is too near deterioration to be desirable for canning. Such softness is a result of advanced maturity and is not to be confused with bruising.

§ 51.3708 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of one of these defects, any other defect, or any combination of defects, which will prevent removal of the skin of the peach by efficient commercial peeling operations; or will cause waste to the extent that the fruit, after trimming, will not yield two reasonably well formed halves; or which will materially detract from the processing quality of the peach or materially impede preparation of the peach for canning. The following specific defects shall be considered as damage:

(a) Scattered scab which exceeds an aggregate area of 3/8 inch in diameter, or scab which is sunken below the skin surface into the flesh of the peach to the extent that it cannot be removed by two shallow cuts;

(b) Bacterial spot which exceeds an aggregate area of 3/8 inch in diameter, or which has cracked the flesh of the peach to the extent that the injured flesh cannot be removed by two shallow cuts.

§ 51.3709 Not badly misshapen.

"Not badly misshapen" means that the peach will yield one reasonably well shaped half.

§ 51.3710 Serious damage.

"Serious damage" means any specific defect described in this section; or any equally objectionable variation of one of these defects, any other defect, or any combination of defects which will prevent removal of the skin by efficient commercial peeling operations without excessive hand trimming; or which will cause waste of more than 20 percent, by weight, of the flesh of the peach or will seriously detract from the processing quality of the peach or seriously impede preparation of the peach for canning. The following specific defects shall be considered as serious damage:

(a) Scab when sunken into the flesh of both halves of the peach to the extent that removal would require excessive hand trimming; and,

(b) Bacterial spot which has cracked the flesh of both halves of the peach to the extent that removal would require excessive hand trimming.

§ 51.3711 Diameter.

"Diameter" means the shortest distance measured through the center of the peach at right angles to a line running from the stem to the blossom end.

Dated: March 31, 1966.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 66-3664; Filed, Apr. 5, 1966; 8:48 a.m.]

[7 CFR Part 51]

FRESH FREESTONE PEACHES FOR FREEZING OR PULPING

Proposed Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering the revision of U.S. Standards for Fresh Freestone Peaches for Freezing or Pulping 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 May 1, 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. The present standards have been in effect since April 17, 1946. Certain additions, and changes are necessary to bring these standards abreast of current industry needs.

Requests for revision have been received from purchasers of the processed product, from processors and from Federal-State inspection supervisors.

The major changes proposed are:

In both the U.S. No. 1 grade and the U.S. No. 2 grade the requirement "of one variety" is replaced by "of similar varietal characteristics".

"Firm-ripe" is added as a maturity stage in both U.S. No. 1 and U.S. No. 2 grades, and is defined.

The U.S. No. 1 grade is changed to specify "free from" split pits rather than "free from damage by".

In the U.S. No. 1 grade the ground color requirement is made more specific by the designation "not greener than yellowish-green". This same ground color requirement is added to the U.S. No. 2 grade which has no color requirement in present standards.

In the definitions of "damage" and "serious damage", scab and bacterial spot are specifically limited and the factors of possible excessive time and labor in preparation for processing are included.

In the application of standards, when a contract specifies acceptance of one grade only the tolerance allowed for peaches which fail to meet requirements other than for size is unchanged at 10 percent, but as part of and included in the 10 percent tolerance, decay is limited to 2 percent and peaches affected by worms are limited to 1 percent. An additional 5 percent tolerance is provided for peaches smaller than a minimum specified size and a 10 percent tolerance for peaches larger than a maximum specified size.

The proposed standards, as revised, are as follows:

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

§ 51.3740 U.S. No. 1.

"U.S. No. 1" consists of fresh freestone peaches of similar varietal characteristics which are mature, firm, firm-ripe, or ripe, but not soft or hard; which are free from decay, worms, worm holes, and split pits, and free from damage by scab, bacterial spot, other disease, insects, bruises, or any other means. Ground color shall not be greener than yellowish-green.

§ 51.3741 U.S. No. 2.

"U.S. No. 2" consists of fresh freestone peaches of similar varietal characteristics which are mature, firm, firm-ripe, or ripe, but not soft or hard; which are free from decay, worms, and worm holes; and free from serious damage by split pits, scab, bacterial spot, other disease, insects, bruises or any other means. Ground color shall not be greener than yellowish-green.

§ 51.3742 U.S. No. 3.

"U.S. No. 3" consists of fresh freestone peaches of similar varietal characteristics which may be hard but otherwise meet the requirements of either U.S. No. 1 or U.S. No. 2 grades.

[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.

CULLS

§ 51.3743 Culls.

"Culls" consist of peaches which fail to meet the requirements of the U.S. No. 3 grade.

APPLICATION OF STANDARDS

§ 51.3744 Application of standards.

It is presumed that sellers usually will not sort peaches into separate grade lots before delivery to the buyer. Under these circumstances no tolerances are provided for defective or under-sized peaches, as it is contemplated that processors will pay for the percentage of peaches in the lot which meet the respective grades as determined by inspection. However, if the contract between buyer and seller calls for delivery of only one grade, then, unless otherwise specified, a 10-percent tolerance shall be allowed for peaches which fail to meet the requirements, other than size, of the one grade upon which the contract is based, including not more than 2 percent affected by decay, and not more than 1 percent affected by worms. In addition a 5-percent tolerance shall be allowed for peaches smaller than the minimum specified size and a 10-percent tolerance for peaches larger than the maximum specified size.

CALCULATION OF PERCENTAGES

§ 51.3745 Calculation of percentages.

Calculation of percentages shall be on the basis of weight.

MINIMUM SIZES

§ 51.3746 Minimum sizes.

Minimum sizes for the respective grades may be fixed by agreement between buyer and seller, and shall be stated in terms of diameter in inches, or inches and not less than eighth inch fractions thereof.

DEFINITIONS

§ 51.3747 Mature.

"Mature" means the peach has reached a stage of growth which will insure satisfactory completion of the ripening process.

§ 51.3748 Hard.

"Hard" means that the peach is solid and does not yield to moderate pressure.

§ 51.3749 Firm.

"Firm" means that the peach is fairly solid but yields very slightly to moderate pressure.

§ 51.3750 Firm-ripe.

"Firm-ripe" means that the peach is relatively firm but yields moderately to moderate pressure.

§ 51.3751 Ripe.

"Ripe" means that the peach yields readily to moderate pressure.

§ 51.3752 Soft.

"Soft" means that the peach is overripe, has little resistance to slight pressure and is too near deterioration to be desirable for freezing or pulping. Such softness is a result of advanced maturity and is not to be confused with bruising.

§ 51.3753 Damage.

"Damage" means any specific defect described in this section or an equally objectionable variation of these defects, any other defect, or any combination of defects which will prevent removal of the skin by efficient commercial peeling operations; or which causes waste of 10 percent, by weight, of the flesh in excess of waste which would occur if the peach were not defective; or which materially affects the processing quality of the peach, or materially impedes preparation of the peach for processing. The following specific defects shall be considered as damage:

(a) Scab which is sunken below the skin surface into the flesh of the peach to the extent that it can not be removed by two shallow cuts; and,

(b) Bacterial spot which has cracked or otherwise penetrated the flesh of the peach to the extent that the injured flesh cannot be removed by two shallow cuts.

§ 51.3754 Serious damage.

"Serious damage" means any specific defect described in this section, or any equally objectionable variation of these defects, any other defect, or any combination of defects which will prevent removal of the skin by efficient commercial peeling operations without excessive hand trimming; or which causes waste of more than 20 percent, by weight, of the flesh in excess of waste which would occur if the peach were not defective; or which seriously affects the processing quality of the peach, or seriously impedes preparation of the peach for processing. The following specific defects shall be considered as serious damage:

(a) Scab which is sunken into the flesh of more than one portion of the peach to the extent that removal requires excessive hand trimming; and,

(b) Bacterial spot which has cracked or otherwise affected the flesh of more than one portion of the peach to the extent that removal requires excessive hand trimming.

§ 51.3755 Diameter.

"Diameter" means the shortest distance measured through the center of the peach at right angles to a line running from the stem to blossom end.

Dated: March 31, 1966.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 66-3663; Filed, Apr. 5, 1966; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Great Lakes Pilotage Administration

[46 CFR Part 401]

GREAT LAKES PILOTAGE REGULATIONS

Notice of Proposed Rule Making

Notice is hereby given that amendments to the Great Lakes Pilotage Regulations (46 CFR Part 401) set forth in tentative form below are proposed to be promulgated by the Administrator, Great Lakes Pilotage Administration.

The amendments to Subpart B—Registration of Pilots incorporate in §§ 401.200, 401.211, 401.220, 401.230, 401.240, 401.250, and 401.260, those rules and orders (46 CFR Part 402) found to be of a stable continuing nature. If adopted the appropriate rules and orders will be deleted. Other proposed changes provide for substitution of training time for actual experience on board vessels in a licensed capacity prerequisite to qualification as an Applicant Pilot under § 401.211 to encourage recruitment of Applicant Pilots. The deletion of §§ 401.210 (b) and 401.220 (c) and (d) removes obsolete provisions which are inconsistent with actual practice and the Memorandum of Arrangements, Great Lakes Pilotage. The change in § 401.220(e) clarifies the temporary status of registrations issued to Applicant Pilots and retired pilots for short periods of time.

The amendments to Subpart C—Establishment of Pools by Voluntary Associations of U.S. Registered Pilots, § 401.320(b), clarify the basic purpose that right of control of the Pilot Association shall be vested only with members permanently registered under the provision of §§ 401.200 and 401.210 excluding temporarily registered Applicant Pilots and retired pilots registered under the provision of § 401.220(e).

The changes to Subpart D—Rates, Charges, and Conditions for Pilotage Services, § 401.400, provide for an increase of $20 to the District 1 rate of $200, and the establishment of a particular rate for pilotage service to the port complex of Ogdensburg, Cardinal, and Prescott. These increases are intended, among other things, to provide annual earnings of the District 1 pilots on a level comparable to the pilots of Districts 2 and 3. The change proposed to § 401.400 also provides a particular rate for pilotage services to the ports of Sarnia and Port Huron to assure reasonable compensation for a volume service which is now marginal in economic return. Section 401.400(b) provides for recognition of the additional hazards and time input of the pilot before and after the official nagivation season, incurred because of weather, removal of aids to navigation, and other related causes.

The change to § 401.410 provides for compensation of pilots on the direct transit of Lake Erie between Southeast Shoals and Port Colborne. The original intent and expectation was that pilots would not be required to render services in this area which they now do in almost all cases.

The change in § 401.420 is a revision of wording to more clearly state the component parts.

Subpart F—Procedure Governing Revocation or Suspension of Registration and Refusal to Renew Registration is amended to reflect in § 401.615 a recent statutory enactment governing representation of individuals before Federal agencies.

Prior to the adoption of such amendments, interested persons may submit data and views, orally or in writing, at a

public hearing in Rooms 409–410, Federal Office Building, 121 Ellicott Street, Buffalo, N.Y., at 9:30 a.m., April 20, 1966. These proposed amendments to the regulations are to be issued under the authority contained in sections 4 and 5 of the Great Lakes Pilotage Act of 1960 (74 Stat. 259–262; 46 U.S.C. 216–216i).

Subpart A—General

Section 401.110 is amended as follows:

§ 401.110 Definitions.

* * * * *

(a) * * *

(4) [Deleted]

* * * * *

Subpart B—Registration of Pilots

Section 401.200 is amended to read as follows:

§ 401.200 Application for registration.

An application for registration as a U.S. Registered Pilot shall be made on Form SEC–315 which shall be submitted together with a completed fingerprint chart and two full-face photographs, 1½" x 2", signed on the face. Both forms may be obtained from the Great Lakes Pilotage Administration, U.S. Department of Commerce, Washington, D.C., 20230. A registration fee of five dollars ($5.00) by check or money order, drawn to the order of the U.S. Department of Commerce, shall accompany an application for registration; the registration fee will be refunded if applicant is not registered.

Section 401.210 is amended as follows:

§ 401.210 Requirements and qualifications for registration.

* * * * *

(b) [Deleted]

* * * * *

Section 401.211 is amended as follows:

§ 401.211 Requirements for training of applicant pilots.

* * * * *

(a) * * *

(1) He meets the requirements and qualifications set forth in subparagraphs (1) through (4), (6), (7), and (9) of § 401.210(a).

* * * * *

(3) * * * (v) as a member of the Armed Forces of the United States on vessels of at least 1,000 gross tons, or equivalent, in capacities as determined by the Administrator to be equivalent to those required under subdivision (i), (ii), (iii), or (iv) of this subparagraph; or (vi) on vessels under circumstances or conditions other than provided in this subparagraph which may be accepted as qualifying experience for selection as an Applicant Pilot subject to evaluation by the Administrator. Experience of at least 1 year on vessels of at least 2,000 gross tons in capacities determined by the Administrator to be equivalent to those required shall be the minimum criteria of satisfactory service for this exception.

* * * * *

(b) An applicant who is unable to meet the experience requirements of paragraph (a)(3) of this section may substitute training experience under the auspices and supervision of a U.S. pilotage pool. Time shall be counted as master's time under paragraph (a)(3)(i) of this section for each day or part thereof actually on board a vessel in company with a United States or Canadian Registered Pilot. Such applicant will not be eligible to serve as a Temporary Registered Pilot under the provisions of § 401.220(e).

(c) Persons desiring to be considered as an Applicant Pilot shall file with the Administrator, Great Lakes Pilotage Administration, U.S. Department of Commerce, Washington, D.C., 20230, Application Form SEC–315, in duplicate, together with the two full-face photographs, 1½" x 2", signed on the face, and a completed fingerprint chart. The $5.00 registration fee is not to be submitted until such time as the applicant makes application pursuant to § 401.200 after completion of the requirements of § 401.220(b).

(d) Individuals selected as Applicant Pilots by the Administrator shall be issued a Great Lakes Pilotage Administration Applicant Pilot Identification Card, which shall be valid until such time as (1) the applicant is registered as a pilot under § 401.210; (2) the applicant withdraws from the training program; or (3) upon withdrawal by the Administrator.

Section 401.220 is amended as follows:

§ 401.220 Registration of pilots.

* * * * *

(b) Registration of pilots required for waters designated by the President pursuant to section 3 of the Great Lakes Pilotage Act of 1960 where pilotage pools have been authorized pursuant to Subpart C of this part shall be made from among those Applicant Pilots who have (1) completed the minimum number of trips prescribed by the Administrator over the waters for which application is made on oceangoing vessels, in company with a Registered Pilot, within 1 year of date of application, (2) completed a course of instruction for Applicant Pilots prescribed by the association authorized to establish the pilotage pool, (3) satisfactorily met the requirements and qualifications for registration prescribed by § 401.210, (4) satisfactorily completed a written examinaton, prescribed by the Administrator, evidencing his knowledge and understanding of the Great Lakes Pilotage Act of 1960; the Great Lakes Pilotage Regulations, Rules and Orders; the Memorandum of Arrangements, Great Lakes Pilotage, between the United States and Canada; and other related matters including the working rules and operating procedures of his district, given at such time and place as the Administrator may designate within the pilotage district of the Applicant Pilot.

(c) The Pilot Association authorized to establish a pool in which an Applicant Pilot has qualified for registration under paragraph (b) of this section shall submit to the Administrator in writing its recommendations together with its reasons for the registration of the Applicant.

(d) Subject to the provisions of paragraphs (a), (b), and (c) of this section, a pilot found to be qualified under this subpart shall be issued a Certificate of Registration, valid for a term of two (2) years or until the expiration of his unlimited master's license or until the pilot reaches age 65, whichever occurs first.

(e) Notwithstanding § 401.210(a)(5) and the provisions set forth in paragraphs (a), (b), and (c) of this section the Administrator may, when necessary to assure adequate and efficient pilotage service, (1) issue a Temporary Certificate of Registration for a period of less than one (1) year to an Applicant Pilot for service as a Registered Pilot on waters which are within the dispatching responsibility of the authorized pool of which he is a member, or (2) issue a Temporary Certificate of Registration for a period of less than one (1) year to a retired Registered Pilot for service as a Registered Pilot on the undesignated waters within the dispatching authority of the authorized pool under which he previously served, provided that such person meets all of the provisions of § 401.210(a) except subparagraphs (5) and (8) thereof.

Section 401.230 is amended as follows:

§ 401.230 Certificates of Registration.

* * * * *

(d) An application for a replacement of a lost, damaged, or defaced Certificate of Registration shall be made in writing to the Administrator together with two full-face photographs, 1½" x 2", signed on the face. A replacement fee of five dollars ($5.00) by check or money order, drawn to the order of the U.S. Department of Commerce, shall accompany any such application. A certificate issued as a replacement for a lost, damaged, or defaced certificate shall be marked so as to indicate that it is a replacement. Upon receipt of a certificate issued as a replacement, the damaged or defaced certificate shall be surrendered to the Administrator.

* * * * *

Section 401.240 is amended as follows:

§ 401.240 Renewal of Certificates of Registration.

(a) An application for renewal of a Certificate of Registration shall be made on Form SEC–315, which shall be submitted to the Administrator together with a completed fingerprint chart, and two full face photographs, 1½" x 2", signed on the face, at least fifteen (15) days prior to the expiration date of the existing application. Both forms may be obtained from the Great Lakes Pilotage Administration, U.S. Department of Commerce, Washington, D.C., 20230. A renewal fee of five dollars ($5.00) by check or money order, drawn to the order of the U.S. Department of Commerce, shall accompany an application for renewal of registration, which will be refunded if registration is not renewed. Failure of

a Registered Pilot to comply with these requirements or file a complete and sufficient application may constitute cause for denying renewal of the Certificate of Registration.

* * * * *

Section 401.250 is amended to add paragraph (f) as follows:

§ 401.250 Suspension and revocation of Certificates of Registration.

