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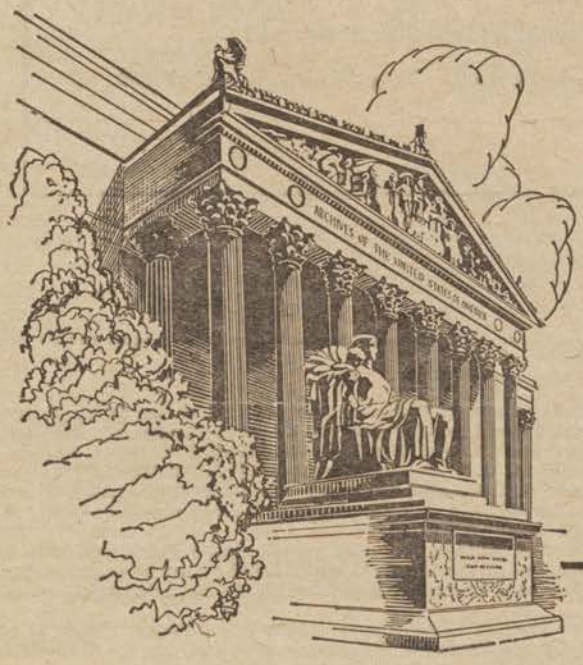

How To Find U.S. Statutes and U.S. Code Citations

[Revised Edition—1965]

This pamphlet contains typical legal references which require further citing. The official published volumes in which the citations may be found are shown alongside each reference—with suggestions as to the logical sequence to follow in using them. Additional finding aids, some especially useful in citing current legislation, also have been included. Examples are furnished at pertinent points and a list of references, with descriptions, is carried at the end.

This revised edition contains illustrations of principal finding aids and reflects the changes made in the new master table of statutes set out in the 1964 edition of the United States Code.

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

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Correction

In F.R. Doc. 66-3915 appearing at page 5659 in the issue for Tuesday, April 12, 1966, the amendatory language is corrected by singularizing the word "positions" to read "position" and by deleting the words "Confidential Secretary to the Deputy Under Secretary and". Also, the designations and text of paragraph (a) (32) in § 213.3316 are deleted.

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7291; Amdt. 95-140]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective May 26, 1966, as follows:

1. By amending Subpart C as follows:

From, to, and MEA

Section 95.1001 *Direct Route—United States* is amended to delete:

Boone, Tenn., RBN; Farley INT, Tenn., 4,600.
Boone, Tenn., RBN; Hilton INT, Va., *6,000. *5,000—MOCA.
Cross City, Fla., VOR; Taylor, Fla., VOR; *3,000. *1,500—MOCA.

From to, and MEA

Evergreen, Ala., VOR; INT, 104° M rad EVR and 009° M rad CEW; *2,000. *1,600—MOCA.
Gainesville, Fla., VOR; INT, Gainesville VOR 230° M rad and Cross City VOR 169° M rad; *1,700. *1,500—MOCA.
Houston, Tex., LF/RBN; Galveston, Tex., LF/RBN; 1,700.
Jacksonville, Fla., VOR; *INT, 129° M Jacksonville VOR and 360° M rads; **1,500. *7,500—MCA INT, TAC 129° and DAB 360°, southbound Daytona Beach VOR. **1,300—MOCA.
Jacksonville, Fla., VOR; *INT, 045° M Jacksonville VOR and 181° M rads, Savannah VOR; **1,500. *7,500—MCA INT, JAX 045° and SAV 181°, northbound. **1,200—MOCA.
Tri-City, Tenn., LOM Blackford, Va., VOR; 6,000.
Tri-City, Tenn., LMM Hilton INT, Va.; 5,000.
Tri-City, Tenn., LMM Holston Mountain, Tenn., VOR; 6,000.

Section 95.1001 *Direct Routes—United States* is amended by adding:

Lincoln, Nebr., LOM; Omaha, Nebr., VOR (COP 15 LNK); *2,900. *2,700—MOCA.
Toltec INT, Ariz.; INT, PHY 147/TUS 285; *7,000. *6,500—MOCA.
Victoria, Tex., VOR; Palacios, Tex., VOR; 1,500.

Bahama Routes

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*Halibut INT, Bahama; Freeport, Bahama, VOR; **1,500. *2,500—MRA. **1,400—MOCA.

Section 95.1001 *Direct Routes—United States* is amended to read in part:

Puerto Rico Routes

Route 4

Ramey, P.R., VOR; *Midway INT, P.R.; 5,300. *4,500—MRA.
Midway INT, P.R.; *Point Tuna INT, P.R.; **8,700. *8,700—MCA Point Tuna INT, northwestbound. **5,000—MOCA.
Maytown INT, Fla.; Orlando, Fla., VOR; 2,000.

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

Jacksonville, Fla., VOR via W alter.; *O'Neil INT, Fla., via W alter.; **1,500. *2,000—MRA. **1,100—MOCA
O'Neil INT, Fla., via W alter.; Brunswick, Ga., VOR via W alter.; *1,500. *1,300—MOCA.
Vero Beach, Fla., VOR; Oak Hill INT, Fla.; *2,000. *1,500—MOCA.
Oak Hill INT, Fla.; Daytona Beach, Fla., VOR; *2,000. *1,300—MOCA.
Raleigh-Durham, N.C., VOR; *Chase City INT, Va., **3,000. *3,000—MCA Chase City INT, southbound. **1,700—MOCA.

Section 95.6005 *VOR Federal airway 5* is amended to read in part:

Summitville INT, Tenn.; Milton INT, Tenn.; *3,000. *2,400—MOCA.

Section 95.6007 *VOR Federal airway 7* is amended to read in part:

*Lobster INT, Fla. via W alter.; Teresa INT, Fla. via W alter.; **5,500. *2,700—MRA. **1,100—MOCA.

From to, and MEA

Teresa INT, Fla. via W alter.; Creek INT, Fla. via W alter.; *5,500. *1,300—MOCA.
Clio INT, Ala.; Shady Grove INT, Ala.; *2,300. *1,600—MOCA.
Shady Grove INT, Ala.; Montgomery, Ala., VOR; *2,000. *1,500—MOCA.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

Hagerstown, Md., VOR via N alter.; Braddock INT, Md., via N alter.; 3,300.
Braddock INT, Md., via N alter.; Ashburn INT, Md., via N alter.; 3,000.
Martinsburg, W. Va., VOR; Boyds INT, Va.; 3,000.

Section 95.6010 *VOR Federal airway 10* is amended to read in part:

Litchfield, Mich., VOR; Milan INT, Mich.; *3,000. *2,300—MOCA.
Milan INT, Mich.; Carleton, Mich., VOR; *2,500. *2,000—MOCA.

Section 95.6014 *VOR Federal airway 14* is amended to read in part:

Indianapolis, Ind., VOR; Muncie, Ind., VOR; 2,800.
Muncie, Ind., VOR; *Neptune INT, Ohio; **3,000. *3,000—MRA. **2,500—MOCA.
Neptune INT, Ohio; Findlay, Ohio, VOR; 3,000.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

Mobile, Ala., VOR; Tensaw INT, Ala.; *2,000. *1,500—MOCA.
Tensaw INT, Ala.; Monroeville, Ala., VOR; *2,100. *1,700—MOCA.
Mobile, Ala., VOR via S alter.; Stockton INT, Ala., via S alter.; *2,000. *1,500—MOCA.
Stockton INT, Ala., via S alter.; Monroeville, Ala., VOR via S alter.; *2,100. *1,400—MOCA.
Mobile, Ala., VOR via N alter.; INT, 029° M rad, Mobile VOR and 246° M rad, Monroeville VOR via N alter.; *2,000. *1,700—MOCA.
INT, 029° M rad, Mobile VOR and 246° M rad, Monroeville VOR via N alter.; Monroeville, Ala., VOR via N alter.; *2,100. *1,700—MOCA.
Monroeville, Ala., VOR; Pine Apple INT, Ala.; *2,200. *1,500—MOCA.
Pine Apple INT, Ala.; Montgomery, Ala., VOR; *2,000. *1,800—MOCA.

Section 95.6023 *VOR Federal airway 23* is amended to read in part:

Eugene, Oreg., VOR via W alter.; Corvallis, Oreg., VOR via W alter.; *3,000. *2,200—MOCA.
Corvallis, Oreg., VOR via W alter.; McCoy INT, Oreg., via W alter.; 4,000.

Section 95.6026 *VOR Federal airway 26* is amended to read in part:

Salem, Mich., VOR; United States-Canadian Border; *2,700. *2,300—MOCA.
United States-Canadian Border; Cleveland, Ohio, VOR; *2,500. *2,000—MOCA.

Section 95.6035 *VOR Federal airway 35* is amended to read in part:

Calvary INT, Ga.; Hopeful INT, Ga.; *2,000. *1,600—MOCA.

From to, and MEA

Hopeful INT, Ga.; Camilla INT, Ga.; 2,500.
Gulfstream INT, Fla.; Largo INT, Fla.; *4,000. *1,200—MOCA.
Largo INT, Fla.; Miami, Fla., VOR; *2,000. *1,300—MOCA.

Section 95.6044 *VOR Federal airway 44* is amended to read in part:

Martinsburg, W. Va., VOR; Sugar Loaf INT, Md.; 3,000.

Section 95.6045 *VOR Federal airway 45* is amended to read in part:

Waterville, Ohio, VOR; Adrian INT, Mich.; *2,500. *2,000—MOCA.
Adrian INT, Mich.; Jackson, Mich., VOR; *2,800. *2,500—MOCA.

Section 95.6047 *VOR Federal airway 47* is amended by adding:

Rosewood, Ohio, VOR via W alter.; Findlay, Ohio, VOR via W alter.; *2,800. *2,300—MOCA.

Section 95.6047 *VOR Federal airway 47* is amended to read in part:

Waterville, Ohio, VOR; Milan INT, Mich.; *2,400. *2,000—MOCA.
Milan INT, Mich.; Salem, Mich., VOR; *2,500. *2,000—MOCA.

Section 95.6050 *VOR Federal airway 50* is amended to read in part:

Indianapolis, Ind., VOR; Dayton, Ohio, VOR; 2,800.
Indianapolis, Ind., VOR via N alter.; Muncie, Ind., VOR via N alter.; 2,800.
Muncie, Ind., VOR via N alter.; Daytoh, Ohio, VOR via N alter.; 2,800.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

Vero Beach, Fla., VOR; Oak Hill INT, Fla.; *2,000. *1,500—MOCA.
Oak Hill INT, Fla.; Daytona Beach, Fla., VOR; *2,000. *1,300—MOCA.

Section 95.6055 *VOR Federal airway 55* is amended to read in part:

Dayton, Ohio, VOR; Wabash INT, Ohio; 2,800.
Wabash INT, Ohio; Fort Wayne, Ind., VOR; *2,600. *2,200—MOCA.
Dayton, Ohio, VOR via E alter.; *Neptune INT, Ohio, via E alter.; 2,800. *3,000—MRA.
Neptune INT, Ohio, via E alter.; Fort Wayne, Ind., VOR via E alter.; *2,800. *2,200—MOCA.

Section 95.6068 *VOR Federal airway 68* is amended to read in part:

Cartwright INT, Tex.; Mathis INT, Tex.; *1,800. *1,500—MOCA.
Mathis INT, Tex.; Corpus Christi, Tex., VOR; *1,700. *1,400—MOCA.

Section 95.6070 *VOR Federal airway 70* is amended to read in part:

Greene County, Miss., VOR; Monroeville, Ala., VOR; *2,100. *1,700—MOCA.
Monroeville, Ala., VOR; Rutledge INT, Ala.; *2,200. *1,700—MOCA.
Rutledge INT, Ala.; Banks INT, Ala.; *2,500. *1,900—MOCA.
Banks INT, Ala.; Eufaula, Ala., VOR; *2,400. *1,800—MOCA.

Section 95.6072 *VOR Federal airway 72* is amended to delete:

Albany, N.Y., VOR; Hoosick INT, N.Y.; 4,000.
Hoosick INT, N.Y.; INT 108° M rad, Cambridge VOR and 014°M rad, Westfield VOR; *6,000. *5,700—MOCA.

Section 95.6072 *VOR Federal airway 72* is amended by adding:

From to, and MEA

Albany, N.Y., VOR; Cambridge, N.Y., VOR; 4,000.
Cambridge, N.Y., VOR; Hartness INT, Vt.; *6,000. *5,600—MOCA.

Section 95.6097 *VOR Federal airway 97* is amended to read in part:

Americus INT, Ga.; *Junction City INT, Ga.; **3,500. *3,000—MRA. **1,800—MOCA.
Calvary INT, Ga.; Hopeful INT, Ga.; *2,000. *1,600—MOCA.
Hopeful INT, Ga.; Camilla INT, Ga.; 2,500.

Section 95.6098 *VOR Federal airway 98* is amended to read in part:

Litchfield, Mich., VOR; Hudson INT, Mich.; *3,000. *2,400—MOCA.
Hudson INT, Mich.; Adrian INT, Mich.; *3,000. *2,000—MOCA.
Adrian INT, Mich.; Carleton, Mich., VOR; *2,500. *2,000—MOCA.

Section 95.6102 *VOR Federal airway 102* is amended to read in part:

*Santa Rosa INT, Tex.; Wichita Falls, Tex., VOR; 2,700. *4,000—MRA.

Section 95.6103 *VOR Federal airway 103* is amended by adding:

United States-Canadian Border; Salem, Mich., VOR; *3,000. *2,000—MOCA.

Section 95.6106 *VOR Federal airway 106* is amended to read in part:

Gardner, Mass., VOR; Manchester, N.H., VOR; 3,500.
Manchester, N.H., VOR; Kennebunk, Maine, VOR; *2,600. *1,900—MOCA.

Section 95.6114 *VOR Federal airway 114* is amended to read in part:

Vernon INT, Tex.; Wichita Falls, Tex., VOR; 2,700.
*Santa Rosa INT, Tex., via S alter.; Wichita Falls, Tex., VOR via S alter.; 2,700. *4,000—MRA.

Section 95.6119 *VOR Federal airway 119* is amended to read in part:

Clarion, Pa., VOR; Bradford, Pa., VOR; 4,000.

Section 95.6133 *VOR Federal airway 133* is amended to read in part:

Sandusky, Mich., VOR; United States-Canadian Border; *3,000. *2,000—MOCA.
United States-Canadian Border; Salem, Mich., VOR; *2,700. *2,300—MOCA.

Section 95.6141 *VOR Federal airway 141* is amended to read in part:

*Keeseville INT, N.Y.; Riverview INT, N.Y.; **6,000. *4,000—MCA Keeseville INT, northwestbound. **4,200—MOCA.
Riverview INT, N.Y.; Haystack INT, N.Y.; 6,000.
Haystack INT, N.Y.; Massena, N.Y., VOR; 4,000.
Manchester, N.H., VOR; Concord, N.H., VOR; 2,900.

Section 95.6159 *VOR Federal airway 159* is amended to read in part:

Greenville, Fla., VOR; Hartsfield INT, Ga.; *1,800. *1,700—MOCA.
Hartsfield INT, Ga.; *Sale INT, Ga.; 2,500. *3,000—MRA.

Section 95.6184 *VOR Federal airway 184* is amended to read in part:

Tidioute, Pa., VOR; Philipsburg, Pa., VOR; 4,000.

Section 95.6194 *VOR Federal airway 194* is amended to read in part:

From, to, and MEA

*Norwood INT, N.C.; Goldston INT, N.C.; **8,000. *3,000—MRA. **1,900—MOCA.

Section 95.6196 *VOR Federal airway 196* is amended to read:

Utica, N.Y., VOR; *Beaver INT, N.Y.; 5,000. *6,000—MRA.
Beaver INT, N.Y.; Saranac Lake, N.Y., VOR; 5,000.
Saranac Lake, N.Y., VOR; Plattsburgh, N.Y., VOR; 5,000.

Section 95.6203 *VOR Federal airway 203* is amended to read in part:

Albany, N.Y., VOR; *Warren INT, N.Y., 3,700. *4,500—MRA.
Warren INT, N.Y.; Gateway INT, N.Y.; 4,500.
Gateway INT, N.Y.; Saranac Lake, N.Y., VOR; 6,500.
Saranac Lake, N.Y., VOR; Massena, N.Y., VOR; 5,000.

Section 95.6210 *VOR Federal airway 210* is amended to read in part:

Indianapolis, Ind., VOR; Muncie, Ind., VOR; 2,800.
Muncie, Ind., VOR; Rosewood, Ohio, VOR; 2,800.

Section 95.6222 *VOR Federal airway 222* is amended to read in part:

Hattiesburg, Miss., VOR; Monroeville, Ala., VOR; *2,000. *1,800—MOCA.

Section 95.6232 *VOR Federal airway 232* is amended to read in part:

Chardon, Ohio, VOR; Franklin, Pa., VOR; *3,200. *3,000—MOCA.
Franklin, Pa., VOR; Cooksburg INT, Pa.; 3,500.
Cooksburg INT, Pa.; Keating, Pa., VOR; 4,000.

Section 95.6245 *VOR Federal airway 245* is amended to read in part:

Jackson, Miss., VOR; *Sharon INT, Miss.; **2,000. *2,700—MRA. **1,500—MOCA.
Sharon INT, Miss.; Columbus, Miss., VOR; *2,400. *2,000—MOCA.

Section 95.6275 *VOR Federal airway 275* is amended to delete:

Dayton, Ohio, VOR; Findlay, Ohio, VOR; *2,800. *2,300—MOCA.
Findlay, Ohio, VOR; Custar INT, Ohio; 2,500.
Custar INT, Ohio; Waterville, Ohio, VOR; *2,200. *2,000—MOCA.
Waterville, Ohio, VOR; Harbor View INT, Ohio; 2,300.
Harbor View INT, Ohio; Carleton, Mich., VOR; 2,400.

Section 95.6275 *VOR Federal airway 275* is amended by adding:

Dayton, Ohio, VOR; Milan INT, Mich.; *5,500. *2,400—MOCA.
Milan INT, Mich.; Salem, Mich., VOR; *2,500. *2,000—MOCA.

Section 95.6277 *VOR Federal airway 277* is amended to read in part:

Rosewood, Ohio, VOR; *Neptune INT, Ohio; **2,800. *3,000—MRA. **2,300—MOCA.
Neptune INT, Ohio; Fort Wayne, Ind., VOR; *2,800. *2,200—MOCA.

Section 95.6282 *VOR Federal airway 282* is amended to read:

Saranac Lake, N.Y., VOR; *Frontier INT, N.Y.; 5,000. *5,000—MCA Frontier INT, Southbound.

From to, and MEA

Frontier INT, N.Y.; United States-Canadian Border; 2,000.

Section 95.6287 *VOR Federal airway 287* is amended to read in part:

*Kings Valley INT, Oreg.; McCoy INT, Oreg.; 4,000. *5,000—MCA Kings Valley INT, southbound.

Section 95.6289 *VOR Federal airway 289* is amended to read in part:

Gregg County, Tex., VOR; Harleton INT, Tex.; *2,000. *1,900—MOCA.
Harleton INT, Tex.; Texarkana, Ark., VOR; *2,000. *1,700—MOCA.

Section 95.6297 *VOR Federal airway 297* is amended to read in part:

Strongsville, Ohio, VOR; United States-Canadian Border; *3,000. *1,900—MOCA.

Section 95.6303 *VOR Federal airway 303* is amended to read:

Hot Springs, Ark., VOR; Avant INT, Ark.; *2,500. *2,400—MOCA.
Avant INT, Ark.; *Booneville INT, Ark.; **4,500. *4,000—MCA Booneville INT, southeastbound. **3,600—MOCA.
Booneville INT, Ark.; Fort Smith, Ark., VOR; *2,700. *2,200—MOCA.

Section 95.6317 *VOR Federal airway 317* is amended to read in part:

*Cape Spencer, Alaska, LF/RBN; **Harbor Point INT, Alaska; ***15,000. *12,200—MCA Cap Spencer LF/RBN, westbound. **15,000—MRA. ***5,300—MOCA.

Section 95.6328 *VOR Federal airway 328* is added to read:

*Jackson, Wyo., VOR; **Dubois, Idaho, VOR; ***15,000. *14,200—MCA Jackson VOR, westbound. **8,100—MCA Dubois VOR, eastbound. ***14,800—MOCA.

Section 95.6330 *VOR Federal airway 330* is added to read:

*Jackson, Wyo., VOR; **Idaho Falls, Idaho, VOR; ***14,000. *13,000—MCA Jackson VOR, westbound. **7,500—MCA Idaho Falls VOR, eastbound. ***13,200—MOCA.

Section 95.6425 *VOR Federal airway 425* is amended to read:

Brookley, Ala., VOR; INT, 043° M rad, Mobile VOR and 353° M rad, Brookley VOR; *2,000. *1,500—MOCA.

Section 95.6431 *VOR Federal airway 431* is amended by adding:

Boston, Mass., VOR; Revere INT, Mass.; 2,000.
Revere INT, Mass.; Hollis INT, Mass.; *2,000. *1,600—MOCA.
Hollis INT, Mass.; Gardner, Mass., VOR; *3,500. *3,100—MOCA.

Section 95.6431 *VOR Federal airway 431* is amended to read in part:

Glens Falls, N.Y., VOR; Gateway INT, N.Y.; 5,000.

Section 95.6440 *VOR Federal airway 440* is amended to read in part:

*Friday INT, Alaska; **Puntilla INT, Alaska; ***11,000. *7,000—MCA Friday INT, northwestbound. **11,000—MRA. ***9,500—MOCA.
Puntilla INT, Alaska; *Windy Fork INT, Alaska; **11,000. *8,600—MCA Windy Fork INT, southeastbound. **9,500—MOCA.

Section 95.6454 *VOR Federal airway 454* is amended to read in part:

From to, and MEA

Monroeville, Ala., VOR; Rutledge INT, Ala.; *2,200. *1,700—MOCA.
Rutledge INT, Ala.; Banks INT, Ala.; *2,500. *1,900—MOCA.
Banks INT, Ala.; Midway INT, Ala.; *2,300. *1,600—MOCA.