* * * * *

(f) All U.S. Registered Pilots shall, whenever their license is revoked or suspended by the Coast Guard, deliver their Certificate of Registration simultaneously with their license to the Coast Guard. In the event the license is revoked, the Certificate of Registration will be forwarded by the Coast Guard to the Great Lakes Pilotage Administration. If the license is suspended, the Certificate of Registration will be held with the suspended license and returned to the holder therewith upon expiration of the suspension period.

Section 401.260 is added to read as follows:

§ 401.260 Reports.

(a) A marine accident which occurs while a U.S. Registered Pilot is in the service of a vessel in United States or Canadian waters of the Great Lakes shall be reported by the Registered Pilot to the Administrator as soon as possible, but not later than 15 days after the accident. The report shall name and describe the vessel or vessels involved, and shall describe the accident, including type of accident, location, time, prevailing weather, damage to the vessel or vessels or property, and injury to persons or lives lost. This report does not relieve the pilot of responsibility for submitting any report required by other government agencies of the United States or Canada.

(b) Every U.S. Registered Pilot shall file with the Administrator any change of his mailing address within 15 days after the change.

(c) Every authorized pilotage pool of U.S. Registered Pilots rendering pilotage service shall submit, by the 10th day of the month following, a monthly report of availability, on a form provided by the Administration, of all U.S. Registered Pilots and Applicant Pilots of that pool. The report shall include the availability of Canadian Registered Pilots who are assigned to that pool for administrative purposes. The report shall list the name of each pilot and show his availability status for each day of the month as: Available, unavailable due to illness or injury, unavailable with advance notice for personal reasons, unavailability authorized by the pool for business reasons, unavailable without advance notice or unaccounted for, unavailable for disciplinary reasons. The report shall be maintained on a daily basis by an officer or employee of the pool, who shall be responsible for the completeness and accuracy of the report.

Subpart C—Establishment of Pools by Voluntary Associations of United States Registered Pilots

Section 401.320 is amended as follows:

§ 401.320 Requirements and qualifications for authorization to establish pools.

* * * * *

(b) The stock, equity, or other financial interest coupled with voting rights in the management of the voluntary association is held only by member Registered Pilots registered pursuant to §§ 401.200 and 401.210, excluding Applicant Pilots and Retired Pilots temporarily registered under § 401.220(e).

* * * * *

Section 401.340 is amended by designating the present text as paragraph (a) and adding the following:

§ 401.340 Compliance with working rules of pools.

* * * * *

(b) The voluntary associations of U.S. Registered Pilots authorized to establish a pilotage pool may require a United States or Canadian Registered Pilot to execute a written authorization for the pool to bill for services, deduct authorized expenses, and to comply with the working rules and other rules of the pool relating to such facilities and services. Facilities and services of the pool may be denied to any United States or Canadian Registered Pilot who fails or refuses to execute such authorizations.

(c) U.S. Registered Pilots who fail to execute such an authorization shall not be considered members of the U.S. pool, and shall not be entitled to reciprocal dispatching and related services by United States and Canadian pilotage pools as provided for by the Memorandum of Arrangements. A U.S. Registered Pilot who fails or refuses to avail himself of the established facilities and services shall be considered as not being continuously available for service pursuant to section 4(a) of the Great Lakes Pilotage Act of 1960 (46 U.S.C. 216–216i) and his agreement executed on SEC–315, Application for Registration as a U.S. Registered Pilot, and may be subject to suspension or revocation proceedings as prescribed by § 401.250.

Subpart D—Rates, Charges, and Conditions for Pilotage Services

Section 401.400 is amended as follows:

§ 401.400 Rates and charges on designated waters.

(a) Except as provided under §401.420 the following rates and charges shall be payable for all services performed by United States or Canadian Registered Pilots in the following areas of the U.S., waters of the Great Lakes described in § 401.300, pursuant to the Memorandum of Arrangements, Great Lakes Pilotage.

(1) *District No. 1.*

(i) Between Snell Lock and Cape Vincent or Kingston whether or not undesignated waters are traversed	$220
(ii) Between Snell Lock and Cardinal, Prescott or Ogdensburg	110
(iii) Between Cardinal, Prescott, or Ogdensburg and Cape Vincent or Kingston whether or not undesignated waters are traversed	160
(iv) For pilotage commencing or terminating at any point above Snell Lock other than those named in items (i) to (iii), $2.20 per mile but with a minimum charge therefor of	50
(v) For a moveage in any harbor	50

(2) *District No. 2.*

(i) Passage through the Welland Canal or any part thereof, $5.00 for each mile plus $15 for each lock transited but with a minimum charge therefor of	$50
and a maximum charge therefor of	200
(ii) Between Southeast Shoal or any point on Lake Erie west thereof and any point on the St. Clair River or the approaches thereto as far as the northerly limit of the District	150
(iii) Between Southeast Shoal and any point on Lake Erie west thereof or on the Detroit River	95
(iv) Between any point on Lake Erie west of Southeast Shoal and any point on the Detroit River	95
(v) Between points on Lake Erie west of Southeast Shoal	50
(vi) Between points on the Detroit River	50
(vii) Between any point on the Detroit River and any point on the St. Clair River or its approaches as far as the northerly limit of the District	95
(viii) Between points on the St. Clair River including the approaches thereto as far as the northerly limit of the District	75

* * * * *

(b) When the passage of a ship through a District is interrupted for the purpose of loading or discharging cargo or for any other reason and the services of the Registered Pilot are retained, for the convenience of the ship, during such interruption the ship shall be required to pay an additional charge of $5 for each hour or part of an hour during which the interruption lasts, but with a maximum of $50 during any 24-hour period. However, no charge shall be payable for any interruption caused by ice, weather, or traffic, except before the official opening dates and after the official closing dates of the St. Lawrence Seaway, the Welland Canal, and the St. Mary's Falls Canal.

Section 401.410 is amended to read as follows:

§ 401.410 Rates and charges on undesignated waters.

(a) Except as provided under § 401.420 and subject to paragraph (b) of this section, the charges to be paid by a ship that has a Registered Pilot on board in the undesignated waters shall be $50 for each day or part thereof that the pilot is on board, plus (1) $25 for each time the pilot performs the docking or undock-

ing of the vessel on entering or leaving harbor or performs a moveage of the ship within a harbor, and (2) the travel expenses reasonably incurred by the pilot in joining the ship and returning to his base.

(b) When a Registered Pilot is carried on a ship in a direct transit of the undesignated waters of Lake Erie between Southeast Shoal and Port Colborne, the charges referred to in paragraph (a) of this section are not payable unless (1) the ship is required by law to have a Registered Pilot on board in those waters, or (2) services are performed by the pilot in those waters.

Section 401.420 is amended to read as follows:

§ 401.420 Cancellation or delay in rendition of services on designated or undesignated waters.

(a) When the departure or the moveage of a ship for which a Registered Pilot has been ordered is delayed for the convenience of the ship for more than 1 hour after the pilot reports for duty or after the time for which he is ordered, whichever is the later, or when a pilot is detained on board a ship for the convenience of the ship for more than 1 hour after the end of the trip for which he was ordered, there shall be payable an additional charge of $5 per hour after the first hour of such delay; but the aggregate amount of such further charges shall not exceed $50 for any 24-hour period.

(b) When a Registered Pilot reports for duty as ordered and the order is canceled, the charges to be paid by the ship shall be (1) a cancellation charge of $25, (2) if the cancellation is more than 1 hour after the pilot was ordered, a further charge of $5 for every hour or part of an hour after the first hour, and (3) if the ship is in the undesignated waters, the travel expenses reasonably incurred by the pilot in joining the ship and returning to his base.

Subpart F—Procedure Governing Revocation or Suspension of Registration and Refusal To Renew Registration

Section 401.615 is amended to read as follows:

§ 401.615 Representation.

The Great Lakes Pilotage Administration shall be represented by the Office of the General Counsel of the U.S. Department of Commerce. The U.S. Registered Pilot, designated "respondent" in a suspension or revocation hearing, or "applicant" in a refusal-to-renew-registration hearing, may be represented before the Examiner by any person who is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia upon filing with the Great Lakes Pilotage Administration a written declaration that he is currently qualified and is authorized to represent the particular party in whose behalf he acts. Whenever a person acting in a representative capacity appears in person or signs a paper in practice before the Examiner of the Administration or the Office of the General Counsel of the U.S. Department of Commerce, his personal appearance or signature shall constitute a representation that under the provisions of this subpart and applicable law he is authorized and qualified to represent the particular person in whose behalf he acts. When any U.S. Registered Pilot is represented by an attorney at law, any notice or other written communication required or permitted to be given to or by such a U.S. Registered Pilot shall be given to or by such attorney. If a U.S. Registered Pilot is represented by more than one attorney, service by or upon any one of such attorneys shall be sufficient.

Dated: March 23, 1966.

A. T. MESCHTER,
Administrator,
Great Lakes Pilotage Administration.

[F.R. Doc. 66-3760; Filed, Apr. 5, 1966; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

CITRUS FRUITS

Extend Tolerances to 2,4-D Isopropyl Ester

Dr. C. C. Compton, Project Leader, Interregional Research Project No. 4, State Agricultural Experiment Stations, Rutgers University, New Brunswick, N.J., 08903, has requested, on behalf of citrus growers, that preharvest use of the plant regulator 2,4-D isopropyl ester on citrus fruits be permitted. Available data show that residues remaining on these fruits are primarily 2,4-D acid and that these residues will not exceed the presently established tolerance of 5 parts per million for residues of 2,4-D on citrus fruits. The proposed residues will not constitute a hazard to man.

Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.120; 31 F.R. 3008), the Commissioner, in response to the request set forth above, proposes that § 120.142 be revised to read as follows:

§ 120.142 2,4-D; tolerances for residues.

A tolerance of 5 parts per million is established for residues of the herbicide and plant regulator 2,4-D (2,4-dichlorophenoxyacetic acid) in or on each of the following raw agricultural commodities: Apples, citrus fruits, pears, quinces. The tolerance for citrus fruits also includes residues of 2,4-D (2,4-dichlorophenoxyacetic acid) from the preharvest application of 2,4-D isopropyl ester to citrus fruits and from the postharvest application of the 2,4-D isopropyl ester to lemons.

Any person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing 2,4-D may request, within 30 days from the publication of this proposal in the FEDERAL REGISTER, that the proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person may, within 30 days from the date of publication of this notice 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 comments, preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: March 28, 1966.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 66-3681; Filed, Apr. 5, 1966; 8:49 a.m.]

[21 CFR Part 121]

RADIATION AND RADIATION SOURCES FOR USE IN PRODUCTION, PROCESSING, AND HANDLING OF FOOD

Extension of Time for Filing Comments

A notice was published in the FEDERAL REGISTER of February 26, 1966 (31 F.R. 3196), proposing a food additive regulation to provide for the safe use of low-dose electron beam radiation for the treatment of food. Another notice was published in the FEDERAL REGISTER of March 4, 1966 (31 F.R. 3402), proposing certain amendments to the food additive regulations with respect to labeling of food treated by radiation. Both notices granted a period of 30 days for comments on the proposals.

The Commissioner of Food and Drugs has received a request for an extension of time for filing comments on the above-cited proposals. Good reason therefor appearing, the time for filing comments on these proposals is extended to April 30, 1966.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008).

Dated: March 28, 1966.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 66-3682; Filed, Apr. 5, 1966; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 37]

[Docket No. 7269; Notice No. 66-11]

AUTOMATIC PRESSURE ALTITUDE DIGITIZER EQUIPMENT

Proposed Technical Standard Order

The Federal Aviation Agency is considering amending Part 37 by adding a new Technical Standard Order (TSO) for automatic pressure altitude reporting digitizer equipment. This TSO contains the minimum performance standards that 100-foot increment digitizing equipment must meet in order for a manufacturer to identify it with the applicable TSO marking.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before June 15, 1966, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This proposed TSO defines the digitizer equipment involved and sets forth standards for its performance and accuracy. The proposal incorporates by reference the standard for the output form of digitized altitude coded information referenced to a pressure datum of 29.9213 inches mercury. In addition, it makes provision for power loss failure detection and individual performance test requirements.

Inasmuch as the digitizer equipment comprises only one element of the complete system required for automatic altitude reporting, the proposed TSO draws attention to related requirements necessary to achieve operational compatibility and matching of equipment. In this connection, the Agency is currently processing a notice of proposed rule making covering revised requirements for airborne ATC transponder equipment (TSO-C74a) having an automatic altitude reply capability.

The proposed TSO is directed to manufacturers of automatic pressure altitude digitizers rather than to persons who install or use them in aircraft. Nevertheless, since compliance with the performance requirements in this TSO may be proposed (via future and separate Agency rule making) as a condition for operating aircraft in some airspace, potential installers and users of digitizers may also wish to comment.

Datex Corp., Monrovia, Calif., owns U.S. Patent No. 3,165,731, issued January 12, 1965, in the name of Carl P. Spaulding, and claims it covers digitizer equipment employing the parallel digital code set forth in the International (ICAO) Code for SSR Pressure Altitude Transmission (ICAO International Standards and Recommended Practices; Aeronautical Telecommunications, Annex 10, Volume I, Part I, Equipment and Systems).

The FAA takes no position on whether the patent (1) is valid or (2) covers the ICAO Code so that use of the Code might infringe the patent. However, in order to assure that the equipment covered by the TSO will be readily available at reasonable cost, the FAA has obtained an agreement from the patent owner providing for the granting of nonexclusive licenses on reasonable terms for the manufacture, use, or sale of the equipment claimed to be covered by the patent. Copies of this agreement will be made available to interested persons upon request to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket at the address given above.

In consideration of the foregoing, it is proposed to amend Part 37 of the Federal Aviation Regulations by adding a new section reading as follows:

§ 37.__ Automatic pressure altitude digitizer equipment; TSO-C.

(a) *Applicability.* This technical standard order prescribes the minimum performance standards which automatic pressure altitude digitizer equipment must meet in order to be identified with the applicable TSO marking. New models of the equipment that are to be so identified and that are manufactured on or after the effective date of this section must meet the "Federal Aviation Agency Standard for Automatic Pressure Altitude Digitizer Equipment," set forth at the end of this section.

(b) *Data requirements.* In accordance with § 37.5, the manufacturer must furnish the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, the following technical data:

(1) Seven copies of the manufacturer's operating instructions, equipment limitations (including environmental conditions, and where compatibility with other airborne equipment is required, identification of all characteristics to assure proper matching) and installation procedures; and

(2) One copy of the manufacturer's test report.

(c) *Previously approved equipment.* Automatic pressure altitude digitizer models approved prior to the effective date of this section may continue to be manufactured under the provisions of their original approval.

FEDERAL AVIATION AGENCY STANDARD

AUTOMATIC PRESSURE ALTITUDE DIGITIZER EQUIPMENT

1. *Purpose.* 1.1 This document specifies minimum performance standards and test procedures for 100-foot increment automatic altitude digitizing equipment which is to be approved under this standard.

1.2 The digitizer equipment is defined as the combination of components needed for conversion of an input related to pressure altitude into the parallel digital code set forth in the International (ICAO) Standard Code for SSR Pressure Altitude Transmission.

2. *General requirements.* 2.1 To be eligible for approval under a TSO authorization, each automatic altitude reporting digitizer equipment manufactured must comply with the requirements of this standard up to its maximum range as indicated on the equipment nameplate.

2.2 The digitized altitude output must be in accordance with the International (ICAO) Standard Code for SSR Pressure Altitude Transmission contained in ICAO International Standards and Recommended Practices; Aeronautical Telecommunications, Annex 10, Volume I, Part 1, Equipment and Systems. This ICAO code is the same as specified in the U.S. National Standard for Common System Component Characteristics for the IFF Mark X (SIF)/Air Traffic Control Radar Beacon System SIF/ATCRBS as amended December 27, 1963.

2.3 In those cases where the digitizing equipment forms part of an aircraft system such as an altimeter, an air data computer, or an ATC transponder, this standard applies only to the digitizing equipment element, as defined in para 1.2, of the system. The other elements are covered by separate airworthiness requirements, technical standard orders, and operating rules.

3. *Detail requirements*—3.1 *Marking:* In addition to the information required to be marked by section 37.7(d), the information must include the maximum operating altitude.

3.2 *Accessibility of controls:* Controls which are not normally adjusted in flight must not be readily accessible to flight personnel.

3.3 *Compatibility of components:* The automatic altitude digitizer equipment may be qualified either separately or in association with a pressure altitude device and/or an ATC transponder. If the digitizer equipment is qualified separately, but requires matching, it must be identified in a manner that will assure proper matching.

3.4 *Operating range:* The operating range for all digitizers must begin at or below −1,000 feet. The upper limit must be as indicated on equipment nameplate.

3.5 *Pressure datum:* The digitized altitude information transmitted to the transponder must be referenced to 29.9213 inches of mercury, absolute (1013.25 millibars). If the digitizer equipment is part of an altimeter system, the altimeter barometric setting system must not affect this pressure datum.

3.6 *Power loss:* If electrical power is used, means must be incorporated in the equipment to detect loss of power or the effect thereof (not including excitation power from the ATC transponder). Under this failure condition the equipment must—

(a) Deactivate the digitizer output in a manner which removes the altitude information pulses; and

(b) Provide for operation of a warning device.

3.7 *Performance:*

3.7.1 The digitizer equipment must be capable of functioning and not be adversely affected over the ranges of conditions expected in the environment in which the equipment is to be used.

3.7.2 The digitizer must reproduce its input (related to pressure altitude) in digital form with a tolerance of ±50 feet measured at the transition points. When the pressure altitude information and the digitizer are incorporated in the same device, the total tolerance of the combination must not exceed the applicable altimeter tolerance plus a

maximum digitizing error increment of 50 feet at the transition points.

3.7.3 If the pressure altitude input which drives the digitizer also actuates a display in the cockpit, the cockpit system, including the display indicator, must meet the accuracy requirements applicable to the pilot's altimeter. The information fed to the digitizer and the displayed pressure analog information shall agree within ±25 feet. The altitude displayed to the pilot (based on 29.9213 inches of mercury, absolute) must correspond with the digitized information given to the transponder within ±125 feet on a 95 percent probability basis.

3.8 *Power variation:* The device must properly function with plus or minus 15 percent variation in D.C. voltage and/or plus or minus 10 percent variation in A.C. voltage and plus or minus 5 percent variation in frequency.

3.9 *Radio interference:* The instruments must not be a source of interference under operating conditions at any frequencies used on the aircraft, either by radiation, conduction, or feedback in any electronic equipment installed in the same aircraft as the instruments, in accordance with those levels specified in TSO–C87, Airborne Low-Range Radio Altimeters.

4. *Test conditions.* 4.1 Unless otherwise specified herein, all tests must be conducted under the conditions specified in paragraph 3.7.1. Standard pressures used in testing must conform with the U.S. Standard Atmosphere, 1962.

5. *Required tests.* 5.1 A prototype of the digitizer equipment must be tested to show compliance with the performance requirements in paragraph 3.7. and the additional requirements in paragraphs 3.8*a* and 3.9. After these tests have been completed, the prototype must be subjected to the following test:

The digitizer input altitude-equivalent reading, column (B), must slowly be increased in altitude until a transition to the values shown in column (A) occurs in the digital output. The altitude input reading at the transition point must be as shown in column (B). The table is to be used to the maximum altitude as shown on the equipment nameplate.

(A) *Digital output (in feet)*	(B) *Reading of altitude-equivalent input (in feet)*
0	−50±50
10,000	9,950±50
20,000	19,950±50
40,000	39,950±50
60,000	59,950±50
80,000	79,950±50

5.1.1 Where pressure is used as the input to combination devices, the tolerance allowed must be the applicable altimeter tolerance plus 50 feet, as measured at the stated transition points.

5.2 The manufacturers must determine the presence of each required digitizer coded position.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421).

Issued in Washington, D.C., on March 30, 1966.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 66–3635; Filed, Apr. 5, 1966; 8.45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65–WE–87]

TRANSITION AREA AND CONTROL AREA

Proposed Designation and Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would accomplish the following:

1. In § 71.163 control 1419 would be redescribed as that airspace extending upward from 2,000 feet MSL within lines 5 miles each side of the Newport, Oreg., VORTAC 237° True (216° magnetic) radial, including the additional airspace between lines beginning adjacent to the VORTAC and diverging at angles of 5° from the parallel lines, extending from the VORTAC to the eastern boundary of the Oakland Oceanic control area, excluding the portion within the Newport, Oreg., transition area.

2. In § 71.181 the Newport, Oreg., transition area would be designated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Newport Municipal Airport (latitude 44°34'45" N., longitude 124°-03'30" W.); within 2 miles each side of the Newport VORTAC 005° True (344° magnetic) radial, extending from the 5-mile radius area to 10 miles north of the VORTAC; within 2 miles each side of the Newport VORTAC 044° True (023° magnetic) radial, extending from the 5-mile radius area to 13 miles northeast of the VORTAC and within 2 miles each side of the Newport VORTAC 184° True (163° magnetic) radial, extending from the 5-mile radius area to 8 miles south of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 8 miles west and 8 miles east of the Newport VORTAC 005° True (344° magnetic) and 184° True (163° magnetic) radials, extending from 12 miles north to 12 miles south of the VORTAC, and within lines 5 miles each side of the Newport VORTAC 237° True (216° magnetic) radial including the additional airspace between lines beginning adjacent to the VORTAC and diverging at angles of 5° from the parallel lines, extending from the VORTAC to a line extending through latitude 44°35'00" N., longitude 124°17'-30" W. and latitude 44°22'00" N., longitude 124°13'25" W.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

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

The transition area as proposed is necessary to provide protection for aircraft executing instrument approach and departure procedures at the Newport Municipal Airport. Alteration of Control 1419 would assure compatibility of this offshore control area with the terminal airspace required for the Newport terminal area.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510) and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on March 30, 1966.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-3644; Filed, Apr. 5, 1966; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-CE-24]

TRANSITION AREA

Proposed Alteration

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

Presently, the Butte, Mont., transition area is designated as that airspace extending upward from 1,200 feet above the surface within 10 miles E and 7 miles W of the Butte VOR 002° and 182° radials, extending from 20 miles N to 11 miles S of the VOR, and within 10 miles N and 7 miles S of the Whitehall, Mont., VOR 096° and 276° radials, extending from 20 miles E to 19 miles W of the VOR.

In September 1966, the Butte, Mont., VOR will be converted to a VORTAC facility. At that time, a new VOR/DME instrument approach procedure will be published for the Silver Bow County Airport at Butte, Mont. The addition of the new approach procedure requires the modification of the transition area to provide the necessary controlled airspace protection.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Butte terminal area, as a result of the proposed conversion of the Butte VOR to a VORTAC facility, proposes the following airspace action:

Alter the Butte, Mont., transition area by redesignating it as that airspace extending upward from 700 feet above the surface within 2 miles each side of the Butte, Mont., VOR 115° radial extending from a 5-mile radius circle centered on Silver Bow County Airport, Butte, Mont. (latitude 45°57'15" N., longitude 112°-29'50" W.) to the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Butte VOR 325° radial extending from the VOR to 12 miles NW of the VOR; within 10 miles E and 7 miles W of the Butte VOR 002° and 182° radials, extending from 20 miles N to 11 miles S of the VOR; and within 10 miles N and 7 miles S of the Whitehall, Mont. VOR 096° and 276° radials, extending from 20 miles E to 19 miles W of the VOR.

The 700-foot floor transition area would provide controlled airspace protection for the portion of the new VOR/DME approach procedure executed between 1,500 and 1,000 feet above the surface. The additional 1,200-foot floor transition area would provide controlled airspace protection for the procedure turn area of the new VOR/DME approach procedure.

This transition area modification is proposed for the protection of a new procedure. Therefore, no procedural changes will be effected by the actions proposed herein.

Floors of the airways which traverse the transition areas proposed herein would automatically coincide with the floors of the transition areas.

Specific details regarding the proposed additional controlled airspace and the instrument approach procedure for which it was designed to protect may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

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

Issued at Kansas City, Mo., on March 23, 1966.

DONALD S. KING,
Acting Director, Central Region.

[F.R. Doc. 66-3645; Filed, Apr. 5, 1966; 8:46 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

SWEETPOTATOES

Notice of Purchase Program GMP 45a

In order to encourage domestic consumption of sweetpotatoes 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, a sweetpotato purchase program was made effective on March 18, 1966, in States where growers are experiencing marketing difficulties. Purchases will be made on an announced price basis as a surplus removal activity. Eligible vendors will be restricted to growers, associations of growers, and growers' agents. Sweetpotatoes 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 (ASC) Committees in the States of purchase. Quantities purchased will depend upon marketing conditions at the time of purchase, and availability of outlets for use of the sweetpotatoes 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 25, 1966.

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

[F.R. Doc. 66-3667; Filed, Apr. 5, 1966; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

CHEMICAL BANK NEW YORK TRUST CO. AND NATIONAL COMMERCIAL BANK AND TRUST CO.

Notice of Approval of Applicants as Trustees

Notice is hereby given that the Acting Maritime Administrator has approved the following applicants as trustees pursuant to Public Law 89-346 and 46 CFR 221.21-221.30: Chemical Bank New York Trust Co., National Commercial Bank & Trust Co.

By order of the Acting Maritime Administrator.

Dated: March 31, 1966.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 66-3688; Filed, Apr. 5, 1966; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

HUMBLE OIL & REFINING CO.

Notice of Filing of Petition for Food Additive White Mineral Oil

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 6J2004) has been filed by Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex., 77001, proposing an amendment to § 121.1146 *White mineral oil* to provide for the safe use of white mineral oil as a release agent, binder, and lubricant in the manufacture of yeast at a level not to exceed 0.15 percent of the yeast.

Dated: March 29, 1966.

J. K. KIRK,
Assistant Commissioner for Operations.

[F.R. Doc. 66-3680; Filed, Apr. 5, 1966; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-250 and 50-251]

FLORIDA POWER & LIGHT CO.

Application for Construction Permit and Facility License

Please take notice that the Florida Power & Light Co., 4200 Flagler Street, Miami, Fla., pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, has filed an application for authority to construct and operate a pressurized water nuclear reactor project at its Turkey Point site on the shore of Biscayne Bay, about 25 miles south of Miami, in Dade County, Fla.

The proposed nuclear power project consists of twin pressurized water reactors, designated by the applicant as Turkey Point Units 3 and 4, each having a design capacity of 760 megawatts electrical gross maximum derived from a thermal capacity of approximately 2300 megawatts. The applicant currently has under construction at this same site two fossil fuel power plants designated as Turkey Point Units 1 and 2.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 30th day of March 1966.

For the Atomic Energy Commission.

E. G. CASE,
Acting Director, Division of Reactor Licensing.

[F.R. Doc. 66-3649; Filed, Apr. 5, 1966; 8:46 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

ACTING URBAN RENEWAL COMMISSIONER

Designation

Correction

In F.R. Doc. 66-3451, appearing at page 5232 of the issue for Thursday, March 31, 1966, the following words should be inserted immediately preceding the first comma in the first paragraph: "during the present vacancy in the position of Urban Renewal Commissioner".

CIVIL AERONAUTICS BOARD

[Docket No. 16879]

EASTERN AIR LINES, INC.

First-Class and Jet Coach Fares; Notice Postponing Prehearing Conference

Pursuant to the request of the Bureau of Economics, the prehearing conference in the above-entitled proceeding presently scheduled for April 5, 1966, is hereby postponed indefinitely.

Dated at Washington, D.C., March 31, 1966.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 66-3694; Filed, Apr. 5, 1966; 8:50 a.m.]

[Docket No. 17155]

HAWTHORNE-LOS ANGELES SERVICE INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled

matter is assigned to be held on April 19, 1966, at 10 a.m., e.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ross I. Newmann.

In order to facilitate the conduct of the conference, interested parties are instructed to submit to the examiner and other parties on or before April 15, 1966: (1) Proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., March 31, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-3695; Filed, Apr. 5, 1966; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3782]

GREAT AMERICAN INDUSTRIES, INC.

Order Suspending Trading

MARCH 31, 1966.

The common stock, 10 cents par value, of Great American Industries, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and the 6 percent cumulative preferred stock, Series A, $10 par value, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 31, 1966, through April 9, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-3668; Filed, Apr. 5, 1966; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Mexican Change List [1]]

MEXICAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections in Assignments

MARCH 29, 1966.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes and corrections in assignments of Mexican Broadcast Stations modifying the appendix containing assignments of Mexican Broadcast Stations (Mimeograph 4721-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		920 kilocycles				
XEVV	Chiapa del Corzo, Chiapas.	5 kwD/0.25 kwN	ND	U	III-D IV-N	

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

[F.R. Doc. 66-3710; Filed, Apr. 5, 1966; 8:51 a.m.]

[Docket No. 15752, etc.; FCC 66M-429]

CHARLES W. JOBBINS, ET AL.

Order Regarding Procedural Dates

In re applications of Charles W. Jobbins, Costa Mesa-Newport Beach, Calif., Docket No. 15752, File No. BP-16157; Goodson-Todman Broadcasting, Inc., Pasadena, Calif., Docket No. 15754, File No. BP-16159; Orange Radio, Inc., Fullerton, Calif., Docket No. 15755, File No. BP-16160; Pacific Fine Music, Inc., Whittier, Calif., Docket No. 15756, File No. BP-16161; The Bible Institute of Los Angeles, Inc., Pasadena, Calif., Docket No. 15757, File No. BP-16162; C. D. Funk and George A. Baron, a partnership, doing business as Topanga Malibu Broadcasting Co., Topanga, Calif., Docket No. 15758, File No. BP-16164; California Regional Broadcasting Corp., Pasadena, Calif., Docket No. 15759, File No. BP-16165; Storer Broadcasting Co. (KGBS), Pasadena, Calif., Docket No. 15760, File No. BP-16166; Robert S. Morton, Arthur Hanisch, Macdonald Carey, Ben F. Smith, Donald C. McBain, Robert Breckner, Louis R. Vincenti, Robert C. Mardian, James B. Boyle, Robert M. Vaillancourt, and Edwin Earl, doing business as Crown City Broadcasting Co., Pasadena, Calif., Docket No. 15762, File No. BP-16168; Pasadena Community Station, Inc., Pasadena, Calif., Docket No. 15763, File No. BP-16170; Voice in Pasadena, Inc., Pasadena, Calif., Docket No. 15764, File No. BP-16172; Western Broadcasting Corp., Pasadena, Calif., Docket No. 15765, File No. BP-16173; Pasadena Broadcasting Co., Pasadena, Calif., Docket No. 15766, File No. BP-16174; for construction permits.

The Hearing Examiner having under consideration the informal request for continuance of procedural dates filed herein on March 22, 1966, in behalf of all parties other than the Broadcast Bureau by Storer Broadcasting Co.;

It appearing, that notice has been given by several applicants for the taking of depositions pursuant to the agreements noted in the prehearing conference of February 25, 1966, and that the taking of such depositions and receipt of the transcripts will require additional time to that permitted under the presently scheduled procedural dates;

It further appearing, that the Broadcast Bureau has orally advised the examiner that it has no objections to immediate consideration and grant of the said request:

It is ordered, This 24th day of March 1966, that the said request is granted and the date for exchange of all exhibits to be offered into evidence in the further presentation of the direct affirmative cases is continued from May 2, 1966, to June 6, 1966; the date for requesting additional information, if any, is continued from June 3, 1966, to July 5, 1966; the date for giving notification of witnesses desired for cross-examination is continued from June 7, 1966, to July 8, 1966; and the date for resumption of hearing for the purpose of ruling in legal objections to the written exhibits exchanged is continued from May 23, 1966, to June 27, 1966.

Released: March 25, 1966.

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

[F.R. Doc. 66-3711; Filed, Apr. 5, 1966; 8:51 a.m.]

[Docket No. 15888; FCC 66M-450]

SELMA TELEVISION, INC. (WSLA-TV)

Order Scheduling Prehearing Conference

In re application of Selma Television, Inc., (WSLA-TV, Selma, Ala., Docket No. 15888, File No. BPCT-2827; for construction permit:

It is ordered, This 30th day of March 1966, pursuant to the request of all parties that the further prehearing conference herein now scheduled for April 7, 1966, is rescheduled for April 6, 1966,

[1] FCC NOTE: By telegram dated Feb. 19, 1966, the Mexican Administration advises of notification of the above assignment. However, formal notification through the Inter-American Radio Office of the Pan American Union has not been received as of the issue date of this notice.

commencing at 9 a.m. in the Office of the Commission at Washington, D.C.

Released: March 31, 1966.

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

[F.R. Doc. 66-3712; Filed, Apr. 5, 1966; 8:51 a.m.]

[Docket Nos. 16487, 16488; FCC 66M-453]

HENNEPIN BROADCASTING ASSOCIATES, INC., AND WMIN, INC.

Order Continuing Hearing

In re applications of Hennepin Broadcasting Associates, Inc., St. Paul, Minn., Docket No. 16487, File No. BPH-4369; WMIN, Inc., St. Paul, Minn., Docket No. 16488, File No. BPH-4869; for construction permits.

Pursuant to agreements reached at the prehearing conference held on March 31, 1966, the evidentiary hearing in the above-entitled proceeding now scheduled for April 19, 1966, is continued to a date to be decided at the further prehearing conference to be held on May 9, 1966, beginning at 9 a.m. in the offices of the Commission, Washington, D.C.

It is so ordered, This the 31st day of March 1966.

Released: April 1, 1966.

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

[F.R. Doc. 66-3713; Filed, Apr. 5, 1966; 8:51 a.m.]

[Docket Nos. 16489, 16490; FCC 66M-454]

MCALISTER BROADCASTING CORP. AND KJJJ-TV

Order Continuing Hearing

In re applications of McAlister Broadcasting Corp., Lubbock, Tex., Docket No. 16489, File No. BPCT-3426; John B. Walton, Jr., doing business as KJJJ-TV, Lubbock, Tex., Docket No. 16490, File No. BPCT-3527; for construction permit for new television broadcast station Channel 28.

To formalize the rulings made on the record at a prehearing conference held this date: *It is ordered,* This 31st day of March 1966, that a further prehearing conference shall be scheduled for May 10, 1966; and that the hearing presently scheduled for April 18, 1966, be continued to a date to be set at the aforesaid conference.

Released: April 1, 1966.

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

[F.R. Doc. 66-3714; Filed, Apr. 5, 1966; 8:51 a.m.]

FEDERAL MARITIME COMMISSION

[No. 66-12]

ATLANTIC PASSENGER STEAMSHIP CONFERENCE

Approved Scope of Trade; Postponement of Oral Argument

MARCH 30, 1966.

The order to show cause, served March 10, 1966, in this proceeding is amended to read as follows: "Oral argument will be heard on May 11, 1966, beginning at 9:30 a.m., in Room 114, 1321 H Street NW., Washington, D.C.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-3690; Filed, Apr. 5, 1966; 8:49 a.m.]

[Independent Ocean Freight Forwarder License 956]

JAY INTERNATIONAL, INC.

Filing of Effective Surety Bond

Notice is hereby given that Jay International, Inc., 437 Chestnut Street, Philadelphia, Pa., has complied with the Commission's order to show cause dated March 10, 1966, and published in the FEDERAL REGISTER (31 F.R. 4476) by filing an effective surety bond with the Commission.

Dated: March 30, 1966.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-3691; Filed, Apr. 5, 1966; 8:49 a.m.]