Section 95.6456 *VOR Federal airway 456* is amended to read in part:

King Salmon, Alaska, VOR; *Big Mountain, Alaska, LF/RBN; **5,000. *10,000—MCA Big Mountain LF/RBN, northeastbound. **4,500—MOCA.
Big Mountain, Alaska, LF/RBN; *Cooper INT, Alaska, northeastbound; **11,500. Southwestbound; 6,000. *12,000—MCA Cooper INT, northeastbound. **6,000—MOCA.
Cooper INT, Alaska; *Harriet INT, Alaska; 13,000. *11,000—MCA Harriet INT, southwestbound.

Section 95.6463 *VOR Federal airway 463* is amended to read:

Anchorage, Alaska, VOR; *Alexandria INT, Alaska; 2,000. *5,000—MCA Alexandria INT, northwestbound.
Alexandria INT, Alaska; Sevenmile INT, Alaska; 6,400.

Section 95.6465 *VOR Federal airway 465* is amended to read in part:

Malad City, Idaho, VOR; Lund INT, Idaho, southbound; 11,000. Northbound; *14,000. *11,000—MOCA.
Lund INT, Idaho; Jackson, Wyo., VOR; *14,000. *12,900—MOCA.
Jackson, Wyo., VOR; Dunoir, Wyo., VOR; 12,300.

Section 95.6490 *VOR Federal airway 490* is amended to read in part:

Cambridge, N.Y., VOR; Brattleboro INT, Vt.; *6,000. *5,800—MOCA.
Brattleboro INT, Vt.; Manchester, N.H., VOR; 5,000.

Section 95.6493 *VOR Federal airway 493* is amended by adding:

Waterville, Ohio, VOR; Harbor View INT, Ohio; *2,300. *2,000—MOCA.
Harbor View INT, Ohio; Carleton, Mich., VOR; *2,400. *1,900—MOCA.

Section 95.6496 *VOR Federal airway 496* is amended to read in part:

Mayfield INT, N.Y.; *Warren INT, N.Y.; 4,500. *4,500—MRA.
Warren INT, N.Y.; Glens Falls, N.Y., VOR; 4,000.

Section 95.6510 *VOR Federal airway 510* is amended to delete:

Big Lake, Alaska, VOR; Matanuska INT, Alaska; 7,000.
Matanuska INT, Alaska; Snowshoe INT, Alaska; 10,500.

Section 95.7032 *Jet Route No. 32* is amended to read in part:

From, to, MEA, and MAA

Battle Mountain, Nev., VORTAC; Malad City, Idaho, VORTAC; #18,000; 45,000. #MEA is established with a gap in navigation signal coverage.

Section 95.7042 *Jet Route No. 42* is amended to read in part:

Nashville, Tenn., VORTAC; Beckley, W. Va., VOR; 18,000; 45,000.

Section 95.7043 *Jet Route No. 43* is amended to read in part:

From, to, MEA, and MAA

Dayton, Ohio, VORTAC; Int, 012° M rad, Dayton, VORTAC and 279° M rad, Windsor, Ontario, VOR; 18,000; 45,000.

Section 95.7071 *Jet Route No. 71* is amended to read in part:

Memphis, Tenn., VORTAC; Int, 349° M rad, Memphis VORTAC and 084° M rad, Walnut Ridge, VORTAC; 18,000; 45,000.
Int. 349° M rad, Memphis, VORTAC and 084° M rad, Walnut Ridge, VORTAC; Centralia, Ill., VORTAC; 20,000; 45,000.

Section 95.7505 *Jet Route No. 505* is added to read:

Seattle, Wash., VORTAC; United States-Canadian border; 18,000; 45,000.

Section 95.7509 *Jet Route No. 509* is amended to read in part:

Int, 356° M rad, Albany and 203° M rad, St. Eustache, VOR; United States-Canadian border; 18,000; 45,000.

2. By amending Subpart D as follows:

Airway segment: From; to—Changeover point: Distance; from

Section 95.8003 *VOR Federal airway changeover points:*

V–20 is amended by adding:
Mobile, Ala., VOR; Monroeville, Ala., VOR; 31; Mobile.
V–70 is amended to delete:
Evergreen, Ala., VOR; Eufaula, Ala., VOR; 63; Evergreen.
V–203 is amended by adding:
Albany, N.Y., VOR; Saranac Lake, N.Y., VOR; 60; Albany.
V–328 is amended by adding:
Jackson, Wyo., VOR; Dubois, Idaho, VOR; 10; Jackson.
V–330 is amended by adding:
Jackson, Wyo., VOR; Idaho Falls, Idaho, VOR; 10; Jackson.
V–465 is amended by adding:
Malad City, Idaho, VOR; Jackson, Wyo., VOR; 43; Jackson.

(Secs. 307, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on April 11, 1966.

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

[F.R. Doc. 66–4044; Filed, Apr. 15, 1966; 8:45 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER D—PROVISIONS COMMON TO MORE THAN ONE PROGRAM

PART 792—CONSERVING BASE AND DESIGNATED DIVERTED ACREAGE

Sec.
792.1 Applicability.
792.2 Farm conserving base.

Sec.
792.3 Designation, use, and care of diverted acreage under the Feed Grain, Upland Cotton, Wheat Diversion, and Wheat Certificate Programs; approved conservation uses.

AUTHORITY: The provisions of this Part 792 issued under Titles III, IV, V, and VI of the Food and Agriculture Act of 1965, 79 Stat. 1187.

§ 792.1 Applicability.

This part contains regulations providing for the determining and the maintaining of the farm conserving base under the cropland adjustment program for 1966 through 1969, Part 751 of this chapter, as amended; the feed grain program for 1966 through 1969, Part 775 of this chapter, as amended; the wheat diversion and wheat certificate programs for 1966 through 1969, Part 728 of this chapter, as amended; and the 1966 upland cotton program, Part 722 of this chapter, as amended. This part also contains regulations governing the designation, use, and care of acreage diverted, and the approved conservation uses thereon, under the feed grain program for 1966 through 1969, the wheat diversion and wheat certificate programs for 1966 through 1969, and the 1966 upland cotton program.

§ 792.2 Farm conserving base.

(a) *Determining the conserving base.* A conserving base shall be determined for the farm and shall be the average acreage of cropland on the farm devoted in 1959 and 1960 to the conserving uses specified below as adjusted by the county committee to correct for abnormal factors affecting production and to give due consideration to tillable acreage, crop-rotation practices, types of soil, soil and water conservation measures, and topography (including the determination of odd and even year conserving bases where necessary to reflect an established summer fallow rotation system):

(1) Permanent or rotation cover of grasses and legumes consisting of perennial grasses, perennial or biennial legumes or mixtures of legumes and perennial grasses.

(2) Summer or winter cover crops consisting principally of small grains, annual legumes or annual grasses, including volunteer stands of such crops, which are normally seeded in the area. (An acreage of millet, sudan grass (including hybrids), sorghumgrass crosses or sweet sorghums not defined as feed grains, cowpeas, field and canning peas, and field and canning beans, which is harvested as silage, seed, or grain, or for processing purposes shall not be considered as devoted to a conservation use. Soybeans shall not be considered as devoted to a conservation use if harvested for any purpose.)

(3) Small grain cover crops when used for any purpose other than grain, unless classified as feed grain, rice, or wheat acreage. A crop will be considered used for grain when harvested or grazed after grain is maturing.

(4) Idle cropland including clean tillage and summer fallowed cropland.

(5) Volunteer cover.

(b) *Maintaining the conserving base.* The producer shall devote to conserving uses on the farm during the current year (or, in the case of the cropland adjustment program, each year of the agreement period) an acreage of cropland, in addition to the designated acreage and any acreage diverted under any other Federal agricultural diversion program, at least equal to the farm conserving base determined in accordance with paragraph (a) of this section. Subject to the provisions of paragraph (c) of this section, the following uses of cropland on the farm will qualify as eligible conservation uses for the purpose of maintaining the conserving base:

(1) The conservation uses set forth in paragraph (a) of this section, except that soybeans must be incorporated into the soil by a date established by the State committee.

(2) Trees or shrubs planted for erosion control, shelterbelts, or other forestry purposes or for wildlife habitat during the current year (or, in the case of the cropland adjustment program, the year for which the determination is being made) or the fall of the preceding year. (Trees or vines in an orchard or vineyard are not a conservation use.)

(3) Water storage developed for any purpose, including fish or wildlife habitat during the current year (or, in the case of the cropland adjustment program, the year for which the determination is being made) or the fall of the preceding year.

(4) Plantings for wildlife food plots (other than acreages of rice) or establishment of wildlife habitat. Barley, corn, wheat and grain sorghums (including oats and rye on farms diverting such crops under the feed grain program) will qualify only if planted in small plots which are designated by the producer and approved by the county committee for such purpose prior to planting and no grazing or harvesting other than by wildlife is permitted.

(5) Corn or grain sorghums plowed down as green manure.

(6) Other uses recommended by the State committee which are not in conflict with other provisions of the program and which the Deputy Administrator approves in advance.

(c) *Additional provisions relating to the conserving base.* (1) Cropland devoted to both an approved conserving use and a use which is not an approved conserving use in the same year shall not be counted toward determining the conserving base or maintaining the conserving base.

(2) Noncropland on the farm may not be brought into cropland status unless approved by the county committee and subject to the condition that the conserving base determined for the farm shall be increased by an equal acreage.

(3) Designated acreage which is diverted from tame hay and from summer fallow shall count toward maintaining the conserving base.

(4) Measures normally carried out in the area in connection with the production of a crop for harvest in a subsequent year may be carried out in the fall of the current year (or, in the case of the cropland adjustment program, the year for which the determination is being made) on acreage used in maintaining the conserving base.

(5) Information will be available in the county ASCS office as to (i) the availability of the conservation uses and practices in a particular county, (ii) the specifications for the uses and practices, including any supplementation or modification of such uses and practices, and (iii) the disposal date referred to in paragraph (b) of this section.

§ 792.3 Designation, use, and care of diverted acreage under the feed grain, upland cotton, wheat diversion, and wheat certificate programs; approved conservation uses.

(a) *Cropland eligible for designation.* Land diverted from the production of the crop must be designated by the operator of the farm and, subject to the provisions of paragraph (b) of this section, must be cropland which was:

(1) Intensively cultivated during at least 1 of the 4 years immediately preceding the current year;

(2) Devoted to a conservation use, other than a water storage facility or trees, under a conservation reserve program contract, cropland conversion program agreement, cropland adjustment program agreement, great plains conservation program agreement, or 1963 land use adjustment program agreement, which terminated or expired with respect to such land not more than 4 years immediately preceding the current year of the agreement period;

(3) Devoted to a hay crop (for hay green chop, silage or pasture) during all four years immediately preceding the current year in a normal rotation pattern and is at least equal in productivity to the land on the farm which would qualify under (1) above; or

(4) Designated and approved as diverted acreage under the upland cotton, feed grain, or wheat programs for 1961 or subsequent years but prior to the current year, except acreage devoted to trees or to water storage.