[Docket No. 66-18]

DOMESTIC GUAM TRADE

General Rate Increase; Notice of Investigation and Suspension

It appearing, that there have been filed with the Federal Maritime Commission by Pacific Far East Line, Inc., and American President Lines, Ltd., freight tariffs naming generally increased commodity rates in the Pacific Coast/Guam Trade to become effective March 31, 1966, and April 20, 1966, designated as follows:

Pacific Far East Line, Inc., Guam Freight Tariff No. 4, FMC-F No. 4 and American President Lines, Ltd., Pacific/Guam Freight Tariff No. 7, FMC-F No. 12:

It further appearing, that upon consideration of the said schedules and protests thereto, there is reason to believe that the said tariffs may result in rates, charges, and/or practices which would be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933;

It further appearing, that, the Commission is of the opinion that the new tariffs should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable, or otherwise unlawful under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933;

It further appearing, that the effective date of the said tariffs should be suspended pending such investigation;

Now, therefore, it is ordered, That, an investigation be, and it is hereby, instituted into and concerning the aforementioned tariffs with a view to making such findings and orders in the premises as the facts and circumstances shall warrant;

It is further ordered, That the aforementioned tariffs be, and are hereby suspended and that the use thereof be deferred to and including April 30, 1966, unless otherwise authorized by the Commission, and that the rates, charges, and/or practices heretofore in effect, and which were to be changed by the suspended matter, shall remain in effect during the period of suspension;

It is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension has expired, or until this investigation and suspension proceeding has been disposed of unless otherwise authorized by the Commission;

It is further ordered, That there shall be filed immediately with the Commission by each carrier hereinafter made respondent in this proceeding, a consecutively numbered supplement to its aforesaid tariff, which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described, and shall state that the aforesaid tariffs are suspended and may not be used until the 1st day of May, 1966, unless otherwise authorized by the Commission; and that the rates heretofore in effect, and which were to be changed by the suspended rates shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until the period of suspension has expired, or until this investigation and suspension proceeding has been disposed of, unless otherwise authorized by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Domestic Regulation of the Federal Maritime Commission;

It is further ordered, That (I) the investigation herein ordered be assigned for public hearing by the Chief Examiner, before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be announced; (II) Pacific Far East Line, Inc., and American President Lines, Ltd., be and they are hereby made respondents in this proceeding; (III) a copy of this order shall forthwith be served upon all respondents and protestants herein; (IV) the said respondents and protestants be duly notified of the time and place of the hearing herein ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 502.73).

By the Commission March 28, 1966.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 66-3692; Filed, Apr. 5, 1966; 8:50 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

IMPORTS OF COTTON TEXTILES PRODUCED OR MANUFACTURED IN JAPAN

Entry and Withdrawal from Warehouse; Seal for 1966

APRIL 1, 1966.

The purpose of this notice is to announce an amendment to the December 8, 1964, directive from the Chairman, President's Cabinet Textile Advisory Committee, to the Commissioner of Customs which prohibited the entry or withdrawal from warehouse for consumption in the United States of cotton textiles in Category 7 produced or manufactured in Japan and exported from Japan without a designated export visa. The December 8, 1964, directive and a notice of that directive to the Federal Register were published in the FEDERAL REGISTER on December 12, 1964 (29 F.R. 17057).

Effective April 15, 1966, with respect to cotton textiles in Category 7, produced or manufactured in Japan and exported from Japan on or after April 15, 1966, the required export visa will consist of a dry seal, circular in form, impressed on the original copy of Special Customs Invoice Form 5515. Cotton textiles in Category 7 which were exported from Japan on or after January 1, 1966, under the seal labeled "Seal for 1966," may also be entered or withdrawn from warehouse for consumption. A facsimile of the seal appears below under the heading "Seal for 1966":

SEAL FOR 1966

There is published below a letter of March 31, 1966, from the Chairman, President's Cabinet Textile Advisory Committee, to the Commissioner of Customs, prohibiting effective April 15, 1966, the entry or withdrawal from warehouse for consumption in the United States of cotton textiles in Category 7 produced or manufactured in Japan which do not meet the revised Visa requirements, and authorizing the entry or withdrawal from warehouse for consumption of cotton textiles in Category 7 produced or manufactured in Japan and exported from Japan after January 1, 1966, under the seal for 1966.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

WASHINGTON, D.C.,
March 31, 1966.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: This directive amends the directive of December 8, 1964, from the Chairman of the President's Cabinet Textile Advisory Committee, which prohibited the entry or withdrawal from warehouse for consumption in the United States of cotton textiles in Category 7 produced or manufactured in Japan and exported from Japan without a designated export visa.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, the bilateral cotton textile agreement between the United States and Japan concluded on August 27, 1963, the understanding reached in an exchange of letters dated November 13, 1964, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, you are directed to prohibit, effective April 15, 1966, and until further notice, entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton textiles in Category 7 produced or manufactured in Japan and exported from Japan on or after April 15, 1966 for which the Japan Cotton Textile Exporters Association, a trade association authorized by the Government of Japan, has not issued an appropriate export visa, fully described below.

Such visa is to consist of a dry seal, circular in form, impressed on the original copy of Special Customs Invoice Form 5515. A facsimile of the seal is enclosed for your information. The seal labeled: "Seal for 1966," will be required for the entry or withdrawal from warehouse for consumption of cotton textiles in Category 7 exported from Japan on or after April 15, 1966. Cotton textiles in Category 7 which were exported from Japan on or after January 1, 1966, under the seal labeled "Seal for 1966," may also be entered or withdrawn from warehouse for consumption.

A detailed description of Category 7 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 1, 1963 (28 F.R. 10551).

In carrying out the above directions entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Japan and with respect to imports of cotton textile products from Japan have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

JOHN T. CONNOR,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[F.R. Doc. 66-3686; Filed, Apr. 5, 1966; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RP66-12]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Postponement of Procedural Dates

MARCH 30, 1966.

On October 4, 1965, the Commission issued an "Order Setting Hearing on Refunds" which required Texas Eastern to submit a special report on November 18. Due to the pendency of litigation concerning the lawfulness of this requirement, such report was not filed until February 16, 1966. The order further provided that within 45 days after receipt of Texas Eastern's report, now April 4, 1966, the Staff, Texas Eastern, and all interveners should file their direct testimony with rebuttal testimony to be served 30 days thereafter.

On March 25, 1966, at 8 p.m., The Philadelphia Gas Works, an intervener in this proceeding, filed a telegram requesting at least 1 month extension in the time previously prescribed for the submission of direct testimony therein. It is appropriate that the date for submission of the direct and rebuttal testimony pursuant to paragraph (C) of the order issued October 4, 1965, be extended for filing of direct testimony on or before May 27, 1966 and filing of rebuttal testimony on or before June 27, 1966. The referenced extensions of time are hereby granted.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-3659; Filed, Apr. 5, 1966; 8:47 a.m.]

[Docket No. RI66-316, etc.]

UNION OIL CO. OF CALIFORNIA ET AL.

Order Accepting Contract Amendment, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MARCH 29, 1966.

The above-named Respondents have tendered for filing proposed changes in

[1] Does not consolidate for hearing or dispose of the several matters herein.

presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI66-316	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif., 90017.	110	[2] 20	Colorado Interstate Gas Co., (Mocane Field, Beaver County, Okla.) (Panhandle Area).	$18,136	2-28-66	[3] 4-1-66	9-1-66	[7] [4] 17.003	[4] [5] [6] 19.270	
	do	114	10	Northern Natural Gas Co., (Harper Ranch Field, Clark and Comanche Counties Kans.).	2,250	2-28-66	[3] 4-1-66	9-1-66	[8] [10] 15.0	[8] [9] [10] 16.0	
	do	115	7	do	550	2-28-66	[3] 4-1-66	9-1-66	[8] [10] 14.0	[8] [9] [10] 15.0	
	do	116	5	Colorado Interstate Gas Co., (Keyes Field Cimarron County, Okla.) (Panhandle Area).	712 305	2-28-66	[3] 4-1-66	9-1-66	[8] [11] [12] 15.0 [8] [12] [13] 16.0	[4] [5] [11] [12] 17.0 [4] [5] [12] [13] 17.0	
	do	132	3	Panhandle Eastern Pipe Line Co., (Will Field, Edwards County, Kans.).	70	2-28-66	[3] 4-1-66	9-1-66	[8] 15.0	[8] [9] 16.0	
	do	135	3	Lone Star Gas Co., (Caddo Dome Field, Carter County, Okla.) (Oklahoma "Other" Area).	23,000	2-28-66	[3] 4-1-66	9-1-66	[8] 14.25	[8] [9] 15.25	
	do	113	8	Transcontinental Gas Pipe Line Corp., (Gueydan and Southeast Gueydan Fields, Vermilion Parish, La.), (South Louisiana).	12,000	2-28-66	[3] 4-1-66	9-1-66	[8] [15] 17.75	[8] [14] [15] 19.75	
	do	139	16	Texas Eastern Transmission Corp. (Vienna Field, Lavaca County, Tex.) (R.R. District No. 2).	2,000	2-28-66	[3] 4-1-66	9-1-66	[8] 14.6	[8] [9] 15.6	
RI66-317	Union Oil Co. of California (Operator) et al.	[16] 123	16	Michigan Wisconsin Pipe Line Co. (Laverne Field, Harper County, Okla.) (Panhandle Area).	12,500	2-28-66	[3] 4-1-66	9-1-66	[18] 18.0	[8] [9] [17] 20.5	
	do	141	5	Lone Star Gas Co. (Doyle Field, Stephens County, Okla.) (Oklahoma "Other" Area).	1,000	2-28-66	[3] 4-1-66	9-1-66	[8] 10.0	[8] [9] 12.0	
RI66-318	Robert F. White (Operator), et al., 714 Union Center Bldg., Wichita, Kans., 67202.	3	[19] 4	Northern Natural Gas Co. (McKinney Gas Field, Clark County, Kans.).		2-28-66	[20] 3-31-66				
		3	5		1,250	2-28-66	[20] 3-31-66	8-31-66	[19] 12.5	[4] [5] [10] 15.0	

[2] Includes agreement dated Feb. 26, 1962, providing for increased base rate of 17.0 cents per Mcf.
[3] Upon expiration of statutory notice from Mar. 1, 1966, the end of the moratorium period provided by the Commission's settlement order issued Nov. 27, 1962, in Docket Nos. G-16790, et al.
[4] Renegotiated rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Includes base rate of 17.0 cents plus upward B.t.u. adjustment. Base rate subject to upward and downward B.t.u. adjustment.
[7] Includes base rate of 15.0 cents plus upward B.t.u. adjustment. Base rate subject to upward and downward B.t.u. adjustment.
[8] Rate is result of settlement offer approved by Commission order issued Nov. 27, 1962, in Docket No. G-16790, et al.
[9] Periodic rate increase.
[10] Subject to a downward B.t.u. adjustment.
[11] Francis Unit.
[12] Subject to upward and downward B.t.u. adjustment.
[13] Neff Unit.
[14] Pressure base is 15.025 p.s.i.a.
[15] Includes 1.75 cents per Mcf tax reimbursement.
[16] Sale excluded from settlement in Docket Nos. G-16790, et al. Buyer and seller have agreed that the rate schedule will be covered by moratorium in such settlement.
[17] Includes base rate of 19.5 cents plus upward B.t.u. adjustment. Base rate subject to upward and downward B.t.u. adjustment.
[18] Includes base rate of 17.0 cents plus upward B.t.u. adjustment. Base rate subject to upward and downward B.t.u. adjustment.
[19] Agreement dated Nov. 22, 1960, provides for increased rate.
[20] The stated effective date is the first day after expiration of the statutory notice.

Union Oil Co. of California and Union Oil Co. of California (Operator), et al. (both referred to herein as Union Oil) request waiver of the statutory notice to permit their proposed rate increases to become effective as of March 1, 1966, the expiration date of the moratorium period on rate increases under Union Oil's rate settlement. Robert F. White (Operator), et al (White), also proposes an effective date of March 1, 1966, for their proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Union Oil and White's rate filings and such request are denied.

The proposed rate increases submitted by Union Oil, successor to The Pure Oil Co. (Pure), were filed under rate schedules included in Pure's company-wide settlement approved by the Commission's order issued November 27, 1962, in Docket Nos. G-16790, et al., except for the increase by Union Oil under Supplement No. 16 to Union Oil (Operator), et al.'s FPC Gas Rate Schedule No. 123. Rate Schedule No. 123 was excluded from the settlement order, but the parties agreed that the sale would be subject to the same moratorium. The moratorium period imposed by such settlement order for filing rate increases under the rate schedules involved expired on March 1, 1966.[1a]

On February 28, 1966, White tendered for filing an agreement dated November 22, 1960, which provides for the increased rate under the rate schedule here involved, and has been designated as Supplement No. 4 to White's FPC Gas Rate Schedule No. 3. We believe that it would be in the public interest to accept for filing White's aforementioned contract amendment to become effective as of March 31, 1966, the date of expiration of the statutory notice, but not the proposed rate contained therein which will be suspended as indicated below.

All of the producers' proposed increased rates and charges exceed the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing White's proposed agreement dated November 22, 1960, designated as Supplement No. 4 to White's FPC Gas Rate Schedule No. 3, and for permitting such supplement to

[1a] For this reason, Union's proposed rates will be suspended for 5 months from the expiration of statutory notice on Apr. 1, 1966 (which is 30 days from the date Union was entitled to file under its moratorium).

become effective on March 31, 1966, the date of expiration of the statutory notice.

(2) Except for the supplement set forth in (1) above, it is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) White's contract amendment dated November 22, 1960, designated as Supplement No. 4 to White's FPC Gas Rate Schedule No. 3, is accepted for filing and permitted to become effective on March 31, 1966.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except Supplement No. 4 to White's FPC Gas Rate Schedule No. 3).

(C) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 11, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-3591; Filed, Apr. 5, 1966; 8:45 a.m.]

[Project No. 2426]

STATE OF CALIFORNIA, DEPARTMENT OF WATER RESOURCES

Notice of Application for License for Unconstructed Project

MARCH 30, 1966.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by the State of California, Department of Water Resources (correspondence to: Alfred R. Golze, Chief Engineer, State of California, Department of Water Resources, Post Office Box 388, Sacramento, Calif., 95814) for a license for unconstructed Project No. 2426, known as California Aqueduct Project, to be located on Sacramento-San Joaquin Delta system, in the counties of Kern, Los Angeles, San Bernardino, San Joaquin, Riverside, Contra Costa, Alameda, Stanislaus, Merced, Fresno, Kings, and San Luis Obispo, Calif., in the region of Castaic, Palmdale, Littlerock, Pearblossom, Hesperia, San Bernardino, Colton, Riverside, Sunnymead, Perris, Tracy, Los Banos, Kettleman City, and San Luis Obispo, Calif. The proposed project will affect lands of the United States within the Angeles, Los Padres, and San Bernardino National Forests and other lands of the United States.

The proposed California Aqueduct Project will include all the features, with the exception of the State-Federal San Luis Joint Use Facilities, necessary to transport water from the Sacramento-San Joaquin Delta to termini in the counties of Los Angeles, Riverside, and San Luis Obispo and for delivery of water both at termini and at canal-side points en route, as follows:

North San Joaquin Division—a 67-mile portion of the aqueduct from the project intake at Italian Slough in the vicinity of Tracy to San Luis Forebay (of nonproject San Luis Facilities) which will include: a fish protection facility; Delta Pumping Plant with 11 units requiring 343,000 hp.; and existing Bethany Reservoir.

South San Joaquin Division—beginning at southern end of nonproject San Luis Facilities, 120 miles of canal which will include three pumping plants: Buena Vista with 11 units requiring 128,000 hp.; Wheeler Ridge with 12 units requiring 135,050 hp.; and Wind Gap with 11 units requiring 289,850 hp.

Tehachapi Division—a 12-mile portion of the aqueduct which will include the Tehachapi Pumping Plant with 14 units requiring 1,007,500 hp.

East Branch Division—a 136-mile portion of the aqueduct which will include: Cottonwood Power Plant developing 20,000 hp. (or 14 Mw); Pearblossom Pumping Station with six units requiring 102,000 hp.; Cedar Springs Dam and Reservoir impounding 200,000 acre-feet behind an earth and rockfill dam; Upper Devil Canyon Power Plant developing 105,000 hp. (or 75 Mw); Lower Devil Canyon Power Plant developing 68,000 hp. (or 49 Mw); and Perris Reservoir, southern terminus of the branch, impounding 100,000 acre-feet of water behind an earthfill dam.

West Branch Division—a 22-mile branch of the aqueduct which will include: Oso Pumping Plant with six units requiring 82,200 hp.; Quail Lake, a natural lake; Pyramid Power Plant developing 225,000 hp. (or 161 Mw); Pyramid Dam and Reservoir, an earth and rockfill dam with a gross capacity of 146,700 acre-feet; Castaic Power Plant developing 304,000 hp. (or 218 Mw); and Castaic Dam and Reservoir, terminus of the branch, an earthfill dam with a gross capacity of 350,000 acre-feet.

Coastal Branch Division—a 100-mile branch to the Pacific coast which includes: Las Perillas Pumping Plant with six units requiring 4,050 hp.; Badger Hill Pumping Plant with six units requiring 10,200 hp.; and Devils Den, Sawtooth and Polonio Pumping Plants to be built about 1980 along with San Luis Obispo Power Plant which will develop 8,400 hp. (or 6 Mw).

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 of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is May 23, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-3660; Filed, Apr. 5, 1966; 8:47 a.m.]

[Docket No. CP62-124]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Notice of Petition to Amend

MARCH 30, 1966.

Take notice that on March 22, 1966, South Texas Natural Gas Gathering Co. (Petitioner), Post Office Box 521, Corpus Christi, Tex., filed in Docket No. CP62-124 a petition to amend the order of the Commission issued in said docket on February 7, 1962, which order authorized Petitioner to construct and operate certain natural gas facilities for the sale to Transcontinental Gas Pipe Line Corp. (Transcontinental) a maximum of 210,000 Mcf of natural gas per day. By the instant filing Petitioner seeks the amendment of said order so as to authorize the change in location of certain compressor facilities, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that changing operating conditions and patterns of purchases on its system and the decision of a producer to compress its own gas have altered the requirements for compressor facilities necessary to maintain authorized service to Transcontinental. Consequently, Petitioner proposes to construct 2,000 horsepower of compression at Station S-8, Zapata County, Tex., in lieu of the 1,280 horsepower of compression presently authorized at its Station S-11, Jim Hogg County, Tex. Petitioner states that Station S-8 is approximately 16 miles downstream from Station S-11.