(b) *Cropland not eligible for designation.* The following land is not eligible for designation:

(1) Land which is designated as diverted under any other program;

(2) Land which is harvested in the current year prior to designation as diverted acreage, except as provided in paragraph (c) of this section;

(3) Turn rows, drainage ditches, wet low-lying areas, droughty knobs or banks, other areas which normally would not produce a crop and strips of less than four normal rows in skiprow planting patterns;

(4) Land which the county committee determines the producer reasonably could not expect to use for the production of the crop being diverted because of its physical condition or other reason;

(5) Land which at the time the diverted acreage is designated is expected

to be utilized in the current year for industrial development, housing, highway construction, or other nonfarm use;

(6) Land devoted to nonagricultural use on or before September 30 of the current year, unless such land is acquired by eminent domain and a representative of the State committee determines that it could not be anticipated at the time the diverted acreage was designated that the land would be devoted to nonagricultural use before the end of the current year;

(7) Land devoted in the current year to asparagus, strawberries, or bush fruits (including new plantings of such crops);

(8) All land on a farm on which a conservation reserve contract has been canceled since January 1 of the year preceding the current year because of a scheme or device to exceed the $5,000 payment limitation under the conservation reserve program unless the Deputy Administrator determines that participation in the program would not be against the public interest;

(9) National wildlife refuges;

(10) Land intended to be used for a specific nonfarm use in a later year, which would not be devoted in the current year to an agricultural use;

(11) Cropland owned and operated by a State, county, or local government unless the owner establishes to the satisfaction of the county committee that it has adequate equipment or other facilities readily available for the successful production of row crops and small grains and that the production of such crops is a normal practice for such land; and

(12) Land in an orchard or vineyard, except that the area not devoted to trees or vines may be designated if the county committee determines that it would have been devoted to the crop being diverted in the absence of the program and is otherwise eligible.

(c) *Restriction on harvesting of crops from diverted acreage.* No crop other than the crops specified in paragraph (e) of this section shall be harvested from the designated diverted acreage in the current year, except (1) where the crop is one which matured in the year preceding the current year on land which was not designated as diverted acreage in such year under the feed grain, wheat diversion, or upland cotton programs, and the harvesting was delayed because of adverse weather or other conditions beyond the control of the farm operator, or (2) where the Secretary determines that it is necessary to permit the harvesting of crops from the diverted acreage for use in the area in order to alleviate a shortage of forage resulting from severe drought, flood, or other natural disaster and consents to such harvesting subject to an appropriate reduction in the payment rate. In addition, no grain or oilseed crop (other than a substitute crop) which matures in the current year shall be harvested from the designated diverted acreage after December 31 of such year.

(d) *Restriction on grazing.* The designated diverted acreage shall not be grazed between April 30 and November 1 of the current year, or upon recommendation of the State committee, approval by the Deputy Administrator, and notice to the operator, between March 31 and October 1 or between April 14 and October 15, except where the Secretary considers it necessary to permit the diverted acreage to be grazed in order to alleviate a shortage of forage in the area resulting from severe drought, flood, or other natural disaster and consents to such grazing subject to an appropriate reduction in the payment rate. In addition to the foregoing restriction, the designated diverted acreage shall not be grazed on or after October 1 of the current year when planted to wildlife food plots or devoted to a grain or oilseed crop which has matured, other than a substitute crop.

(e) *Diverted acreage devoted to designated crops planted for harvest in lieu of conservation uses.* Diverted acreage which is otherwise eligible for payment may be devoted to substitute crops and harvested subject to adjustments in payment as provided in individual program regulations.

(f) *Use of land.* Measures normally carried out in the fall in the area in connection with the production of a crop for harvest in a subsequent year may be carried out on the diverted acreage in the fall of the current year.

(g) *Control of erosion, insects, weeds, and rodents.* The farm operator shall carry out such measures as are needed for the control of erosion, insects, weeds, and rodents on the designated acreage. If the county committee determines that the measures carried out are not adequate, it shall prescribe and require the application of such other or additional measures as are needed. If erosion, insects, weeds, and rodents are not timely controlled in accordance with instructions received from the county committee, the designated diverted acreage shall, for purposes of determining the total diverted acreage on which payment is based, be reduced by the number of acres on which erosion, insects, weeds, and rodents are not satisfactorily controlled.

(h) *Approved conservation uses on diverted acreage.* Subject to the provisions of paragraphs (c), (d), and (g) of this section, the approved conservation uses on diverted acreage are as follows:

(1) The conservation uses set forth in § 792.2(b) under the following conditions:

(i) Idle cropland including clean tillage will qualify, unless the county committee determines such practice is not consistent with good farming practices in the area and would cause wind or water erosion.

(ii) Summer-fallowed cropland will qualify, unless the county committee determines such practice is not applicable in the county.

(iii) Early maturing crops and crops destroyed must be followed with other approved conservation uses needed to protect the land throughout the cropping season when subdivisions (i) and (ii) are not applicable.

(iv) Barley or wheat (and oats and rye on farms with an oats-rye base) must be clipped and left on the land or destroyed by natural causes or mechanical means not later than the farm disposal date except that they may be left standing on wildlife food plots.

(v) Volunteer cover, predominantly native grasses and legumes (not weeds) which is as effective in preventing wind and water erosion as seeded cover, will qualify if acceptable to the county committee.

(2) Conservation practices for the preservation of open spaces, natural beauty, the development of wildlife or recreational facilities, or the prevention of air or water pollution which meet the specifications for such practices under the cropland adjustment program, Part 751 of this chapter, as amended.

(3) Otherwise eligible cropland which is designated as diverted acreage but which is not devoted to one of the conservation uses and practices specified in subparagraphs (1) and (2) of this paragraph will qualify as being devoted to an approved conservation use only if the county committee determines that, due to flood, drought or other natural disaster, serious illness, or other cause not due to the fault or negligence of the producer, it would not be practicable to devote the land to any of such specified uses and practices in the current year, and if such measures for the control of erosion, insects, weeds and rodents as are prescribed by the county committee are carried out. (Information will be available in the county ASCS office as to (i) the availability of the conservation uses and practices in a particular county, (ii) the specifications for the uses and practices, including any supplementation or modification of such uses and practices, and (iii) the disposal dates referred to in paragraph (h) of this section.)

Effective date. Date of signature.

Signed at Washington, D.C., on April 13, 1966.

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

[F.R. Doc. 66-4172; Filed, Apr. 15, 1966; 8:47 a.m.]

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

[Navel Orange Reg. 109]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.409 Navel Orange Regulation 109.

(a) *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 recommendations 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 section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 14, 1966.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., April 17, 1966, and ending at 12:01 a.m., P.s.t., April 24, 1966, are hereby fixed as follows:

(i) District 1: 800,000 cartons;

(ii) District 2: 300,000 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: April 15, 1966.

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

[F.R. Doc. 66-4255; Filed, Apr. 15, 1966; 11:15 am.]

[Valencia Orange Reg. 157]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.457 Valencia Orange Regulation 157.

(a) *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 recommendations 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 section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 14, 1966.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., April 17, 1966, and ending at 12:01 a.m. P.s.t., April 24, 1966, are hereby fixed as follows:

(i) District 1: 68,634 cartons;

(ii) District 2: 12,839 cartons;

(iii) District 3: 163,507 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: April 15, 1966.

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

[F.R. Doc. 66-4256; Filed, Apr. 15, 1966; 11:15 a.m.]

[Lemon Reg. 210]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.510 Lemon Regulation 210.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon 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 lemons, 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 section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The

committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 12, 1966.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., April 17, 1966, and ending at 12:01 a.m., P.s.t., April 24, 1966, are hereby fixed as follows:

(i) District 1: 5,580 cartons;

(ii) District 2: 260,400 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: April 14, 1966.

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

[F.R. Doc. 66-4244; Filed, Apr. 15, 1966; 8:48 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 61]

PART 1061—MILK IN ST. JOSEPH, MO., MARKETING AREA

Order Amending Order

§ 1061.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the St. Joseph, Mo., marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than upon FEDERAL REGISTER publication. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued March 23, 1966, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued April 8, 1966. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective upon FEDERAL REGISTER publication, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011)

(c) *Determinations*—It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the St. Joseph, Mo., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Section 1061.51(c) is revised to read as follows:

§ 1061.51 Class prices.

* * * * *

(c) *Class III milk.* The Class III price shall be the basic formula price for the month, but not to exceed a price computed as follows:

(1) Multiply by 4.2 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period: *Provided,* That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used;

(2) Multiply by 8.2 the weighted averaged of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

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

Effective date. Upon FEDERAL REGISTER publication.

Signed at Washington, D.C., on: April 13, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66-4177; Filed, Apr. 15, 1966; 8:48 a.m.]

[Milk Order 64]

PART 1064—MILK IN GREATER KANSAS CITY MARKETING AREA

Order Amending Order

§ 1064.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection

with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Greater Kansas City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than upon FEDERAL REGISTER publication. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued March 23, 1966, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued April 8, 1966. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective upon FEDERAL REGISTER publication, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Greater Kansas City marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Section 1064.51(c) is revised to read as follows:

§ 1064.51 Class prices.

* * * * *

(c) *Class III milk.* The Class III price shall be the basic formula price for the month, but not to exceed a price computed as follows:

(1) Multiply by 4.2 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period: *Provided,* That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

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

Effective date. Upon FEDERAL REGISTER publication.

Signed at Washington, D.C., on April 13, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66-4178; Filed, Apr. 15, 1966; 8:48 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER A—GENERAL RULES

[Docket No. R-300; Order 321]

PART 1—RULES OF PRACTICE AND PROCEDURE

Requirement That Title to Pleading Include Name of Party Making Filing

APRIL 11, 1966.

The Commission by this order amends its formal requirements as to pleadings, documents, and other papers filed in Commission proceedings. Although the practice is not uncommon, the present rule does not require that the name of the person in whose behalf a filing is made be included in the title of the particular document filed. Since the convenience attendant upon such a practice is obvious, especially in multiparty proceedings, we will now require it by rule.

The Commission finds:

(1) It is necessary and appropriate for the administration of the Federal Power Act and Natural Gas Act that the rules of practice and procedure be amended as herein set forth.

(2) Since the amendment herein prescribed establishes a rule of agency procedure, no notice of proposed rulemaking under section 4 of the Administrative Procedure Act is required.

The Commission, acting pursuant to the authority of the Federal Power Act, as amended, particularly sections 308 and 309 thereof (49 Stat. 858; 16 U.S.C. 825g, 825h) and the Natural Gas Act, as amended, particularly sections 15 and 16 thereof (52 Stat. 829, 830; 15 U.S.C. 717n, 717o), orders:

(A) Section 1.15, rules of practice and procedure, Part 1, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations, is amended by adding two sentences to paragraph (a) thereof. As so amended, the paragraph will read as follows:

§ 1.15 Formal requirements as to pleadings, documents and other papers filed in proceedings.

(a) *Title.* Pleadings, documents, or other papers filed with the Commission in any proceeding shall clearly show the docket designation and title of the proceeding shall clearly show the docket designation and title of the proceeding before the Commission. They shall also show, in the title of the particular pleading or other document filed, the name of the person in whose behalf the filing is made. If more than one person is involved, a single name only need be included in the title.

* * * * *

(B) The amendment herein prescribed shall be effective May 11, 1966.