The total estimated cost of Petitioner's proposed facilities is $250,000, which will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before April 28, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-3661; Filed, Apr. 5, 1966; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administration Order No. 579 (28 F.R. 11524), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of act. The effective and expiration dates are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the statutory minimum of $1.25 an hour.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1.00 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is less, in occupations of the same general classes in which the establishment employed full-time students at wages below $1.00 an hour in the base period.

Adams Drug Co., Inc., drugstore; No. 20, Providence, R.I.; 2–18–66 to 2–17–67.

Baenziger Model Market, food store; 510 Court, Seguin, Tex.; 2–1–66 to 1–31–67.

Ideal Super Markets, Inc., food stores; Chadron, Nebr. (12–22–65 to 11–30–66); Gordon, Nebr. (12–22–65 to 11–30–66); Rushville, Nebr. (12–22–65 to 11–30–66); Valentine, Nebr. (12–22–65 to 11–30–66).

Johnson's Super Market, food store; 203 East Seventh Street, Mountain Home, Ark.; 2–12–66 to 2–11–67.

McCrory Corp., variety stores: No. 91, Burlington, N.J. (2–17–66 to 2–16–67); No. 20, Wheeling, W. Va. (2–21–66 to 2–20–67).

Powers Market, food store; 301 Hillsboro Highway, Manchester, Tenn.; 2–15–66 to 2–14–67.

Umphenour's Super Market, food store; 227 West Court Street, Beatrice, Nebr.; 12–22–65 to 12–21–66.

F. W. Woolworth Co., variety store; No. 516, Grand Island, Nebr.; 1–11–66 to 1–10–67.

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates of not less than 85 percent of the minimum applicable under section 6 of the act in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Baenziger Model Market, food store; 580 Coreth Drive, New Braunfels, Tex.; stock clerk, sacker, carry-out; 10 percent for each month; 2–19–66 to 2–18–67.

W. T. Grant Co., variety stores for the occupations of sales clerk, stock clerk, office clerical and cashier: No. 334, Bowling Green, Ky. (between 4.3 percent and 10 percent, 2–18–66 to 2–17–67); No. 980, Morrestown, N.J. (between 0.0 percent and 6.0 percent, 2–15–66 to 2–14–67).

Ideal Super Markets, Inc., food store; Kimball, Nebr.; carryout; between 9.5 percent and 10 percent; 12–22–65 to 11–30–66.

S. S. Kresge Co., variety stores for the occupation of sales clerk: No. 4072, Atlanta, Ga. (between 3.5 percent and 10 percent, 2–1–66 to 1–31–67); No. 4075, Raleigh, N.C. (10 percent for each month, 1–27–66 to 1–31–67).

G. C. Murphy Co., variety stores for the occupations of sales clerk, office clerical, stock clerk, janitorial: No. 303, Aliquippa, Pa. (between 3.3 percent and 10 percent, 2–25–66 to 2–24–67); No. 94, York, Pa. (between 5.1 percent and 10 percent, 2–25–66 to 2–24–67).

Retail Food Management, Inc., doing business as Big Star Food Centers, food stores for the occupations of sacker and stock clerk: West Main Street, Carmi, Ill. (between 9.5 percent and 9.9 percent, 2–16–66 to 2–15–67); Effingham, Ill. (between 9.5 percent and 9.9 percent, 2–16–66 to 2–15–67); 115 West Oak Street, West Frankfort, Ill. (between 9.5 percent and 9.9 percent, 2–16–66 to 2–15–67).

Wingert's IGA Foodliner, food store; 1980 Auburn Road, Pontiac, Mich.; stock clerk; 10 percent for each month, 2–17–66 to 2–16–67.

Each certificate has been issued upon the representations of the employer which, among other things, were the employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 1st day of April 1966.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 66–3638; Filed, Apr. 5, 1966; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 1, 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. 40386—*Crude phosphate rock from Occidental, Fla.* Filed by O. W. South, Jr., agent (No. A–4875), for interested rail carriers. Rates on crude phosphate rock (other than ground phosphate rock), in bulk, in covered hopper cars, in carloads, from Occidental, Fla., to Acme and Wilmington, N.C.

Grounds for relief—Market competition.

Tariff—Supplement 108 to Southern Freight Association, agent, tariff ICC S–140.

FSA No. 40387—*Chlorine to New Orleans, La.* Filed by O. W. South, Jr., agent (No. A–4877), for interested rail carriers. Rates on chlorine, in tank carloads, from LeMoyne, Ala., to New Orleans, La.

Grounds for relief—Market competition.

Tariff—Supplement 18 to Southern Freight Association, agent, tariff ICC S–600.

FSA No. 40388—*Beet or cane sugar to St. Charles, Ill.* Filed by Western Trunk Line Committee, agent (No. A–2447), for interested rail carriers. Rates on beet or cane sugar, dry, in bulk, in covered hopper cars, in carloads, from points in Montana, transcontinental and western trunkline territories, to St. Charles, Ill.

Grounds for relief—Market competition and rate relationship.

Tariffs—Supplement 37 to Western Trunk Line Committee, agent, tariff ICC A–4481 and 3 other schedules named in the application.

FSA No. 40389—*Joint motor-rail rates—Southern Motor Carriers.* Filed by Southern Motor Carriers Rate Conference, agent (No. 141), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in middlewest territory, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 6 to Southern Motor Carriers Rate Conference, agent, tariff MF–ICC 1392.

FSA No. 40390—*Substituted service—UP for Willis Shaw Frozen Express, Inc.* Filed by Willis Shaw Frozen Express, Inc. (No. 1), for itself and interested carriers. Rates on property loaded in trailers and transported on railroad flatcars, between interchange points named in the application, on traffic originating at or destined to such points or points beyond, as described in the application.

Grounds for relief—Motortruck competition.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–3701; Filed, Apr. 5, 1966; 8:50 a.m.]

[Notice 901]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 1, 1966.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 30837 (Sub-No. 322) (Amendment), filed November 15, 1965, published in FEDERAL REGISTER issue of December 2, 1965, and republished as amended March 23, 1966, further amended March 25, 1966, and republished as further amended this issue. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's representative: Paul F. Sullivan, Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, in secondary movements, by the truckaway method, restricted to the transportation of vehicles manufactured or assembled at the site of the plant of American Motors (Canada), Ltd., in Brampton, Ontario, Canada, (7) from Earnest, Pa., and points within 20 miles thereof, to points in Delaware, Connecticut, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia. NOTE: The purpose of this republication is to correctly spell the name of the origin territory specified in number (7) above. It was erroneously spelled "Ernest."

HEARING: Remains as assigned April 26, 1966, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner W. Elliott Neffen.

No. MC 107002 (Sub-No. 295), filed March 7, 1966. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, Highway 80 West, Jackson, Miss., 39205. Applicant's representative: E. Stephen Heisley, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied helium and specially designed dewars*, between points in Alabama, California, Colorado, Florida, Kansas, Louisiana, Maryland, Mississippi, New Mexico, New York, Ohio, and Texas.

HEARING: May 2, 1966, at the Cleveland Statler Hilton, Cleveland, Ohio, before Examiner James Anton.

No. MC 111231 (Sub-No. 136) (REPUBLICATION), filed February 14, 1966, issues published in FEDERAL REGISTER of March 10, 1966, and republished this issue. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfinished lumber, finished lumber, finished mill work, staves, treated and untreated posts and poles, pallets and pallet materials, blocking lumber, crating lumber, dimension lumber, wooden flooring, ties, wooden fencing materials, wooden boxes, wooden crates, wooden shapes, wooden windows and wooden doors*, from points in Missouri on, west and north of a line beginning at the Mississippi River at St. Louis, Mo., thence over U.S. Highway 50 to Jefferson City, Mo., thence over U.S. Highway 54 to the Missouri-Kansas State line, to points in Illinois, Indiana, Arkansas, Kentucky, Iowa, and Tennessee. NOTE: The purpose of this republication is to reflect the hearing information. *HEARING:* May 4, 1966, at the U.S. Post Office and Courthouse Building, Jefferson City, Mo., before Examiner W. Elliott Neffen.

No. MC 123393 (Sub-No. 128), filed March 4, 1966. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware*, from Sapulpa, Okla., to points in Minnesota, and *exempt commodities*, on return. NOTE: Common control may be involved.

HEARING: April 29, 1966, in Room 4210, Federal Office Building, 200 Northwest 4th Street, Oklahoma City, Okla., before Examiner Richard M. Hartsock.

No. MC 127597 (Sub-No. 3), filed March 28, 1966. Applicant: TRANSPORTATION UNLIMITED, INC., 5441 Paradise Road, Las Vegas, Nev., 89109. Applicant's representative: Thomas R. Kerr, 140 Montgomery Street, San Francisco, Calif., 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicles, in special or charter operations, in sightseeing or pleasure tours, beginning and ending at Las Vegas, Nev., and points within 5 miles thereof, and extending to Hoover Dam, Arizona-Nevada.

HEARING: April 25, 1966, at the Federal Building, Las Vegas, Nev., before Joint Board No. 166, or if the Joint Board waives its right to participate, before Examiner H. Reece Harrison.

No. MC 58885 (Sub-No. 24) (Republication) filed August 2, 1965, published FEDERAL REGISTER issue of August 26, 1965, and republished, this issue. Applicant: ATLANTA MOTOR LINES, INC., 1268 Caroline Street NE., Atlanta, Ga. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga., 30303. By application filed August 2, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of general commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Dalton, Ga., as an off-route point in connection with its authorized regular route operations, restricted against any transportation service between Dalton, Ga., on the one hand, and, on the other, Chattanooga, Tenn., or Atlanta, Ga., and points within 15 miles thereof. An order of the Commission, Operating Rights Board No. 1, dated March 22, 1966, and served March 29, 1966, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, of *general commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Dalton, Ga., as an off-route point in connection with its authorized regular route operations between Atlanta, Ga., and Chattanooga, Tenn., restricted against service between Dalton, Ga., on the one hand, and, on the other, Atlanta, Ga., and Chattanooga, Tenn., and points in the commercial zones thereof, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings herein, a corrected notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate withheld for a period of 30 days from the date of publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 81349 (Sub-No. 5) (Republication), filed August 4, 1965, published FEDERAL REGISTER issue of August 26, 1965, and republished, this issue. Applicant: W. C. FULLMER TRANSFER, INC., Baraboo, Wis. Applicant's representative: Claude J. Jasper, Suite 301, Provident Building, 111 South Fairchild Street, Madison, Wis., 53703. By application filed August 4, 1965, as amended, applicant seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of the commodities specified in the findings below, (1) from the plantsite of Metal Products Division, Armco Steel Corp., located near Portage, Wis., to points in that part of Iowa lying on and east of U.S. Highway 63 extending from the Minnesota State line to the Missouri State line, and to points in that part of

Illinois on and north of U.S. Highway 24 from the Indiana State line to its junction with Illinois Highway 116 at Peoria, thence on said Illinois Highway 116 to the Iowa State line; and (2) between the plantsites of Armco Steel Corp., located near Portage, Wis., South Bend, Ind., and Minneapolis, Minn. An order of the Commission, Operating Rights Board No. 1, dated March 14, 1966, and served March 24, 1966, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *metal water controlgates, metal sheets and pilings, metal cattle passes, metal guard rails, corrugated metal pipe and fittings,* and *commodities used in the installation of such articles,* (1) from the plantsite of Metal Products Division, Armco Steel Corp., at or near Portage, Wis., to those points in Iowa on and east of U.S. Highway 63, to those points in central Illinois south of U.S. Highway 6 and north of a line beginning at the Indiana State line and extending westward over U.S. Highway 24 to Peoria.

Thence over Illinois Highway 116 to its junction with U.S. Highway 34, and thence over U.S. Highway 34 to the Iowa State line; and to those points in the Chicago, Ill., commercial zone as defined by the Commission; and (2) between the plantsites of Armco Steel Corp. at South Bend, Ind., Minneapolis, Minn., and at or near Portage, Wis.; under a continuing contract with Armco Steel Corp., of Middletown, Ohio, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 98885 (Sub-No. 2) (republication), filed August 9, 1965, published FEDERAL REGISTER issue of August 26, 1965, and republished this issue. Applicant: PAUL F. MARTIN, doing business as MARTIN MOTOR LINES, 716 East 18th Street, Winston-Salem, N.C. Applicant's representative: A. W. Flynn, Jr., 201–205 Jefferson Building, Mailing Address: Post Office Box 127, Greensboro, N.C. By application filed August 9, 1965, as amended, applicant seeks a permit authorizing operation, in interstate or foreign commerce as a contract carrier by motor vehicle, over irregular routes, of corrugated boxes, from the plantsite of Container Corp. of America, at or near Patterson Springs, N.C., to points in South Carolina and those in Georgia on and north of U.S. Highway 80. The application was referred to Examiner Jerry F. Laughlin for hearing and the recommendation of an appropriate order thereon. Hearing was held on November 9, 1965, at Washington, D.C. A report and order of the Commission, served February 25, 1966, which became effective March 28, 1966, finds that applicant is fit, willing and able properly to perform the service of a contract carrier by motor vehicle and to conform to the provisions of the Interstate Commerce Act and with the lawful requirements, rules and regulations of the Commission thereunder, and that operation, in interstate or foreign commerce by applicant as a contract carrier by motor vehicle, over irregular routes, under a continuing contract with Container Corp. of America, of Patterson Springs, N.C., of *corrugated boxes,* from Patterson Springs, N.C., to points in South Carolina and those in Georgia on and north of U.S. Highway 80, conditional on receipt from applicant, of a request in writing, for the cancellation of his certificate of registration in No. MC–98885 (Sub-No. 1), will be consistent with the public interest and the national transportation policy. The examiner further finds that an appropriate permit should be issued after the lapse of 30 days from the date of republication in the FEDERAL REGISTER of the authority here granted, provided no protests or petitions for further proceedings are received during such period.

No. MC 110604 (Republication), Clearwater Stage Lines, Inc., Grangeville, Idaho. Applicant: CLEARWATER STAGE LINES, INC., Grangeville, Idaho. By order entered in No. MC–110604 on July 19, 1963, by the Commission, Temporary Authorities Board, certain portions of the certificate issued September 21, 1960, to Clearwater Stage Lines, Inc., were revoked at applicant's request. A certificate was issued to applicant on October 11, 1963, in No. MC–110604 superseding the certificate issued therein on September 21, 1960, as modified by the said order of July 19, 1963. By tendered petition accepted for filing February 14, 1966, applicant seeks reinstatement of that certain revoked portion of the authority to operate between Greer, Idaho, and Headquarters, Idaho, over Idaho Highway 11, which authority by inadvertence was included by applicant in its revocation request, and that applicant has been providing service over the involved route. An order of the Commission, Division 1, acting as an appellate division, dated March 11, 1966, and served March 21, 1966, reinstates the order in this proceeding entered on July 19, 1963, insofar as it authorized revocation of that portion of the certificate, dated September 21, 1960, for the transportation of *passengers and their baggage,* and *express* and *newspapers,* in the same vehicle with passengers, between Greer, Idaho, and Headquarters, Idaho, over Idaho Highway 11, serving all intermediate points. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of, or against this proceeding within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 115162 (Sub-No. 116) (Republication), filed September 7, 1965, published FEDERAL REGISTER issue of September 30, 1965, and republished this issue. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 346, Evergreen, Ala. Applicant's representative: Robert E. Tate, 2031 Ninth Avenue South, Birmingham, Ala. By application filed September 7, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of plywood, lumber, and advertising material, display material, and paint stain when moving with plywood and lumber, the weight of the advertising material, display material and paint stain not to exceed 2 percent of the total weight of the plywood and lumber, from and to the points indicated in the findings below. An order of the Commission, Operating Rights Board No. 1, dated January 24, 1966, and served February 4, 1966, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce as a common carrier by motor vehicle, over irregular routes, transporting: (1) *lumber,* and (2) *advertising material, display material,* and *paint stain,* when moving in mixed loads with lumber from the plantsite of Pascagoula Veneer Co., at Pascagoula, Miss., to points in Vermont and Maine; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder, and that an appropriate certificate should be issued to applicant authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle in the manner described above, subject to prior publication of the authority granted herein in the FEDERAL REGISTER, providing for the filing, within 30 days, of appropriate pleadings by a person or persons who may have an interest in such grant by reason of the described enlargement in scope which results from elimination of the above-described restriction.

NOTICE OF FILING OF PETITIONS

No. MC 25587 (Notice of filing of petition for modification), filed February 18, 1966. Petitioner: EDWARD J. BELL, doing business as, BELL STORAGE & WAREHOUSE, 2416 Carpenter Street, Philadelphia, Pa. Petitioner's representative: Raymond A. Thistle, Jr., Suite 1408–09, 1500 Walnut Street, Philadelphia, Pa., 19102. Petitioner states that in MC 25587 it holds authority to transport household goods and new furniture, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points and places in New Jersey and Delaware, those in Maryland on the east of U.S. Highway 1, and those in New York within 25 miles of the New

York entrance to the Holland Tunnel. By the instant petition, petitioner requests the Commission to modify the certificate issued to him on January 14, 1941 in No. MC 25587 so that such authority will include the right to transport new household furnishings and new household appliances in addition to that commodity description already contained in said certificate. Any interested person desiring to participate, may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 116164 (Subs 2 and 3) (Notice of filing of petition to add shipper), filed March 17, 1966. Petitioner: ARROW TRANSPORTATION, Des Moines, Iowa. Petitioner's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa, 50309. Petitioner states that by virtue of Permits No. MC 116164 Subs 2 and 3, it is authorized to transport brick, building tile, and agricultural or drain tile, from seven Iowa points to designated territories in Nebraska, South Dakota, Minnesota, Wisconsin, Illinois, and Missouri, limited to a transportation service under continuing contracts with the following shippers: Adel Clay Products Co., Redfield, Iowa, Adel Clay Products Co., Centerville, Iowa, United Brick and Tile Co., Adel, Iowa, Des Moines Clay Co., Des Moines, Iowa, Johnston Clay Works, Inc., Fort Dodge, Iowa, Oskaloosa Clay Products Co., Oskaloosa, Iowa, Ottumwa Brick & Tile Co., Ottumwa, Iowa, and Redfield Brick and Tile Co., Redfield, Iowa. By the instant petition, petitioner requests permission to add Kalo Brick & Tile Co. of Fort Dodge, Iowa, as an additional shipper. Any interested person desiring to participate, may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 116647 (Sub-No. 1), (Notice of filing of petition for removal of restriction "in spreader equipped vehicles", from certificate), filed January 24, 1966. Petitioner: CARL E. LIEBENOW, INC., Cummington, Mass. Petitioner's representative: William L. Mobley, 1694 Main Street, Springfield, Mass., 01103. Petitioner holds certificate No. MC 116647 (Sub-No. 1), dated January 22, 1962, which authorizes the transportation, over irregular routes, of agricultural lime and agricultural limestone, in bulk, in spreader equipped vehicles, from Lee and West Stockbridge, Mass., to points in Hillsborough and Cheshire Counties, N.H., and Windham and Bennington Counties, Vt., with no transportation for compensation on return except as otherwise authorized. By the instant petition, petitioner seeks waiver of Rule 1.102 of the Commission's general rules of practice and removal of the restriction "in spreader equipped vehicles" from its certificate. An Order of the Commission, Division 1, Acting as an Appellate Division, dated March 3, 1966, states, among other things, that the said restriction "in spreader equipped vehicles" appearing in petitioner's certificate No. MC 116647 (Sub-No. 1) appears unduly restrictive and administratively impracticable; and that it is desirable in the public interest and required by the present and future public convenience and necessity that said restriction be removed from petitioner's said certificate, subject to the provision that notice of the action taken be published in the FEDERAL REGISTER, and that issuance of the amended certificate be withheld for a period of 30 days from the date of such publication during which period any proper party in interest may file an appropriate protest or other pleading in opposition to the action so taken, failing in which an appropriate amended certificate be issued to petitioner upon compliance with certain requirements.

No. MC 124359 (Notice of filing of petition for modification of permit to add an additional shipper), filed March 16, 1966. Petitioner: WIL-HELEN, INC., Greeley, Colo. Petitioner's representative: Paul F. Sullivan, Suite 913, Colorado Building, Washington, D.C. Petitioner states it now conducts operations under Permit No. MC-124359 as follows: "Irregular routes: Floor and wall tile, and linoleum and supplies used in the installation of floor and wall tile, and linoleum. From Chicago, Ill., New York, N.Y., Sandusky, Canton, and East Sparta, Ohio, South Plainfield and Trenton, N.J., and Marcus Hook and Lancaster, Pa., to points in Bent, Boulder, Crowley, Denver, El Paso, Fremont, Jefferson, Kit Carson, Larimer, Las Animas, Mesa, Morgan, Otero, Pueblo, Sedgwick, and Weld Counties, Colo., Lamar, Colo., points in Albany, Fremont, Goshen, Laramie, Natrona, Park, and Sheridan Counties, Wyo., Cheyenne, Kimball, Perkins, and Scottsbluff Counties, Nebr., and Rapid City, S. Dak., with no transportation for compensation on return except as otherwise authorized. From Denver, Colo., to Cheyenne and Casper, Wyo., and points in Cheyenne, Kimball, Perkins, and Scottsbluff Counties, Nebr., with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: Wholesale Flooring, Inc., Denver, Colo., and Wholesale Ceramic Tile, Inc., Denver, Colo." By the instant petition, petitioner requests permission to add The Western Corp., Denver, Colo., as an additional shipper. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9384. Authority sought for purchase by ANDREWS VAN LINES, INC., 7th and Park Avenue, Norfolk, Nebr., 68701, of the remaining portion of the operating rights of MONARCH MOTOR FREIGHT CO., INC. (debtor-in-possession), 60 Broadway, Albany, N.Y. (see note), and for acquisition by CLAYTON L. ANDREWS, JEAN L. ANDREWS, VIVIAN ANDREWS, JANE L. ANDREWS, all of 112 South 12th Street, Norfolk, Nebr., and CLARA E. ANDREWS, 601 North 13th Street, Norfolk, Nebr., of control of such rights through the purchase. Applicants' attorney: Robert J. Gallagher, 111 State Street, Boston, Mass. Operating rights sought to be transferred: *Household goods* as defined by the Commission, as a *common carrier*, over irregular routes, between Albany, N.Y., and points in New York and Massachusetts within 25 miles of Albany, N.Y., on the one hand, and, on the other, points in New York, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, Maryland, Ohio, Virginia, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, Wyoming, Delaware, Maryland, Montana, Idaho, Oregon, Utah, Washington, and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: See also Docket Nos. MC-F-9364 (Tanney's Motor Transportation, Inc.—Purchase (portion)—Monarch Motor Freight Co., Inc.), published in the March 16, 1966, issue of the FEDERAL REGISTER, on page 4466, and MC-F-9372 (Blue Line Express, Inc.—Purchase (portion)—Monarch Motor Freight Co., Inc. (debtor-in-possession), published in the March 23, 1966, issue of the FEDERAL REGISTER, on page 4861.

No. MC-F-9385. Authority sought for purchase by DRAKE MOTOR LINES, INC., York Street and Aramingo Avenue, Philadelphia, Pa., of a portion of the operating rights of P. D. COAKLEY MOTOR TRANSPORTATION, INC., Portland, Maine, and for acquisition by MARTIN SHULMAN, HARRY SHULMAN, and the ESTATE OF BENJAMIN SHULMAN, all care of DRAKE MOTOR LINES, INC., of control of such rights through the purchase. Applicants' attorneys: Herbert Burstein, 160 Broadway, New York, N.Y., and Vernon V. Baker, Suite 300, 1411 K Street NW., Washington, D.C. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except livestock, dangerous explosives, fresh fish (including shell fish), household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C.

467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over irregular routes, between points in Massachusetts within 15 miles of Boston, Mass., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, and those in New York east of the Hudson River and south of a line beginning at Newburgh, N.Y., and extending east through Patterson, N.Y., to the New York-Connecticut State line, including New York, N.Y., and points in Nassau County, N.Y.; *general commodities*, excepting, among others, commodities in bulk, but not excepting household goods, between Boston, Mass., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, and that part of New York east of the Hudson River and south of a line beginning at Newburgh, N.Y., and extending east through Patterson, N.Y., to the New York-Connecticut State line, including New York, N.Y., and points in Nassau County, N.Y.; *wool* and *woolen products*, between Boston, Mass., on the one hand, and, on the other, Providence, Greystone, Woonsocket, and North Smithfield, R.I., and points in Massachusetts within 75 miles of Boston; and *hides*, from Boston, Mass., to Peabody, Mass. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, Ohio, Missouri, Kansas, Arkansas, Texas, Louisiana, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Tennessee, Kentucky, Illinois, Indiana, Michigan, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9386. Authority sought for purchase by RAYMOND B. LONG, INC., Ridge Road, Tylersport, Pa., of a portion of the operating rights of MICHAEL SADOWSKI, doing business as MICHAEL SADOWSKI TRUCKING, 24 West Bridge Street (Rear), Morrisville, Pa., and for acquisition by RAYMOND B. LONG, also of Tylersport, Pa., of control of such rights through the purchase. Applicants' attorney: Morris J. Winokur, 1920 Two Penn Center Plaza, Philadelphia, Pa., 19102. Operating rights sought to be transferred: *Building and road construction materials in bulk*, as a *common carrier*, over irregular routes, between points in Bucks County, Pa., on the one hand, and, on the other, points in New Jersey within 35 miles of Bristol, Pa. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, and New York. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9388. Authority sought for control by CHARLES F. ILES, 214 15th Street, Des Moines, Iowa, HAROLD E. McKINNEY, 214 15th Street, Des Moines, Iowa, and R. A. BROWN, SR., Post Office Box S, Bettendorf, Iowa, of BRUCE MOTOR FREIGHT, INC., 3920 Delaware Avenue, Des Moines, Iowa. Applicants' attorney: Homer E. Bradshaw, 5th Floor, Central National Building, Des Moines, Iowa, 50309. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods, but not excepting commodities in bulk, as a *common carrier*, over regular routes, between Des Moines, Iowa, and Colo, Iowa, serving no intermediate points, between Des Moines, Iowa, and Minneapolis, Minn., between Des Moines, Iowa, and St. Paul, Minn., serving all intermediate points, between Des Moines, Iowa, and Kansas City, Mo., serving all intermediate points, and off-route points in the Kansas City, Mo.,-Kansas City, Kans., commercial zone, as defined by the Commission, without restriction, and the off-route points of Wert and Weldon, Iowa, restricted against the transportation of commodities of unusual value, class A and B explosives, commodities in bulk, and those requiring special equipment, between Des Moines, Iowa, and St. Louis, Mo., serving all intermediate points, and off-route points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission, between Des Moines, Iowa, and St. Louis, Mo., serving certain intermediate points, restricted to traffic originating in Iowa and Minnesota; and intermediate and off-route points in the St. Louis, Mo.,-East St. Louis, Ill., commercial zone, as defined by the Commission, without restriction, between Leon, Iowa, and Centerville, Iowa, serving all intermediate points between Leon and Corydon, Iowa, including Corydon, between St. Louis, Mo., and East Alton, Ill., serving no intermediate points, and limited to the transportation of traffic moving to or from points beyond St. Louis.

General commodities, excepting, among others, household goods and commodities in bulk, between Ames, Iowa, and Albert Lea, Minn., serving no intermediate points, between junction Iowa Highway 2 and U.S. Highway 65, and junction U.S. Highways 65 and 69, serving the intermediate point of Humeston, Iowa, between Centerville, Iowa, and junction Iowa Highway 2 and U.S. Highway 63, between Ottumwa, Iowa, and Oskaloosa, Iowa, serving no intermediate points, between Des Moines, Iowa, and Perry, Iowa, serving certain intermediate points; between Chicago, Ill., and Des Moines, Iowa, serving no intermediate points, but serving the off-route points in Illinois in the Chicago, Ill., commercial zone, as defined by the Commission. Restriction: The operations authorized immediately above are restricted to prevent carrier from utilizing said rights in combination with carrier's other rights, for the transportation of traffic moving between Chicago, Ill., and the off-route points in Illinois, in the Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, Minneapolis and St. Paul, Minn., and certain specified points in Missouri; numerous alternate routes for operating convenience only; *general commodities*, excepting, among others, household goods, but not excepting commodities in bulk, over irregular routes, between Minneapolis and St. Paul, Minn., and the site of the Twin City Ordnance Plant in Mounds View Township, Ramsey County, Minn.; *general commodities*, excepting, among others, household goods and commodities in bulk, between certain specified points in Minnesota, with limitation, *poultry*, *butter*, and *eggs*, from certain specified points in Iowa, to Chicago, Ill.;

General commodities, excepting among others, household goods and commodities in bulk, over regular routes, (A) between Hudson, Wis., and Milwaukee, Wis., serving certain intermediate and off-route points, (B) between Minneapolis, Minn., and Chicago, Ill., serving certain intermediate and off-route points, with restriction, between junction U.S. Highway 12 and Wisconsin Highway 172 west of Eau Claire, Wis., and junction U.S. Highways 12 and 53, east of Eau Claire, Wis., for operating convenience only, serving no intermediate points; numerous alternate routes for operating convenience only; *general commodities*, excepting, among others, household goods and commodities in bulk, between points in Minnesota within 35 miles of Minneapolis, Minn., including Minneapolis, Minn., between points in that part of Illinois north of U.S. Highway 30, and points in that part of Indiana north of U.S. Highway 30 and west of Indiana Highway 51, including points on the indicated portions of the highways specified, on the one hand, and, on the other, points on the regular service routes described in Part B above, Chemolite, Minn., and points in the Minneapolis-St. Paul, Minn., commercial zone, as defined by the Commission; *butter*, *eggs*, *poultry*, *dressed rabbits*, *meat*, *canned goods*, *paper*, and *junk*, from certain specified points in Minnesota, with exception, to points on the regular service routes described in Part B above, Chemolite, Minn., and points in Minneapolis-St. Paul, Minn., commercial zone, as defined by the Commission; and *general commodities*, except those of unusual value, classes A and B explosives, bullion, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as an alternate route for operating convenience only, between Cedar Rapids, Iowa, and Mount Pleasant, Iowa, in connection with carrier's presently authorized regular route operations, serving no intermediate points and serving Cedar Rapids, Iowa, for purposes of joinder only.

Restriction: The service authorized herein is restricted to traffic moving between St. Louis, Mo., and points in the Minneapolis-St. Paul, Minn., commercial zone. CHARLES F. ILES, HAROLD E. McKINNEY, and R. A. BROWN, SR., hold no authority with this Commission, as individuals. However, CHARLES F. ILES and HAROLD E. McKINNEY control IOWA PARCEL SERVICE, INC., 214 15th Street, Des Moines, Iowa, which is authorized to operate as a *common carrier* in Iowa, Illinois, Nebraska, and Missouri. Application has not been filed for temporary authority under Section 210a (b). NOTE: (1) Applicants request dismissal of application if the Commission

finds such authority not required. (2) Applicants have dissolved or propose to dissolve any affiliation with the following carriers respectively: (1) R. A. BROWN, C. F. ILES, AND H. E. McKINNEY, a partnership, doing business as MEADOWS TRANSFER COMPANY, Docket No. MC–76025, which is authorized to operate as a *contract carrier* in Illinois, Indiana, Michigan, Wisconsin, Iowa, Nebraska, South Dakota, North Dakota, Minnesota, and Missouri; and (2) D & T TRUCKING CO., INC., Docket No. MC–117644, Sub 2, which is authorized to operate as a *contract carrier* in West Virginia, Iowa, Minnesota, North Dakota, and Wisconsin.

No. MC–F–9389. Authority sought for purchase by GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road, Southeast Atlanta, Ga., 30315, of the operating rights and property of GRACE T. COCKE, doing business as ROGERS TRUCK LINE, Post Office Box 27, Vidalia, Ga., 30474, and for acquisition by H. D. WINSHIP, also of Atlanta, Ga., 30315, of control of such rights and property through the purchase. Applicants' attorneys and representatives: Allen Post, First National Bank Building, Atlanta, Ga., T. Baldwin Martin, First National Bank Building, Macon, Ga., Robert C. Dryden, 2090 Jonesboro Road, Atlanta, Ga., and Grace T. Cocke, Post Office Box 27, Vidalia, Ga. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Glennville, Ga., and Savannah, Ga., serving all intermediate points. Restriction: The authority herein granted is restricted against serving points in South Carolina within the Savannah, Ga., commercial zone as defined by the Commission; between Mount Vernon, Ga., and junction Georgia Highway 46 and Georgia Highway 297, serving the intermediate points of Uvalda and Alston, Ga., between Metter, Ga., and junction Georgia Highway 46 and Georgia Highway 19, between Dublin, Ga., and Glenwood, Ga., serving all intermediate points; and under a certificate of registration, in Docket No. MC–97403 (Sub-No. 4), covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Georgia. Vendee is authorized to operate as a *common carrier* in Tennessee, Georgia, and Alabama. Application has not been filed for temporary authority under section 210a(b). NOTE: Docket No. MC–59823 (Sub-No. 35) is a matter directly related.

No. MC–F–9390. Authority sought for purchase by CENTRAL MOTOR EXPRESS, INC., Greensburg Road, Campbellsville, Ky., of a portion of the operating rights of HALL K. DAVIS and LELLA H. DAVIS, a partnership, doing business as BURKESVILLE TRANSFER COMPANY, Burkesville, Ky., and for acquisition by HENRY A. BUCHANAN, JR., also of Campbellsville, Ky., of control of such rights through the purchase. Applicants' attorney: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over a regular route, between Glasgow, Ky., and Greensburg, Ky., serving all intermediate points except Edmonton, Ky. Vendee is authorized to operate as a *common carrier* in Kentucky, Tennessee, Illinois, Indiana, Missouri, and Ohio. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PASSENGERS

No. MC–F–9387. Authority sought for control by EDWARD DAVIS, Grundy, Va., of SOUTHWEST COACH LINES, INCORPORATED, Bristol, Va. Applicants' attorney: Jno. C. Goddin, Insurance Building, 10 South 10th St., Richmond, Va., 23219. Operating rights sought to be controlled: Passengers and their baggage, as a *common carrier*, over regular routes, between Norton, Va., and Kingsport, Tenn., between Middlesboro, Ky., and Jonesville, Va., between Pattonsville, Va., and Bristol, Tenn., between Hiltons, Va., and Mendota, Va., between Big Stone Gap, Va., and Jonesville, Va., serving all intermediate points; passengers and their baggage, in the same vehicle with passengers, between St. Paul, Va., and Clinchport, Va., serving all intermediate points; passengers and their baggage, and express, and newspapers in the same vehicle with passengers, between Pennington Gap, Va., and Harlan, Ky., serving all intermediate points; express and newspapers in the same vehicle with passengers, between Middlesboro, Ky., and Norton, Va., between Big Stone Gap, Va., and Kingsport, Tenn., between Big Stone Gap, Va., and Bristol, Va., between Harlan, Ky., and Pennington Gap, Va., serving all intermediate points. EDWARD DAVIS holds no authority with this Commission. However, he is the sole stockholder of BLACK & WHITE TRANSIT COMPANY, INC., Grundy, Va., which is authorized to operate as a common carrier in Kentucky, Virginia, and West Virginia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66–3702; Filed, Apr. 5, 1966; 8:50 a.m.]