(C) 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. 66-4123; Filed, Apr. 15, 1966; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 7993]

PART 13—PROHIBITED TRADE PRACTICES

Inland Container Corp.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Modified order, Inland Container Corp., et al., Indianapolis, Ind., Docket 7993, March 1, 1966]

In the Matter of Inland Container Corp., and Its Wholly Owned Subsidiary Corporation, Also Known as Inland Container Corp.

Order modifying the divestiture order of the Commission of July 31, 1964, 29 F.R. 12112, in accordance with the final order of the Court of Appeals, Seventh Circuit, dated January 27, 1966, requiring respondent, in lieu of divestiture, to establish, as an effective competitor, a corrugated shipping container manufacturing plant in the Louisville, Ky., area, providing necessary assistance as required by order herein;

The divestiture order of July 31, 1964, 29 F.R. 12112, directed respondent to sell the Louisville, Ky., corrugated shipping container plant of the General Box Co., which it acquired in 1958.

The modified order, including further order requiring report of compliance therewith, is as follows:

It is ordered, That:

I. The terms listed below are used herein in the sense defined unless otherwise indicated by their content.

A. *Louisville.* The area within a 10-mile radius of the city limits of Louisville, Ky.

B. *Eligible company.* A corrugated shipping container manufacturer (1) not controlled directly or indirectly by Inland; (2) with no shipping container plant in the Louisville area at this time; (3) which can make a showing that it intends to conduct a shipping container manufacturing business with an additional corrugator plant in the Louisville area, provided it can be furnished adequate financial backing for the same, and (4) which is approved in advance by the Commission.

C. *Corrugator plant.* A plant for the manufacture of corrugated shipping containers which is equipped with a corrugator.

D. *Sheet plant.* A plant which performs the same functions as a corrugator plant in the manufacture of corrugated shipping containers except that it does not manufacture, but purchases corrugated sheets.

II: Respondents, Inland Container Corp and its wholly owned subsidiary Inland Container Corp., and their officers, directors, agents, representatives, and employees, shall as soon as practicable, but in no event in excess of one (1) year from the date this order becomes final, present an eligible company and a contract between respondents and said eligible company, both subject to Commission approval, providing for and containing the following: The eligible company will, within one (1) year following Commission approval, enter into business as a corrugator plant, or, at the option of said eligible company, as a sheet plant. In the event eligible company elects to enter the corrugated shipping container business as a sheet plant, respondents' contract with the eligible company shall provide that said eligible company will phase into and engage in business as a corrugator plant and to achieve such status and to operate as such within two (2) years from the date of commencement of the operation of said eligible company's plant.

III: Respondents, in connection with the requirements of paragraph II of this order, will:

A. Assure to eligible company, by way of becoming surety for its borrowings or guarantor of its obligations, adequate financing, in addition to its own funds available for the purpose, sufficient to enable said eligible company to provide for itself at Louisville—

(1) A building suitable for the operation of a corrugator plant with corrugator capacity of a minimum of 300-million square feet per year.

(2) Such machinery, equipment, facilities and other property as may be necessary to make such plant a sound and going concern for the manufacture and sale of corrugated shipping containers. The corrugator shall have a capacity of a minimum of 300-million square feet per year.

(3) Adequate working capital for the opening and early expansion of the business above described for a period of three (3) years beginning with the opening of the plant for business.

IV: Respondents shall maintain a continuing offer by the contract with the eligible company for an agreed initial period of 2 years after opening of the plant either to buy sheets and/or containers from it, or assign customer orders to it for its own account to a total of not less than thirty-five (35) million square feet per year of corrugated sheets and/or containers.

V: If the eligible company does not achieve as its own business (i.e., excluding sales to or for respondents' account) sales in any quarter of twenty-five (25 mm.) million square feet during its third year of operation, respondents shall continue in good faith their efforts to assign to the eligible company as its own business the difference between the eligible company's achieved quarterly volume and twenty-five (25 mm.) million square feet for each quarter of the third year of operation to assure in the third year a minimum total of one hundred (100 mm.) million square feet of its own business. In the event respondents' best efforts fail to produce sufficient assigned business and they can establish before the Commission that they have acted in good faith, the deficit may then be made up by respondents with other than assigned business.

VI: The selection of orders to be filled by the eligible company's plant shall be made by respondents and the eligible company jointly in good faith for the purpose, not only of discharging respondents' volume obligations hereunder, but also to promote an efficient operation of the eligible company's plant.

VII: The contract with the eligible company will be in form approved by the Commission with prices to be paid to the eligible company by respondents equal to those paid by the customers and with prices on assigned orders billed directly by the eligible company to the customers at the agreed price. As to any orders not so assigned on which respondents may elect to make deliveries, respondents may charge cost of delivery. Said contract may also provide that: the eligible company may consider such assigned business which it has been directly servicing with the customers as its own continuing volume at the risk of holding it against competitors other than respondents; the sheets shall be manufactured to respondents' specifications and shall be bought by respondents at not less than the going delivered prices in Louisville at or about the dates of the orders; the containers shall be manufactured to the specifications of assigned customers, or of respondents' customers which are provided to the eligible company by respondents.

VIII: In the event the requirements of this order have not been fully met within the time prescribed therein, respondents, upon their showing of good faith efforts to comply with said requirements, shall be heard by the Commission before it issues any further order it may deem appropriate to effectuate and establish as a going concern the additional corrugator plant contemplated in this order.

IX: Respondents shall periodically, within sixty (60) days from the date this order becomes final and every ninety (90) days thereafter until the provisions of this order have been complied with, submit to the Commission a detailed written report of their actions, plans, and progress in complying with the provisions of this order and fulfilling its objectives.

Issued: March 1, 1966.

By the Commission.

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

[F.R. Doc. 66-4124; Filed, Apr. 15, 1966; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

STANDARD FORMS FOR CONSTRUCTION CONTRACTS

Miscellaneous Amendments

Chapter 1 of Title 41 is amended to prescribe revised editions of Standard Form 19, Invitation, Bid, and Award (Construction, Alteration or Repair), and Standard Form 21, Bid Form (Construction Contract), as well as a new Standard Form 19–B, Representations and Certifications (Construction Contract). Standard Form 19 is updated and is otherwise changed to make it more suitable for use for negotiated contracts. Standard Form 21 is changed to eliminate bidder's representations. Development of the new Standard Form 19–B has permitted the omission of such representations from both Standard Forms 19 and 21.

PART 1–1—GENERAL

Subpart 1–1.5—Contingent Fees

Section 1–1.503 is revised to reflect the addition to Standard Form 19 of the Covenant Against Contingent Fees. As revised, the section reads as follows:

§ 1–1.503 Covenant.

Executive agencies shall include in every negotiated or advertised contract a "covenant against contingent fees" substantially as follows (set forth as clause 11 of Standard Form 19, Invitation, Bid, and Award (Construction, Alteration or Repair); as clause 17 of Standard Form 23–A, General Provisions (Construction Contract); and as clause 20 of Standard Form 32, General Provisions (Supply Contract)):

COVENANT AGAINST CONTINGENT FEES

The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

Subpart 1–1.7—Small Business Concerns

Section 1–1.709 is revised to refer to Standard Form 19–B rather than Standard Forms 19 and 21; also to delete reference to Standard Form 30. As revised, the section reads as follows:

§ 1–1.709 Records and reports.

Executive agencies shall maintain records of the value of procurement contracts placed with small business concerns. Accordingly, each procuring activity shall, in soliciting bids or proposals, request from any bidder or offeror any information needed to determine whether the bidder or offeror is a small business concern (when Standard Forms 18, 19–B, and 33 are used, this information is available from the small business representation included on these forms). Agencies shall summarize and report such procurement data on Standard Form 37 (Report on Procurement by Civilian Executive Agencies) in accordance with § 1–16.804.

PART 1–8—TERMINATION OF CONTRACTS

Subpart 1–8.7—Clauses

Section 1–8.709–2 is revised to change the clause prescribed therein to conform with the changes made in the revision of Standard Form 19. As revised, the section reads as follows:

§ 1–8.709–2 Short-form clause.

The following clause is applicable as prescribed in § 1–8.700–2(b)(5):

TERMINATION FOR DEFAULT—DAMAGES FOR DELAY—TIME EXTENSIONS

(a) If the Contractor does not prosecute the work so as to insure completion, or fails to complete it, within the time specified, the Government may, by written notice to the Contractor, terminate his right to proceed. Thereafter, the Government may have the work completed and the Contractor shall be liable for any resulting excess cost to the Government. If the Government does not terminate the Contractor's right to proceed, he shall continue the work and shall be liable to the Government for any actual damages occasioned by such delay unless liquidated damages are stipulated.

(b) The Contractor's right to proceed shall not be terminated nor the Contractor charged with actual or liquidated damages under (a) above because of any delays in completion of the work due to causes other than normal weather, beyond his control and without his fault or negligence, including but not restricted to, acts of God, acts of the public enemy, acts of the Government, (in either its sovereign or contractual capacity), acts of another contractor in the performance of a contract with the Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, or delays of subcontractors or suppliers due to causes beyond their control and without their fault or negligence: *Provided*, That the Contractor shall within 10 days from the beginning of any such delay, unless the Contracting Officer shall grant a further period of time prior to the date of final payment under the contract, notify the Contracting Officer in writing of the causes of delay and the facts relating thereto. The Contracting Officer shall consider the facts and ascertain the extent of the delay, and extend the time for completing the work when in his judgment the facts justify such an extension, and his decision shall be final and conclusive on the parties, subject only to appeal as provided in the clause of this contract entitled "Disputes."

PART 1–16—PROCUREMENT FORMS

Subpart 1–16.4—Forms for Advertised Construction Contracts

1. The table of contents is revised to read as follows:

Sec.

2. Section 1–16.401 is amended to prescribe revised editions of Standard Forms 19 and 21, as well as a new form, Standard Form 19–B. As amended, the section reads as follows:

§ 1–16.401 Forms prescribed.

* * * * *

(a) Invitation, Bid, and Award (Construction, Alteration or Repair) (Standard Form 19, December 1965 edition).

* * * * *

(c) Representations and Certifications (Construction Contract) (Standard Form 19–B, December 1965 edition).

(d) Invitation for Bids (Construction Contract) (Standard Form 20, January 1961 edition).

(e) Bid Form (Construction Contract) (Standard Form 21, December 1965 edition).

(f) Instructions to Bidders (Construction Contract) (Standard Form 22, June 1964 edition).

(g) Construction Contract (Standard Form 23, January 1961 edition).

(h) General Provisions (Construction Contract) (Standard Form 23–A, June 1964 edition).

3. Section 1–16.402 is revised to reflect the changes made in Standard Form 19 and the issuance of the new Standard Form 19–B. As revised, the section reads as follows:

§ 1–16.402 Required use.

(a) Except as provided in § 1–12.403–2, the forms prescribed by § 1–16.401 shall be used for fixed-price contracts, entered into pursuant to formal advertising, for construction (including alteration or repair) of public buildings or works, except for: Contracts for the construction, alteration, or repair of vessels; and contracts for construction, alteration, or repair work in foreign countries.