[Notice 903]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 1, 1966.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 25869 (Sub-No. 66), filed March 9, 1966. Applicant: NOLTE BROS. TRUCK LINES, INC., Post Office Box 7184, 2509 O Street, South Omaha, Nebr. Applicant's representative: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Belvidere, Ill., to points in Iowa, Nebraska, Kansas, Colorado, Wyoming, and to Kansas City, Mo. NOTE: Common control may be involved.

HEARING: May 9, 1966, at the U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., before Examiner Willard Goheen.

No. MC 35469 (Sub-No. 36), filed Febuary 23, 1966. Issues published in FEDERAL REGISTER of March 18, 1966, and republished this issue. Applicant: MODERN TRANSFER CO., INC., 1300 Hanover Avenue, Allentown, Pa. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill., 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, between points in Illinois, Indiana, New York, Maryland, Michigan, Missouri, Ohio, and

Pennsylvania. NOTE: The purpose of this republication is to reflect the hearing information.

HEARING: April 25, 1966, at Pittsburgh, Pa., before Examiner Warren C. White. Place of hearing to be announced at a later date.

No. MC 52673 (Sub-No. 22), filed March 14, 1966. Issues published in FEDERAL REGISTER of March 24, 1966, and republished this issue. Applicant: FRED OLSON MOTOR SERVICE COMPANY, a corporation, 6022 West State Street, Milwaukee, Wis., 53213. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill., 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, between points in Indiana, Illinois, Wisconsin, Michigan, Ohio, Pennsylvania, and West Virginia. NOTE: The purpose of this republication is to reflect the hearing information.

HEARING: April 25, 1966, at Pittsburgh, Pa., before Examiner Warren C. White. Place of hearing to be announced at a later date.

No. MC 55896 (Sub-No. 24), filed March 25, 1966. Applicant: R. W. EXPRESS, INC., 4840 Wyoming Avenue, Dearborn, Mich. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill., 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles*, and *rejected shipments*, between points in Michigan, Illinois, Indiana, Kentucky, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin.

HEARING: April 25, 1966, at Pittsburgh, Pa., before Examiner Warren C. White. Place of hearing to be announced at a later date.

No. MC 69901 (Sub-No. 12), filed March 28, 1966. Applicant: COURIER-NEWSOM EXPRESS, INC., Post Office Box 509, Columbus, Ind. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill., 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, between points in Pennsylvania, Ohio, West Virginia, Indiana, Kentucky, Illinois, Wisconsin, and Michigan.

HEARING: April 25, 1966, at Pittsburgh, Pa., before Examiner Warren C. White. Place of hearing to be announced at a later date.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-3703; Filed, Apr. 5, 1966; 8:51 a.m.]

[Notice 390]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 1, 1966.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 88), ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio, 44309, filed March 21, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Ebensburg, Pa., over U.S. Highway 22 to junction Pennsylvania Highway 933, thence over Pennsylvania Highway 933 to junction U.S. Highway 422, at or near Belsano, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Ebensburg, Pa., over U.S. Highway 422 to Belsano, Pa., and return over the same route.

No. MC 2202 (Deviation No. 89), ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio, 44309, filed March 21, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cambridge, Ohio, over Interstate Highway 70 to Washington, Pa., thence over U.S. Highway 19 to Pittsburgh, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cambridge, Ohio, over U.S. Highway 22 to Pittsburgh, Pa., and return over the same route.

No. MC 29525 (Deviation No. 1), ELTON DOST AND MARVIN RICHTER, (a partnership), doing business as D. & R. TRUCK SERVICE, Shawneetown, Mo., filed March 24, 1966. Applicant's representative: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo., 65101. Carrier proposes to operate as a *common carrier*, by motor vehicle of *livestock* and *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 61 and Missouri Highway 51, over Missouri Highway 51 to the Missouri-Illinois State line, thence over Illinois Highway 3 to junction Illinois Highway 159, thence over Illinois Highway 159 to junction U.S. Highway 460, thence over U.S. Highway 460 to East St. Louis, Ill., thence over city streets and bridges across the Mississippi River to St. Louis, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) from Shawneetown, Mo., over unnumbered highway to junction U.S. Highway 61 (formerly Missouri Highway 25), thence over U.S. Highway 61 to junction U.S. Highway 67, thence over U.S. Highway 67 to St. Louis, Mo., thence over Alternate U.S. Highway 67 to National Stock Yards, Ill., and (2) from National Stock Yards, Ill., over the route specified in (1) to Shawneetown, Mo.

No. MC 53965 (Deviation No. 3), GRAVES TRUCK LINE, INC., 739 North 10th Street, Post Office Box 838, Salina, Kans., 67402, filed March 23, 1966. Carrier's representative: James E. Lockwood, Post Office Box 8052, Packers Station, Kansas City 19, Kans. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Olathe, Kans., over U.S. Highway 169 to junction Interstate Highway 44, thence over Interstate Highway 44 to Oklahoma City, Okla., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) from Kansas City, Mo., over U.S. Highway 56 via Olathe, Kans., to junction U.S. Highway 50, (2) from junction U.S. Highways 56 and 59 over U.S. Highway 56 to Great Bend, Kans., (3) from Kansas City, Mo., over the Kansas Turnpike to Wichita, Kans., and (4) from Wichita, Kans., over U.S. Highway 81 to junction U.S. Highway 177, thence over U.S. Highway 177 to junction U.S. Highway 77, and thence over U.S. Highway 77 to Oklahoma City, Okla., and return over the same routes.

No. MC 72300 (Deviation No. 4), LEE AMERICAN FREIGHT SYSTEM, INC., 418 Olive Street, St. Louis, Mo., 63102, filed March 22, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Memphis, Tenn., over U.S. Highway 79 to junction U.S. Highway 641, thence over U.S. Highway 641 to junction U.S. Highway 41, thence over U.S. Highway 41 to junction Indiana Highway 57, thence over Indiana Highway 57 to junction Indiana Highway 67, thence over Indiana Highway 67 to junction Interstate Highway 465, thence over Interstate Highway 465 to junction Indiana Highway 100, thence over Indiana Highway 100 to junction Indiana Highway 37, thence over Indiana Highway 37 to junction Interstate Highway 69, thence over Interstate Highway 69 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction U.S. Highway 27, and thence over U.S. Highway 27 to Coldwater, Mich., and return over the same

route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Memphis, Tenn., over U.S. Highway 61 to junction Missouri Highway 74, thence over Missouri Highway 74 to the Missouri-Illinois State line, thence over Illinois Highway 146 to junction Illinois Highway 3, thence over Illinois Highway 3 to junction Illinois Highway 159, thence over Illinois Highway 159 to junction Illinois Highway 13, thence over Illinois Highway 13 to East St. Louis, Ill., (2) from East St. Louis, Ill., over U.S. Highway 66 (Interstate Highway 55 and Alternate U.S. Highway 66) to Joliet, Ill., (3) from Joliet, Ill., over U.S. Highway 6 to junction Indiana Highway 2, thence over Indiana Highway 2 to South Bend, Ind., and (4) from South Bend, Ind., over U.S. Highway 20 to junction Indiana Highway 120, thence over Indiana Highway 120 to junction Indiana Highway 103, thence over Indiana Highway 103 to the Indiana-Michigan State line, thence over Michigan Highway 103 to junction U.S. Highway 12, thence over U.S. Highway 12 to Coldwater, Mich., and return over the same routes.

No. MC 109533 (Deviation No. 1), OVERNITE TRANSPORTATION COMPANY, 1100 Commerce Road, Richmond, Va., 23224, filed March 22, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Richmond, Va., over Interstate Highway 95 (or U.S. Highway 301) to Florence, S.C., thence over U.S. Highway 76 to Columbia, S.C., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) from Richmond, Va., over U.S. Highway 1 to Henderson, N.C., thence over U.S. Highway 158 to Oxford, N.C., thence over U.S. Highway 15 to Durham, N.C., thence over U.S. Highway 70 to High Point, N.C., and thence over U.S. Highway 311 to Winston-Salem, N.C., and (2) from High Point, N.C., over U.S. Highway 29 to Charlotte, N.C., thence over U.S. Highway 21 to Rock Hill, S.C., thence over South Carolina Highway 72 to Chester, S.C., thence over U.S. Highway 321 to Rockton, S.C., thence over South Carolina Highway 34 to Ridgeway, S.C., thence over U.S. Highway 21 to Columbia, S.C., and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 302), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio, 44113, filed March 23, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, over a deviation route as follows: From Hartford, Conn., over Interstate Highway 84 to the junction of Connecticut Highway 15 (Wilbur Cross Highway), near East Hartford, Conn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From the Massachusetts-Connecticut State line over Connecticut Highway 15 (Wilbur Cross Highway) and the Charter Oak Bridge via junction Connecticut Highways 15 and 75 and U.S. Highway 44, near Tolland Station, Conn., to Hartford, Conn., and return over the same route.

No. MC 1515 (Deviation No. 303) (Cancels Deviation Nos. 121 and 143), GREYHOUND LINES, INC., Southern Division, 219 East Short Street, Lexington, Ky., 40507, filed March 24, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 25 and Interstate Highway 75, at or near Covington, Ky., over Interstate Highway 75 to junction U.S. Highway 25, near Richmond, Ky., with the following access routes: (a) From junction Interstate Highway 75 and Kentucky Highway 338 over Kentucky Highway 338 to Richmond, Ky., (b) from junction Interstate Highway 75 and Kentucky Highways 14–16 over Kentucky Highways 14–16 to Walton, Ky., (c) from junction Interstate Highway 75 and Kentucky Highway 491 over Kentucky Highway 491 to Crittenden, Ky., (d) from junction Interstate Highway 75 and Kentucky Highway 22 over Kentucky Highway 22 to Dry Ridge, Ky., (e) from junction Interstate Highway 75 and Kentucky Highway 36 over Kentucky Highway 36 to Williamstown, Ky., (f) from junction Interstate Highway 75 and Kentucky Highway 1032 over Kentucky Highway 1032 to Corinth, Ky., and (g) from junction Interstate Highway 75 and U.S. Highway 62, over U.S. Highway 62 to Georgetown, Ky., and (h) from junction Interstate Highway 75 and Kentucky Highway 922 over Kentucky Highway 922 to Lexington, Ky., and (2) from junction U.S. Highway 25 and Interstate Highway 75, approximately 2 miles south of Williamsburg, Ky., over Interstate Highway 75 to junction U.S. Highway 25, approximately 1 mile south of Jellico, Tenn., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From Cincinnati, Ohio, over U.S. Highway 25 to Lexington, Ky. (also from Cincinnati across the Ohio River to Covington, Ky., thence over Kentucky Highway 17 to junction U.S. Highway 27, thence over U.S. Highway 27 to Lexington), and thence over U.S. Highway 27 to Chattanooga, Tenn., and (2) from Lexington, Ky., over U.S. Highway 25 via Livingston, Oakley and East Bernstadt, Ky., to Corbin, Ky., and thence over U.S. Highway 25W to Knoxville, Tenn., and return over the same routes.

No. MC 1515 (Deviation No. 304) (Cancels Deviation Nos. 154 and 194), GREYHOUND LINES, INC. (Southern Division), 219 East Short Street, Lexington, Ky., 40507, filed March 24, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers over a deviation route as follows: From Nashville, Tenn., over Interstate Highway 40 to Memphis, Tenn., with the following access routes: (a) from junction Interstate Highway 40 and Tennessee Highway 96 over Tennessee Highway 96 to Dickson, Tenn., (b) from junction Interstate Highway 40 and Tennessee Highway 48 over Tennessee Highway 48 to Dickson, Tenn., (c) from junction Interstate Highway 40 and Tennessee Highway 13 over Tennessee Highway 13 to Waverly, Tenn., (d) from junction Interstate Highway 40 and Tennessee Highway 69 over Tennessee Highway 69 to Camden, Tenn., (e) from junction Interstate Highway 40 and Tennessee Highway 22 over Tennessee Highway 22 to Huntingdon, Tenn., (f) from junction Interstate Highway 40 and Tennessee Highway 104 over Tennessee Highway 104 to Cedar Grove, Tenn., (g) from junction Interstate Highway 40 and Tennessee Highway 20 over Tennessee Highway 20 to Jackson, Tenn., (h) from junction Interstate Highway 40 and Tennessee Highway 76 over Tennessee Highway 76 to Brownsville, Tenn., (i) from junction Interstate Highway 40 and Tennessee Highway 59 over Tennessee Highway 59 to Braden, Tenn., (j) from junction Interstate Highway 40 and unnumbered county road over unnumbered county road to Arlington, Tenn., and (k) from junction Interstate Highway 40 and unnumbered county road over unnumbered county road to Stanton, Tenn., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Memphis, Tenn., over U.S. Highway 70 via Brownsville, Jackson, Dickson, and White Bluff, Tenn., to Nashville, Tenn., and return over the same route.

No. MC 1515 (Deviation No. 305) (Cancels Deviation No. 202), GREYHOUND LINES, INC., Southern Division, 219 East Short Street, Lexington, Ky., 40507, filed March 24, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From Meridian, Miss., over Interstate Highway 59 to junction U.S. Highway 11, east of Toomsuba, Miss., (2) from junction Interstate Highway 59 and U.S. Highway 11 at Laurel, Miss., over Interstate Highway 59 to junction Interstate Highways 10 and 12, northeast of Slidell, La., with the following access routes: (a) From junction Interstate Highway 59 and U.S. Highway 49 over U.S. Highway 49 to Hattiesburg, Miss., (b) from junction Interstate Highway 59 and U.S. Highway 98 over U.S. Highway 98 to Hattiesburg, Miss., (c) from junction Interstate Highway 59 and unnumbered highway over unnumbered highway to Purvis,

Miss., (d) from junction Interstate Highway 59 and Mississippi Highway 13, over Mississippi Highway 13 to Lumberton, Miss., (e) from junction Interstate Highway 59 and Mississippi Highway 26 over Mississippi Highway 26 to Poplarville, Miss., (f) from junction Interstate Highway 59 and Mississippi Highway 53 over Mississippi Highway 53 to Poplarville, Miss., and (g) from junction Interstate Highway 59 and Mississippi Highway 43 over Mississippi Highway 43 to Picayune, Miss., and (3) from junction Interstate Highway 59, Interstate Highway 10 and Interstate Highway 12 over Interstate Highway 10 to New Orleans, La., with the following access routes: (a) From junction Interstate Highway 10 and U.S. Highway 190 over U.S. Highway 190 to junction U.S. Highway 11, and (b) from junction Interstate Highway 10 and Louisiana Highway 433 over Louisiana Highway 433 to Slidell, La., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Birmingham, Ala., over U.S. Highway 11 via Bucksville and Box Springs, Ala., to New Orleans, La., and return over the same route.

No. MC 2890 (Deviation No. 57) (Cancels Deviation No. 49), AMERICAN BUSLINES, INC., 1805 Leavenworth Street, Omaha, Nebr., filed March 25, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over a deviation route as follows: Between St. Louis, Mo., and Springfield, Mo., over Interstate Highway 44, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: between St. Louis, Mo., and Joplin, Mo., over U.S. Highway 66.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-3704; Filed, Apr. 5, 1966; 8:51 a.m.]

[Notice 159]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 1, 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 636 (Sub-No. 1 TA), filed March 29, 1966. Applicant: FRANK A. CLENDINING, Sr., AND FRANK A. CLENDINING, Jr., a partnership, doing business as CLENDINING EXPRESS, 101 North Linden Avenue, Lindenwold, N.J., 08021. Applicant's representative: James H. Sweeney, 902 Spruce Avenue, Oaklyn, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 MCC 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Philadelphia, Pa., on the one hand, and on the other, points in New Jersey within that part of Burlington County bounded by a line commencing in an easterly direction from the Camden-Burlington County line at State line at State Highway 38 to the North Branch Pennsauken Creek, thence southeasterly along the North Branch Pennsauken Creek to an unnumbered highway (Moorestown-Evesboro Road), thence southeasterly along said unnumbered highway to Mount Laurel Township line, thence westerly along said township line to the Camden-Burlington County line, thence northerly along said county line to point of beginning, for 180 days. Any authority granted herein to the extent that such authority duplicates any heretofore granted or now held by carrier shall not be construed as conferring more than one operating right. Supporting shippers: Marlton Industries, Inc., Route 73, Mount Laurel Township, N.J.; Precision Packaging Co., Post Office Box 1, Magnolia, N.J. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 410 Post Office Building, Trenton, N.J., 08608.

No. MC 17829 (Sub-No. 11 TA), filed March 30, 1966. Applicant: DISILVA TRANSPORTATION, INC., 30 Middlesex Avenue, Somerville, Mass., 02145. Applicant's representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass., 02184. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials and supplies, used in the conduct of such business* (except commodities in bulk, in tank vehicles), from Somerville, Mass., to Brattleboro, Vt., and Keene, N.H., *returned or damaged shipments of the above-described commodities*, from Brattleboro, Vt., and Keene, N.H., to Somerville, Mass., for 150 days. Restriction: The operations proposed herein are to be limited to a transportation service to be performed under a continuing contract, or contracts, with First National Stores, Inc. Supporting shipper: First National Stores, Inc., 5 Middlesex Avenue, Somerville, Mass., 02145. Send protests to: Maurice C. Pollard, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 30 Federal Street, Boston, Mass., 02110.

No. MC 35484 (Sub-No. 64 TA), filed March 30, 1966. Applicant: VIKING FREIGHT COMPANY, 1525 South Broadway, St. Louis, Mo., 63104. Applicant's representative: G. M. Rebman, Suite 1230, Boatmen's Bank Building, St. Louis, Mo., 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving Raymond, Miss., as an off-route point in connection with regular route authority between the Louisiana-Mississippi State line and Jackson, Miss., and all other authorized routes in MC 35484 and subs, for 180 days. Supporting shipper: Magna American Corp., Interstate Highway 75, Evendale, Cincinnati, Ohio, 45215, Carsten R. Wegelin, General Traffic Manager. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248-B, 1520 Market Street, St. Louis, Mo., 63103.