(b) Determination as to the form or forms to be used in soliciting bids in each instance shall be made in accordance with this § 1–16.402. Although selection of the forms to be used is governed by the estimated cost of the work contemplated, award generally can be made on the forms selected even though the amount of the low bid varies from the

estimate, e.g., an award of less than $2,000 or more than $10,000 can be made where Standard Forms 19, 19–A, and 19–B were used in soliciting bids (but see § 1–16.402–2). Likewise, an award of less than $10,000 can be made where Standard Forms 19–A, 19–B, 20, 21, 22, 23, and 23–A were used. However, award in excess of $2,000 is not permissible where Standard Form 19 has been used without Standard Form 19–A attached, as Department of Labor regulations require physical inclusion of labor standards provisions in contracts in excess of $2,000.

§ 1–16.402–1 Contracts estimated not to exceed $2,000.

Standard Forms 19 and 19–B shall be used for contracts estimated not to exceed $2,000. Standard Form 22 also may be used.

§ 1–16.402–2 Contracts estimated to exceed $2,000 but not to exceed $10,000.

Standard Forms 19, 19–A, and 19–B shall be used for contracts estimated to exceed $2,000 but not to exceed $10,000. Standard Form 22 also may be used (but see § 1–10.103–3 if that form is not used and bid guarantee is required). Where the Government's estimate, though less than $2,000, indicates the low bid may exceed that amount, Standard Form 19–A should be attached and the specifications should include the appropriate wage rate determination of the Secretary of Labor. Where the Government's estimate, though less than $10,000, indicates the low bid may exceed that amount, provisions required in such contracts should be included (e.g., the equal opportunity and Federal, State, and local taxes clauses prescribed in §§ 1–12.803–2 and 1–11.401–1 or 1–11.401–2, respectively).

§ 1–16.402–3 Contracts estimated to exceed $10,000.

Standard Forms 19–A, 19–B, 20, 21, 22, 23, and 23–A shall be used for contracts estimated to exceed $10,000.

4. Section 1–16.403 is revised to change the caption to more clearly indicate its content; also, to eliminate possible confusion as to the relationship of this section with § 1–3.605. As revised, the section reads as follows:

§ 1–16.403 Optional use for negotiated contracts.

(a) Use of the forms prescribed in § 1–16.401 for negotiated contracts is optional. However, in the interest of uniformity, it is recommended that these forms be used (within the areas outlined in §§ 1–16.402–1, 1–16.402–2, and 1–16.402–3) for contracts entered into on the basis of competitive bids but which are termed negotiated contracts because the requirements of formal advertising are not fully met (e.g., small business restricted advertising—see § 1–1.701–9). When used for negotiated contracts, the forms may be adapted as required by agency procedures (e.g., the requirement that bids be "sealed" and "publicly opened" may be lined out). The box immediately below the title of Standard Form 19, beside the phrase "check if small business set-aside or other negotiated procurement," must be checked when that form is used for negotiated contracts.

(b) The recommendation in (a) above is not to be construed to conflict with the authority provided in § 1–3.605 for use of Standard Forms 44, 147 and 148.

§ 1–16.406 [Deleted]

5. Section 1–16.406 is deleted as no longer necessary in view of the addition of the Covenant Against Contingent Fees to Standard Form 19.

Subpart 1–16.9—Illustrations of Forms

1. The table of contents is amended to add the following entry:

1–16.901–19B Standard Form 19–B: Representations and Certifications (Construction Contract).

2. Section 1–16.901–19 is amended to include a specimen copy of the latest edition of Standard Form 19.

§ 1–16.901–19 Standard Form 19: Invitation, Bid, and Award (Construction, Alteration or Repair).

(a) *Page 1 of Standard Form 19.*

STANDARD FORM 19
DECEMBER 1965 EDITION
GENERAL SERVICES ADMINISTRATION
FED. PROC. REG. (41 CFR) 1–16.401

INVITATION, BID, AND AWARD
(Construction, Alteration or Repair)

☐ CHECK IF SMALL BUSINESS SET-ASIDE OR OTHER NEGOTIATED PROCUREMENT *(If checked, "Bid" includes "Proposal")*

REFERENCE *(Include in correspondence)*

INVITATION FOR BIDS | DATE ISSUED:

ISSUING OFFICE * | BID RECEIVING OFFICE *

Information regarding bidding material may be obtained from the issuing office.

SEALED BIDS in covering work described in specifications, schedules, drawings and conditions entitled and dated as follows:

will be received at the Bid Receiving Office until _____ *(Hour and Time Zone)* _____ *(Date)* and at that time publicly opened.

Sealed envelopes containing bids shall be addressed to the Bid Receiving Office and shall be marked to show: Bidder's Name and Address;* Reference ; Time and Date of Opening;

BID *(This Section to be completed by Bidder)* | → DATE BID SUBMITTED:

The undersigned agrees, if this bid is accepted within calendar days *(30 days unless a different period is inserted)* after date of opening, to complete all work specified in strict accordance with the above mentioned documents and the General Provisions on the reverse hereof, within calendar days after receipt of notice to proceed, for the following amount _____

including all applicable Federal, State and local taxes. The undersigned further agrees, if any contract award resulting from this bid exceeds $2,000, TO COMPLY with the provisions of Standard Form 19–A, Labor Standards Provisions Applicable to Contracts in Excess of $2,000 and TO FURNISH a performance bond in an amount equal to 100 percent and a payment bond in an amount equal to 50 percent of the contract price with surety or sureties acceptable to the Government, on Government forms within days after forms are furnished.

SPECIMEN

The representations and certifications on the accompanying STANDARD FORM 19–B are made a part of this bid.

NAME AND ADDRESS OF BIDDER *(Street, city, State)** *(Type or print.)* | SIGNATURE OF PERSON AUTHORIZED TO SIGN THIS BID →

SIGNER'S NAME AND TITLE *(Type or print.)*

AWARD *(This Section for Government only)* | DATE OF AWARD:

THE ABOVE BID IS ACCEPTED IN THE AMOUNT OF $

☐ YOU ARE DIRECTED TO PROCEED WITH THE WORK UPON RECEIPT OF THIS AWARD.

☐ NOTICE TO PROCEED WILL BE ISSUED UPON RECEIPT OF ACCEPTABLE PAYMENT AND PERFORMANCE BONDS.

THE UNITED STATES OF AMERICA

BY _____ *(Contracting Officer)*

_____ *(Title)*

*Include "ZIP CODE" in all mailing addresses. 19-110

(b) *Page 2 of Standard Form 19.*

GENERAL PROVISIONS

1. CHANGES AND CHANGED CONDITIONS

(a) The Contracting Officer may, in writing, order changes in the drawings and specifications within the general scope of the contract.

(b) The Contractor shall promptly notify the Contracting Officer in writing of subsurface or latent physical conditions differing materially from those indicated in this contract or unknown unusual physical conditions at the site, before proceeding further with the work.

(c) If changes under (a) or conditions under (b) increase or decrease the cost of, or time required for, performing the work, upon assertion of a claim by the Contractor before final payment under the contract, a written equitable adjustment shall be made; except that no adjustment under (b) shall be made unless the notice required therein was given or unless the Contracting Officer waives the requirement therefor. If the adjustment cannot be agreed upon, the dispute shall be decided pursuant to Clause 3.

2. TERMINATION FOR DEFAULT—DAMAGES FOR DELAY—TIME EXTENSIONS

(a) If the Contractor does not prosecute the work so as to insure completion, or fails to complete it, within the time specified, the Government may, by written notice to the Contractor, terminate his right to proceed. Thereafter, the Government may have the work completed and the Contractor shall be liable for any resulting excess cost to the Government. If the Government does not terminate the Contractor's right to proceed, he shall continue the work and shall be liable to the Government for any actual damages occasioned by such delay unless liquidated damages are stipulated.

(b) The Contractor's right to proceed shall not be terminated nor the Contractor charged with actual or liquidated damages under (a) above because of any delays in completion of the work due to causes other than normal weather, beyond his control and without his fault or negligence, including but not restricted to, acts of God, acts of the public enemy, acts of the Government (in either its sovereign or contractual capacity), acts of another contractor in the performance of a contract with the Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, or delays of subcontractors or suppliers due to causes beyond their control and without their fault or negligence: Provided, That the Contractor shall within 10 days from the beginning of any such delay, unless the Contracting Officer shall grant a further period of time prior to the date of final payment under the contract, notify the Contracting Officer in writing of the causes of delay and the facts relating thereto. The Contracting Officer shall consider the facts and ascertain the extent of the delay, and extend the time for completing the work when in his judgment the facts justify such an extension, and his decision shall be final and conclusive on the parties, subject only to appeal as provided in Clause 3.

3. DISPUTES

Any dispute concerning a question of fact arising under this contract, not disposed of by agreement, shall be decided by the Contracting Officer, who shall reduce his decision to writing and furnish a signed copy to the Contractor. Such decision shall be final and conclusive unless, within 30 days from the date of receipt thereof, the Contractor mails or otherwise furnishes to the Contracting Officer a written appeal, addressed to the head of the Federal agency. The Contractor shall be afforded an opportunity to be heard and to offer evidence. The decision of the head of the Federal agency or his authorized representative, shall be final and conclusive unless fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

4. RESPONSIBILITY OF CONTRACTOR

At his own expense the Contractor shall: (a) obtain any necessary licenses and permits; (b) provide competent superintendence; (c) take precautions necessary to protect persons or property against injury or damage and be responsible for any such injury or damage that occurs as a result of his fault or negligence; (d) perform the work without unnecessarily interfering with other contractors' work or Government activities; (e) be responsible for all damage to work performed and materials delivered (including Government-furnished items), until completion and final acceptance.

5. MATERIAL AND WORKMANSHIP

All material incorporated in the work shall be new and the work shall be performed in a skillful and workmanlike manner. Both materials and workmanship shall be subject to the inspection of the Contracting Officer or his duly authorized representative who may require the Contractor to correct defective workmanship or materials without cost to the Government.

6. PAYMENTS TO CONTRACTOR

Progress payments equal to 90 percent of the value of work performed may be made monthly on estimates approved by the Contracting Officer. Upon payment therefor, title to the property shall vest in the Government. The Contractor will notify the Government when all work is complete. Final payment will be made after final acceptance.

7. OFFICIALS NOT TO BENEFIT

No Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

8. BUY AMERICAN

The Contractor, subcontractors, material men, and suppliers must comply with the Buy American Act of March 3, 1933 (41 U.S.C. 10a–10d) and Executive Order 10582 of December 17, 1954 (19 Fed. Reg. 8723). (In substance the above requires use generally of domestic materials except as otherwise authorized by the Contracting Officer pursuant to the Act and Executive Order.)

9. ASSIGNMENT OF CLAIMS

If this contract provides for payments aggregating $1,000 or more, claims for moneys due or to become due hereunder may be assigned as provided in 31 U.S.C. 203 and 41 U.S.C. 15.

10. CONVICT LABOR

In connection with the performance of work under this contract, the Contractor agrees not to employ any person undergoing sentence of imprisonment at hard labor.

11. COVENANT AGAINST CONTINGENT FEES

The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

12. EXAMINATION OF RECORDS

(The following clause is applicable if this contract exceeds $2,500 and was entered into by means of negotiation, but is not applicable if entered into by means of formal advertising.)

(a) The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment under this contract, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract.