No. MC 51104 (Sub-No. 5 TA), filed March 29, 1966. Applicant: G. F. KIESEL (GEORGE F. KIESEL, JR., AND ROBERT S. KIESEL, administrators), doing business as PARAMOUNT HAULING, 1936 South Vandeventer, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bulk and in bags or in packages, when shipped in mixed truckloads with bulk material, from the plantsite of Armour Agricultural Chemical Co. at Caruthersville, Mo., to points in Arkansas, Illinois, Indiana, Kentucky, and Tennessee, for 150 days. Supporting shipper: Armour Agricultural Chemical Co., Fertilizer Division, Post Office Box 312, East St. Louis, Ill. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248-B, 1520 Market Street, St. Louis, Mo., 63103.

No. MC 58813 (Sub-No. 77 TA), filed March 29, 1966. Applicant: SELMAN'S EXPRESS, INC., 460 West 35th Street, New York, N.Y., 10001. Applicant's representative: Solomon Granett, 1740 Broadway, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wearing apparel*, on

hangers only, from Cedar Bluff, Ala., Cartersville, Piney Grove, and Broxton, Ga., and Athens, Tenn., to points in New York, N.Y., commercial zone, and *materials and supplies* used in the manufacture of wearing apparel, from Cedar Bluff, Ala., Cartersville, Piney Grove, and Broxton, Ga., and Athens, Tenn., to points in the New York, N.Y., commercial zone; (2) *wearing apparel*, on hangers only, from Wilson and Goldsboro, N.C., to Jacksonville, Fla., for 150 days. Supporting shippers: Bartow Sportswear, Inc., Cartersville, Ga.; Cedar Bluff Sportswear, Cedar Bluff, Ala.; Odum Manufacturing Co., Inc., Piney Grove, Ga.; Little Lisa Sales Co., Inc., 130 West 34th Street, New York, N.Y.; Evelyn Pearson, Inc., 87 35th Street, Brooklyn, N.Y.; Fun 'N' Fads, Inc., 1370 Broadway, New York, N.Y. Send protests to: Paul W. Assenza, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

No. MC 61403 (Sub-No. 156 TA), filed March 30, 1966. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Post Office Box 47, Kingsport, Tenn., 37662. Applicant's representative: Charles E. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium thiocyanate liquor*, in bulk, in tank vehicles, from the plantsite of Halby Chemical Co. at or near LeMoyne, Ala. to points in Ohio, Iowa, Illinois, Missouri, Indiana, and West Virginia, for 180 days. Supporting shipper: Halby Chemical Co., Inc., Terminal Avenue and Golding Street, Wilmington, Del., 19899 (Mr. William P. Hinkel, sales manager). Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn., 37203.

No. MC 66562 (Sub-No. 2157 TA), filed March 29, 1966. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y., 10017. Applicant's representative: John H. Engel, 2413 Broadway, Kansas City, Mo., 64108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service between Alliance, Nebr., and Douglas, Wyo., from Alliance, over U.S. Highway 385 to junction with unmarked State road to junction U.S. Highway 26; thence in a northwesterly direction over U.S. Highway 26 to Douglas, and return over same route, serving the intermediate and/or off-route points of Bayard, Minitare, Scottsbluff, Mitchell, and Morrill, Nebr., and Torrington, Lingle, and Guernsey, Wyo., for 150 days. Restrictions: The service to be performed shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc. Shipments shall be limited to those moving on through bills of lading or express receipts. Supporting shippers: The application is supported by 23 potential shippers, which may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: Anthony Chiusano, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

No. MC 66562 (Sub-No. 2158 TA), filed March 29, 1966. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y., 10017. Applicants' representative: James C. Ingwersen, 1815 Egbert Avenue, San Francisco, Calif., 94124. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities moving in express service*, between Spokane, Wash., and Lewiston, Idaho, from Spokane over U.S. Highway 195 to Pullman, Wash. (alternately, between Spokane and Rosalia, Wash., over U.S. Highway 195 and between Rosalia and Pullman, Wash., over Washington Highways 271 and 27), and over Washington Highway 270, Idaho Highway 8 and U.S. Highways 95 and 195 between Pullman, Wash., and Lewiston, Idaho (alternately between Pullman, Wash., and Lewiston, Idaho, over U.S. Highways 195 and 95); also, U.S. Highway 95 and Idaho Highway 8 between Moscow and Troy, Idaho, serving the intermediate and off-route points of Rosalia, Oakesdale, Garfield, Palouse, and Pullman, Wash.; and Moscow and Troy, Idaho, for 150 days. Restrictions: (1) The service to be performed by the applicant shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc.; (2) shipments transported by applicant shall be limited to those on through bills of lading or express receipts; (3) such further specific conditions as the Commission, in the future, may find necessary to impose in order to restrict applicant's operations to a service which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc. Supporting shippers: The application is supported by 13 potential shippers, which may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: Anthony Chiusano, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

No. MC 78711 (Sub-No. 5 TA) (Amendment), filed March 2, 1966, published FEDERAL REGISTER, issue of March 10, 1966, and republished as amended this issue. Applicant: ROBERT SCHREIBER, doing business as SCHREIBER TRUCKING, Hebron, Ind. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill., 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, feed and feed ingredients*, in dump trucks and/or self-unloaders, from the plantsite and warehouse facilities of Darling & Co., Inc., at Chicago, Ill., to points in Michigan south and west of Michigan Highway 89 and west of Michigan Highway 27; to points in Wisconsin south and east of Wisconsin Highway 15; and to points in Indiana south of Indiana Highway 16 and east of Indiana Highway 35 and north of Indiana Highway 36 and east of U.S. Highway 69, for 180 days. Supporting shipper: Darling & Co., Inc., 4201 South Ashland Avenue, Chicago, Ill. Send protests to: Heber Dixon, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind., 46802. NOTE: The purpose of this republication is to show that applicant is an individual, rather than a corporation. The republication also shows the application has been assigned No. MC 78711 (Sub-No. 5 TA), in lieu of No. MC 127982 TA.

No. MC 86913 (Sub-No. 16 TA), filed March 30, 1966. Applicant: EASTERN MOTOR LINES, INC., Post Office Box 649, Warrenton, N.C. Applicant's representative: William S. Bugg (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard*, from Louisburg, N.C., and points within 5 miles thereof, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, West Virginia, South Carolina, Virginia, Wisconsin, Minnesota, and Washington, D.C., for 180 days. Supporting shipper: M. E. Joyner Manufacturing Co., Louisburg, N.C. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 10885, Cameron Village Station, Raleigh, N.C., 27605.

No. MC 111401 (Sub-No. 192 TA), filed March 30, 1966. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla., 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lube oil*, in bulk, in tank vehicles, from Fort Worth, Tex., to Las Vegas, Nev., for 180 days. Supporting shipper: Digsby Truck Lines, Inc., Las Vegas, Nev. 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 112669 (Sub-No. 7 TA), filed March 29, 1966. Applicant: FRIESEN TRUCK LINE, INC., 1207 East Second Street, Hutchinson, Kans., 67501. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans., 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream and ice cream products, dairy products and eggs*, from Hutchinson, Wichita, and Hillsboro, Kans., to points in New Mexico and points in Sedgwick, Logan, Weld, Larimer, Boulder, Morgan, Phillips, Yuma, Washington, Jefferson, Adams, Arapahoe, Douglas, Elbert, Kit Carson, Lincoln, El Paso, Cheyenne, Kiowa, Crowley, Pueblo, Huerfano, Las Animas,

Baca, Prowers, Bent, and Otero Counties, Colo., for 180 days. Supporting shippers: The Ark-Valley Cooperative Dairy Association, 911–923 South Main Street, Hutchinson, Kans.; Jackson Ice Cream Co., Inc., 416 North Main Street, Hutchinson, Kans. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 906 Schweiter Building, Wichita, Kans., 67202.

No. MC 112801 (Sub-No. 41 TA), filed March 29, 1966. Applicant: TRANSPORT SERVICE CO., 5100 West 41st Street, Post Office Box 272, Cicero Station, Chicago, Ill., 60650. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from the plantsite of Olin Mathieson at Joliet, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Ohio, and Wisconsin, for 180 days. Supporting shipper: Olin Mathieson Chemical Corp., Post Office Box 991, Little Rock, Ark. Send protests to: Charles J. Kudelka, District Supervisor, Bureau of Operations and Compliance, Room 1086, Interstate Commerce Commission, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., 60604.

No. MC 114091 (Sub-No. 73 TA), filed March 29, 1966. Applicant: HUFF TRANSPORT CO., INC., Fern Valley Road, Post Office Box 13116, Louisville, Ky., 40213. Applicant's representative: C. L. Huff (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid*, crude grade, in bulk, in tank vehicles, from the plantsite of Hooker Chemical Corp., at Columbia, Tenn., to points in Arkansas, Illinois, Indiana, Kentucky, Missouri, and Ohio, for 180 days. Supporting shipper: Samuel W. Bard, traffic manager, Hooker Chemical Corp., Jeffersonville, Ind., 47130. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky., 40202.

No. MC 116063 (Sub-No. 92 TA), filed March 29, 1966. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2400 Cold Springs Road, Post Office Box 270, Fort Worth, Tex., 76111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, from Dallas, Tex., to points in Arkansas, New Mexico, and Oklahoma, for 150 days. Supporting shipper: Bruce N. Maney, motor freight supervisor, Armour Agricultural Chemical Co., Box 1685, Atlanta, Ga., 30301. Send protests to: Ralph Bezner, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 816 T & P Building, Fort Worth, Tex., 76102.

No. MC 118831 (Sub-No. 45 TA), filed March 30, 1966. Applicant: CENTRAL TRANSPORT, INCORPORATED, Uwharrie Road, Post Office Box 5044, High Point, N.C. Applicant's representative: John Tabor (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid synthetic resins*, in bulk, from Greensboro, N.C., to points in Virginia, and *empty containers or such other incidental facilities* used in transporting the commodities described herein, on return, for 180 days. Supporting shipper: Synvar Southern Chemical Corp., 2817 Patterson Avenue, Greensboro, N.C. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Post Office Box 10885, Cameron Village Station, Raleigh, N.C., 27605.

No. MC 124359 (Sub-No. 4 TA), filed March 29, 1966. Applicant: WILHELEN, INC., 1409 16th Avenue, Greeley, Colo., 80631. Applicant's representative: W. R. Stevens (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Siding and materials and supplies used in the installation thereof*, (1) from Chicago, Ill., South Bend, Ind., and Ixonia, Wis. (located 8 miles east of Watertown, Wis.), to points in Bent, Boulder, Crowley, Denver, El Paso, Fremont, Jefferson, Kit Carson, Larimer, Las Animas, Mesa, Morgan, Otero, Pueblo, Sedgwick, and Weld Counties, Colo., Lamar, Colo., points in Albany, Fremont, Goshen, Laramie, Natrona, Park, and Sheridan Counties, Wyo., Cheyenne, Kimball, Perkins, and Scottsbluff Counties, Nebr., and Rapid City, S. Dak., and (2) from Denver, Colo., to Cheyenne and Casper, Wyo., and points in Cheyenne, Kimball, Perkins, and Scottsbluff Counties, Nebr., for 180 days. Supporting shipper: Rocky Mountain Supply Co., 2200 Market Street, Denver, Colo., 80205. Send protests to: Luther H. Oldham, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2022 Federal Building, 1961 Stout Street, Denver, Colo., 80202.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–3705; Filed, Apr. 5, 1966; 8:51 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

APRIL 1, 1966.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MC 4485 (Sub-No. 1), filed March 1, 1966. Applicant: WAVERLY TRANSFER COMPANY, INC., 111 Tredco Drive, Nashville, Tenn. Applicant's representative: A. O. Buck, 500 Court Square Building, Nashville, Tenn., 37201. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *Property*, between Nashville, Tenn., and the intersection of Highway 13 and Interstate Highway 40, and between Jackson, Tenn., and said intersection over said Interstate Highway 40 to the extent same is available for use and in the future over such additional sections of said Interstate Highway 40 as same become available for use, with authority to enter, leave, and reenter said Interstate 40 at such interchanges and crossings and traversing such highway as is necessary to connect with applicant's presently authorized routes, both routes to be used for operating convenience only, serving no points except as now authorized and to be used in connection with presently authorized authority.

HEARING: May 24, 1966, at 9:30 a.m. at Tennessee Public Service Commission's Courtroom, C–1–110 Cordell Hull Building, Nashville, Tenn. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, and should not be directed to the Interstate Commerce Commission.

State Docket No. P(L) 13532, filed February 16, 1966. Applicant: ROCKFORD CAB AND PARCEL SERVICE, 19 North Maine Street, Rockford, Mich. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *Passengers and packages* of not to exceed 100 pounds weight in six-passenger motor vehicle only between the city of Rockford, Mich., and points within a 6-mile radius therefrom and various points in Michigan.

HEARING: April 13, 1966, at 9:30 a.m., at the Michigan Public Service Commission, Lewis Cass Building, South Walnut Street, Lansing, Mich. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Michigan Public Service Commission, Lewis Cass Building, South Walnut Street, Lansing, Mich., and should not be directed to the Interstate Commerce Commission.

State Docket No. MC 19214, filed March 14, 1966. Applicant: GEORGE T. GULLEY, 1141 Northwest 80th Street, Oklahoma City, Okla. Applicant's representative: C. O. Hunt, Professional Office Building, 1405 South Midwest Building, Midwest City, Okla. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *Class A motor carrier of freight (which shall include all kinds of goods, wares, and merchandise)*, giving daily service from

all points to Oklahoma City and daily service to all points from Oklahoma City (Monday through Friday) over and along the following route: Serving between Oklahoma City, Okla., via U.S. Highway 77, and Interstate Highway 35, and Moore, Norman, Purcell, Noble, Lexington and all intermediate points and places including off-route points of Goldsby and Washington and thence Purcell to Pauls Valley, via U.S. Highway 77, and Interstate Highway 35, serving all intermediate points and places and thence via State Highway 19 from Pauls Valley to Maysville, thence on State Highway 19 to Lindsay, thence on State Highway 76 to Blanchard, thence on U.S. Highway 62 to Oklahoma City, with authority to serve all points intermediate between Oklahoma City and Lindsay, including off-route point to Dibble, with authority to serve between all places on the above route described, with the use of State Highway 9 from where it intersects U.S. Highway 62 northeast of Blanchard to its intersection of Interstate Highway 35 and with the use of State Highway 74 between Maysville and where it intersects U.S. Highway 77 south of Purcell, and with the use of State Highway 39 from Purcell to where it intersects State Highway 76 west of Dibble and with the use of State Highway 24 where it intersects State Highway 39 west of Purcell to Washington as alternate routes for operational convenience, all within the State of Oklahoma.

HEARING: May 17 and 18, at 10 a.m., in the Oklahoma Corporation Commission, Jim Thorpe Building, Oklahoma City, Okla. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Oklahoma Corporation Commission, Jim Thorpe Building, Oklahoma City, Okla., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-3706; Filed, Apr. 5, 1966; 8:51 a.m.]

[Ex Parte No. MC-64]

MOTOR CARRIER SERVICES DUE TO THE CESSATION OF NORMAL RAIL TRANSPORTATION OCCASIONED BY WORK STOPPAGES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 1st day of April A.D. 1966.

General Temporary Order No. 1—Section 210a(a). The Interstate Commerce Commission having under consideration the urgent need for motor carrier services due to the cessation of normal rail transportation occasioned by work stoppages, the national transportation policy, the public interest, and, among others, sections 202(a), 204(a)(6), and 210a(a) of the Interstate Commerce Act, and

It appearing, that due to a labor dispute, certain common carriers by railroad are unable to transport passengers and property tendered to them; and that an emergency exists in many sections of the United States requiring immediate action on the part of the Commission to make provision for adequate transportation service in the interest of the public and the national defense;

It further appearing, that there exists an immediate and urgent need for additional motor carrier service to supplement temporarily the transportation facilities of the nation for the movement of military and other freight, and passengers;

And it further appearing, that the present transportation emergency and the immediate need for maximum utilization of motor carrier facilities, equipment, and service have made it necessary for the Commission to provide and authorize a more flexible method whereby motor carriers, and other persons, may obtain temporary authorizations to render the required motor service necessary in the public interest and to the national defense;

It is ordered, That pursuant to section 210a(a) of the Interstate Commerce Act (49 U.S.C. 310a(a)), all persons who shall apply to any Regional Director or District Supervisor of the Commission's Bureau of Operations and Compliance (30 FR 10069) are hereby granted temporary authority to transport passengers or property by motor vehicle for a period of not more than 30 days to the extent and scope that such Regional Director or District Supervisor shall certify that due to the existing transportation emergency, there is an immediate and urgent need for the service applied for, and that there is no available carrier service capable of meeting such need;

It is further ordered, That the grant of such temporary authority be, and it is hereby, conditioned upon satisfying the said Regional Director or District Supervisor of full compliance by the grantee with all applicable statutory and Commission requirements concerning tariff publications, evidence of security for the protection of the public, and designation of agents for service of process, and further conditioned upon such tariff publications quoting rates, fares, and charges no lower than those of existing rail, water or motor carriers in the territory in which the operations are to be authorized;

It is further ordered, That temporary authority granted pursuant to this order shall expire as of the first midnight after rail service shall have been reinstituted, except as to passengers or property, the transportation of which was begun prior to that time;

It is further ordered, That this order shall become effective on the 1st day of April, 1966;

And it is further ordered, That notice of this order shall be given to motor carriers, other parties of interest and to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Division 1.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-3700; Filed, Apr. 5, 1966; 8:50 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—APRIL

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during April.