(b) The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment under the subcontract, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (i) purchase orders not exceeding $2,500 and (ii) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

13. UTILIZATION OF SMALL BUSINESS CONCERNS

(The following clause is applicable if this contract exceeds $5,000.)

(a) It is the policy of the Government as declared by the Congress that a fair proportion of the purchases and contracts for supplies and services for the Government be placed with small business concerns.

(b) The Contractor agrees to accomplish the maximum amount of subcontracting to small business concerns that the Contractor finds to be consistent with the efficient performance of this contract.

December 1965. Reverse of Standard Form 19

U.S. GOVERNMENT PRINTING OFFICE 1965 O—205-183—114-F1

3. New § 1–16.901–19B is added to include a specimen copy of the new Standard Form 19–B.

§ 1–16.901–19B Standard Form 19–B: Representations and Certifications (Construction Contract).

STANDARD FORM 19-B DECEMBER 1965 EDITION GENERAL SERVICES ADMINISTRATION FED. PROC. REG. (41 CFR) 1-16.401	REPRESENTATIONS AND CERTIFICATIONS (Construction Contract) (For use with SF 19 and 21)	REFERENCE (*Enter same No.(s) as on SF 19/21*)

NAME AND ADDRESS OF BIDDER (*No., Street, City, State, and ZIP Code*)	DATE OF BID

In negotiated procurements, "bid" and "bidder" shall be construed to mean "offer" and "offeror."

The bidder makes the following representations and certifications as a part of the bid identified above. *(Check appropriate boxes.)*

1. SMALL BUSINESS

He ☐ is, ☐ is not, a small business concern. *(For this purpose, a small business concern is a business concern, including its affiliates, which (a) is independently owned and operated, (b) is not dominant in the field of operation in which it is bidding on Government contracts, and (c) had average annual receipts for the preceding 3 fiscal years not exceeding $7,500,000. For additional information see governing regulations of the Small Business Administration.)*

2. CONTINGENT FEE

(a) He ☐ has, ☐ has not, employed or retained any company or person (other than a full-time bona fide employee working solely for the bidder) to solicit or secure this contract, and (b) he ☐ has, ☐ has not, paid or agreed to pay any company or person (other than a full-time bona fide employee working solely for the bidder) any fee, commission, percentage or brokerage fee, contingent upon or resulting from the award of this contract; and agrees to furnish information relating to (a) and (b) above as requested by the Contracting Officer. *(For interpretation of the representation, including the term "bona fide employee," see Code of Federal Regulations, Title 41, Subpart 1-1.5.)*

3. TYPE OF ORGANIZATION

He operates as an ☐ individual, ☐ partnership, ☐ joint venture, ☐ corporation, incorporated in State of .....

4. INDEPENDENT PRICE DETERMINATION

(a) By submission of this bid, each bidder certifies, and in the case of a joint bid each party thereto certifies as to his own organization, that in connection with this procurement:

(1) The prices in this bid have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;

(2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, in the case of a bid, or prior to award, in the case of a proposal, directly or indirectly to any other bidder or to any competitor; and

(3) No attempt has been made or will be made by the bidder to induce any other person or firm to submit or not to submit a bid for the purpose of restricting competition.

(b) Each person signing this bid certifies that:

(1) He is the person in the bidder's organization responsible within that organization for the decision as to the prices being bid herein and that he has not participated, and will not participate, in any action contrary to (a) (1) through (a) (3) above; or

(2) (i) He is not the person in the bidder's organization responsible within that organization for the decision as to the prices being bid herein but that he has been authorized in writing to act as agent for the persons responsible for such decision in certifying that such persons have not participated, and will not participate, in any action contrary to (a) (1) through (a) (3) above, and as their agent does hereby so certify; and (ii) he has not participated, and will not participate, in any action contrary to (a) (1) through (a) (3) above.

(c) This certification is not applicable to a foreign bidder submitting a bid for a contract which requires performance or delivery outside the United States, its possessions, and Puerto Rico.

(d) A bid will not be considered for award where (a) (1), (a) (3), or (b) above, has been deleted or modified. Where (a) (2) above, has been deleted or modified, the bid will not be considered for award unless the bidder furnishes with the bid a signed statement which sets forth in detail the circumstances of the disclosure and the head of the agency, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

THE FOLLOWING NEED BE CHECKED ONLY IF BID EXCEEDS $10,000 IN AMOUNT.

5. EQUAL OPPORTUNITY

He ☐ has, ☐ has not, participated in a previous contract or subcontract subject to the Equal Opportunity Clause herein, the clause originally contained in Section 301 of Executive Order No. 10925, or the clause contained in Section 201 of Executive Order No. 11114; he ☐ has, ☐ has not, filed all required compliance reports; and representations indicating submission of required compliance reports, signed by proposed subcontractors, will be obtained prior to subcontract awards. *(The above representation need not be submitted in connection with contracts or subcontracts which are exempt from the clause.)*

6. PARENT COMPANY AND EMPLOYER IDENTIFICATION NUMBER

Each bidder shall furnish the following information by filling in the appropriate blocks:

(a) Is the bidder owned or controlled by a parent company as described below? ☐ Yes ☐ No. *(For the purpose of this bid, a parent company is defined as one which either owns or controls the activities and basic business policies of the bidder. To own another company means the parent company must own at least a majority (more than 50 percent) of the voting rights in that company. To control another company, such ownership is not required; if another company is able to formulate, determine, or veto basic business policy decisions of the bidder, such other company is considered the parent company of the bidder. This control may be exercised through the use of dominant minority voting rights, use of proxy voting, contractual arrangements, or otherwise.)*

(b) If the answer to (a) above, is "Yes," bidder shall insert in the space below the name and main office address of the parent company.

NAME OF PARENT COMPANY	MAIN OFFICE ADDRESS (*No., Street, City, State, and ZIP Code*)

(c) Bidder shall insert in the applicable space below, if he has no parent company, his own Employer's Identification Number (E.I. No.) (*Federal Social Security Number used on Employer's Quarterly Federal Tax Return, U.S. Treasury Department Form 941*), or, if he has a parent company, the E.I. No. of his parent company.

EMPLOYER IDENTIFICATION NUMBER OF ➤	PARENT COMPANY	BIDDER

NOTE.—Bids must set forth full, accurate, and complete information as required by this invitation for bids (including attachments). The penalty for making false statements in bids is prescribed in 18 U.S.C. 1001.

19-301

☆ GPO 1966—O-755-153

4. Section 1–16.901–21 is amended to include a specimen copy of the latest edition of Standard Form 21.

§ 1–16.901–21 Standard Form 21: Bid Form (Construction Contr

(a) *Page 1 of Standard Form 21.*

STANDARD FORM 21 DECEMBER 1965 EDITION GENERAL SERVICES ADMINISTRATION FED. PROC. REG. (41 CFR) 1-16.401	BID FORM (CONSTRUCTION CONTRACT)	REFERENCE
Read the Instructions to Bidders (Standard Form 22) *This form to be submitted in*		DATE OF INVITATION
NAME AND LOCATION OF PROJECT	NAME OF BIDDER *(Type or print)*	

(Date)

TO:

In compliance with the above-dated invitation for bids, the undersigned hereby proposes to perform all work for

in strict accordance with the General Provisions (Standard Form 23–A), Labor Standards Provisions Applicable to Contracts in Excess of $2,000 (Standard Form 19–A), specifications, schedules, drawings, and conditions, for the following amount(s):

21-108 *(Continue on other side)*

(b) *Page 2 of Standard Form 21.*

The undersigned agrees that, upon written acceptance of this bid, mailed or otherwise furnished within calendar days (calendar days unless a different period be inserted by the bidder) after the date of opening of bids, he will within calendar days (unless a longer period is allowed) after receipt of the prescribed forms, execute Standard Form 23, Construction Contract, and give performance and payment bonds on Government standard forms with good and sufficient surety.

The undersigned agrees, if awarded the contract, to commence the work within calendar days after the date of receipt of notice to proceed, and to complete the work within calendar days after the date of receipt of notice to proceed.

RECEIPT OF AMENDMENTS: *The undersigned acknowledges receipt of the following amendments of the invitation for bids, drawings, and/or specifications, etc. (Give number and date of each):*

SPECIMEN

The representations and certifications on the accompanying STANDARD FORM 19-B are made a part of this bid.

ENCLOSED IS BID GUARANTEE, CONSISTING OF	IN THE AMOUNT OF
NAME OF BIDDER (*Type or print*)	FULL NAME OF ALL PARTNERS (*Type or print*)
BUSINESS ADDRESS (*Type or print*) (*Include "ZIP Code"*)	
BY (*Signature in ink. Type or print name under signature*)	
TITLE (*Type or print*)	

DIRECTIONS FOR SUBMITTING BIDS: *Envelopes containing bids, guarantee, etc., must be sealed, marked, and addressed as follows:*

CAUTION—Bids should not be qualified by exceptions to the bidding conditions.

☆ U.S. GOVERNMENT PRINTING OFFICE: 1965—O-205-147 #13-F

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

Effective date. These regulations are effective July 29, 1966, but may be observed earlier if the new standard forms are available.

Dated: April 7, 1966.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 66-4043; Filed, Apr. 15, 1966; 8:45 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101-43—UTILIZATION OF PERSONAL PROPERTY

Subpart 101-43.3—Utilization of Excess

DANGEROUS EXCESS PERSONAL PROPERTY; COST OF CARE AND HANDLING

This revision requires that personal property items possessing dangerous characteristics either be made safe before transfer or be properly labeled so that the transferee is advised of the danger. A case occurred where certain property possessing a hidden dangerous characteristic was transferred, which could have been injurious to personnel handling the property. To prevent similar occurrences, § 101-43.315-5 is being strengthened. In addition, this revision provides that billing by a holding agency for direct costs incident to transfer of less than $100 for any single shipment would appear to be uneconomical and should be avoided.

1. Section 101-43.315-5 is amended by adding a new paragraph (h) as follows:

§ 101-43.315-5 Procedure for effecting transfers.

* * * * *

(h) Any item of excess personal property having unsafe or dangerous characteristics must be either rendered safe by the holding activity before shipment or pickup is made, or advice must be given the transferee regarding the actual or potential danger and the property clearly labeled to show such danger.

2. Section 101-43.317-1 is revised as follows:

§ 101-43.317-1 Cost of care and handling.

Each holding agency shall be responsible for and bear the costs of performing care and handling of excess, pending disposition. The direct costs incurred incident to the transfer shall be borne by the transferee agency if billed by the holding agency. Overhead or administrative costs or charges shall not be included. Only costs incurred in the actual packing, preparation for shipment, and loading may be recovered by the holding agency; and where such costs are incurred, they shall be reimbursed by the transferee agency upon appropriate billing, unless the holding agency waives the amount involved. Billing by a holding agency for direct costs of less than $100 for any single shipment would appear to be uneconomical and should be avoided.

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

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

Dated: April 12, 1966.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 66-4154; Filed, Apr. 15, 1966; 8:46 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 0—STANDARDS OF CONDUCT

Prescribing standards of conduct for officers and employees of the Treasury

Department in conformity with sections 201 through 209 of Title 18 of the United States Code, Executive Order No. 11222 of May 8, 1965, and Title 5, Chapter I, Part 735, of the Code of Federal Regulations.

AUTHORITY: The provisions of this Part 0 issued under Executive Order 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR 735.104.

Subpart A—Regular Employees

GENERAL PROVISIONS

§ 0.735–1 Purpose.

This part describes the standards of conduct required of all employees of the Treasury Department. The regulations in this part implement Civil Service Commission regulations (5 CFR Part 735) issued on October 1, 1965, in accordance with Executive Order 11222. The standards of conduct in this part are not to be considered all-inclusive and may be supplemented by bureaus to meet specific needs. The absence of a specific published standard of conduct covering an act tending to discredit an employee or the Department does not mean that such an act is condoned, is permissible or would not call for and result in corrective or disciplinary action.

§ 0.735–2 Scope.

This part covers three general types of employment situations as follows:

(a) Subpart A of this part sets the general policy and defines rules of conduct and procedures for all regular employees.

(b) Subpart B of this part applies to special Government employees, primarily advisers and consultants.

(c) Subpart C of this part sets forth additional rules and guide lines applicable to employees stationed in foreign countries.

§ 0.735–3 Policy.

(a) The President has stated the basic philosophy of conduct for those who carry out the public business:

> Where government is based on the consent of the governed, every citizen is entitled to have complete confidence in the integrity of his government. Each individual officer, employee, or adviser of government must help to earn and must honor that trust by his own integrity and conduct in all official actions.

(b) Personnel of the Treasury Department are expected to adhere to the principles in the President's message and to standards of behavior that will reflect credit on the Government. The Department's position is that of having confidence in its employees and of taking a positive and reasonable approach to the matter of maintaining the high standards of conduct necessary in the transaction of Treasury activities. Those few employees who violate the laws or the rules or regulations on conduct in this part will be disciplined in accordance with the gravity of the offenses committed.

(c) Disciplinary action may be in addition to any penalty prescribed by law. If disciplinary or other remedial action

is necessary, it will be taken only after consideration of the explanation of the employee and will be effected in accordance with applicable laws and regulations. Remedial action may include, but is not limited to:

(1) Changes in assigned duties.

(2) Disqualification for a particular assignment.

(3) Divestment by the employee of his conflicting interest.

(4) Disciplinary action.

§ 0.735–4 Definitions.

In this part:

(a) "Regular employee" or "employee" means an officer or employee of the Treasury Department, but does not include a special Government employee or a member of the uniformed services as defined in 37 U.S.C. 101(3).

(b) "Special Government employee" means an officer or employee of the Treasury Department who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis, but does not include a member of the uniformed service.

(c) "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.

CONFLICTS OF INTEREST

§ 0.735–20 General.

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. The rules of the Treasury Department concerning conflicts of interest appear in §§ 0.735–33, 0.735–35, 0.735–36, and 0.735–38.

§ 0.735–21 Summary of provisions of criminal code.

The following is a brief summary of the provisions of the criminal code, 18 U.S.C., effective January 21, 1963, which define the conflicts of interest which are subject to fine and imprisonment. These provisions have been interpreted by the Attorney General in a memorandum distributed to Heads of Departments and Agencies, dated January 28, 1963, 28 F.R. 985 and published in a note following 18 U.S.C. 201. It should be noted that lesser prohibitions apply to special Government employees than to regular employees as indicated in Subpart B of this part.

(a) *Section 203.* Section 203 prohibits an employee from receiving, agreeing to receive or asking for, directly or indirectly, any compensation for services, otherwise than as provided by law, rendered by himself or another in relation to any matter in which the United States is a party or has a substantial interest before any Department or agency.

(b) *Section 205.* Section 205 prohibits an employee from (1) acting as an agent or attorney in prosecuting any claim against the United States or receiving any share of interest in such claim for assistance in its prosecution, or (2) acting as agent or attorney for anyone before any Department or agency in connection with any particular matter in which the United States is a party or has a direct and substantial interest. This section does not prohibit a regular Government employee from acting with official approval and with or without compensation as agent or attorney for his parents, spouse, child or any person from whom, or for any estate for which he is serving as guardian or other fiduciary, with certain exceptions set forth in that section. The provisions of this section and section 203 do not prevent an employee, if not inconsistent with the faithful performance of his duties, from acting without compensation as agent or attorney for any person who is the subject of disciplinary, loyalty or other personnel administration matter in connection with such matter.

(c) *Section 207(a).* Section 207(a) prohibits a former employee at any time after his employment has ceased, from knowingly acting as agent or attorney for anyone other than the United States in connection with any particular matter involving a specific party or parties in which the United States has a direct and substantial interest and in which he participated personally and substantially as an employee.

(d) *Section 207(b).* Section 207(b) prohibits any such former Government employee within one year after his employment from appearing personally before any court or Department or agency as agent or attorney for anyone other than the United States in connection with any particular matter involving a specific party or parties in which the United States is a party or directly and substantially interested and which was under his official responsibility within 1 year prior to the termination of such responsibility.

(e) *Section 208.* Section 208 prohibits any employee from participating personally and substantially as a Government employee in any particular matter in which to his knowledge he, his spouse, minor child, partner, or organization in which he is an employee or prospective employee, has a financial interest. An employee may be exonerated from the provisions of this section if he makes full disclosure of the financial interest to the official responsible for his appointment and receives in advance a written determination by that official that the interest is not so substantial as to be likely to affect the integrity of his service.

(f) *Section 209.* Section 209 prohibits any employee from receiving any salary or any contribution to or supplementation of his salary as compensation for his services as an employee from any source other than the Government. This section does not apply to a special Government employee, and does not prevent participation in any bona fide pension, retirement, profit sharing, or other welfare or benefit plan maintained by a former employer. This section also does not prohibit payment or acceptance of contributions, awards or other expenses under the terms of the Government Employees Training Act (5 U.S.C. 2301–2319).

§ 0.735–30 Political activity.

Employees have the right to vote as they may choose and to express their opinions on all political subjects and candidates, but are forbidden to take active part in political management or campaigns (5 U.S.C. 118i). Political activity in some local elections is permissible; but before employees engage in such activity, they should familiarize themselves with the Hatch Act and the Civil Service Commission's regulations on this subject (5 U.S.C. 118i–118n and 5 CFR Part 4). It is unlawful for employees to solicit, receive or to be concerned with political assessments, subscriptions, or contributions for any political purpose whatever from other employees. (18 U.S.C. 602, 603, 606, 607.) Employees may make voluntary contributions to a regularly constituted political organization for its general expenditures subject to the limitations set forth in 18 U.S.C. 608. It is unlawful for any Federal employee to have membership in any political party or organization which advocates the overthrow of our constitutional form of government (5 U.S.C. 118p). Employees are also prohibited from forming or continuing an association in any way with a subversive organization, or forming or continuing a sympathetic association with a person engaged in subversive activities (Executive Orders 10450, 10491, and 10548; Treasury Order 82, Revised).

§ 0.735–31 Strikes.

Employees shall not strike against the Government or be members of organizations which assert the right to strike against the Government (5 U.S.C. 118p).

§ 0.735–32 Gifts or gratuities from Government employees.

Employees of the Federal Government are prohibited from soliciting contributions from other employees for gifts or presents to persons in superior official positions. Neither may such superiors receive any gift or present offered to them from employees in the Government receiving less salary than themselves (5 U.S.C. 113). Collections of spontaneous origin may be made for token gifts upon retirement or resignation or for expressing condolences in cases of illness or death. Solicitations for such gifts should be limited to employees in the immediate office of the employee concerned and a few close associates with whom he has worked. In no case should general solicitations be made for a gift, nor should gifts to the recipients be in cash, except that small amounts (e.g. under $10) remaining after the purchase of a gift may be included with the gift.

However, a collection, within the foregoing limitations, may be made for a token gift to express felicitation to an employee and, with the approval of his supervisor, for a cash gift to assist in a catastrophic illness or disaster, provided that these collections are limited to coworkers of approximately equal status to the recipient employee, and to his immediate supervisors.

§ 0.735–33 Gifts or gratuities from outside sources.

(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 Treasury Department,

(2) Conducts operations or activities that are regulated by the Treasury Department, or

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

(b) General exceptions to the rule in paragraph (a) of this section are as follows unless otherwise precluded by heads of bureaus:

(1) Acceptance of gifts, entertainment, and food is acceptable when the circumstances make it clear that obvious family or personal relationships (such as those between the parents, children or spouse of the employee and the employee) rather than the business of the persons concerned are the motivating factors.

(2) Acceptance of food and refreshments of nominal value on infrequent occasions is permitted when such action occurs in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour where an employee may properly be in attendance. This exception also applies when Treasury officials are in attendance at large organized functions which have traditionally been considered appropriate and important ones to attend because of the recognized benefit of such attendance to Treasury operations.

(3) Employees may accept loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans, except where prohibited by law.

(4) Employees may accept 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 subpart, 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.

§ 0.735–34 Gifts or gratuities from foreign governments.

The Constitution prohibits employees accepting from foreign governments, except with the consent of the Congress, presents, emoluments, offices or titles. The Congress has provided that, except in the case of certain specified military decorations, all such presents, decorations and other things shall be tendered to the State Department to hold pending disposition by the Congress (5 U.S.C. 115, 115a).

§ 0.735–35 Outside financial interests.

No employee shall on a private basis participate, directly or indirectly, in any financial transaction as a result of, or primarily relying on, information obtained through his employment with the Treasury Department; or if in the transaction his private interest is, or may reasonably be expected to be, in conflict with his official interests or duties. No employee shall participate in any transaction concerning the purchase or sale of corporate stocks or bonds or of commodities for speculative purposes, as distinguished from bona fide investment purposes. Whether a transaction is speculative or not will be determined on the basis of all of the facts in a particular case. Indications of speculation include active trading in stocks on margin, selling stocks short or trading in the same securities in a very short span of time.

§ 0.735–36 Using official designation.

Employees shall not permit their official position, status or designation to be used in a manner that might indicate to the public that such use is intended to further the business interests of the user.

§ 0.735–37 Purchase of Government property.

Employees are prohibited from, either directly or indirectly, bidding or purchasing at any sale of Government property under the direction or incident to the functions of the bureaus or offices in which they are employed. Government property under the control of the Treasury Department shall not be sold to a Government employee, either directly or indirectly, unless a properly authorized representative of the bureau or office disposing of the property has determined that the sale is in the best interest of the Government. Before purchasing any Government property from any agency of the Government, either directly or indirectly, employees of the Treasury Department shall make known to the disposing agency that they are such employees and shall be governed by the disposing agency's rules relating to sales to Government employees (Treasury Order 19, Rev. No. 1, May 26, 1955).

§ 0.735–38 Outside employment and other outside activities.

Employees shall not engage in any outside employment or other outside activities, with or without compensation, which (a) interfere with the efficient performance of official duties, (b) might bring discredit on or cause unfavorable and justifiable criticism of the Government or (c) might reasonably result in a conflict of interest, or an apparent conflict of interest, with official duties and responsibilities. Employees shall not engage in outside employment under a State or local government unless such employment is in accordance with existing Civil Service Commission regulations (5 CFR Part 734). Bureau heads will establish appropriate instructions to meet their peculiar needs in regard to outside employment and other outside activities of their employees. These instructions will require employees to obtain written permission from appropriate approving officials. To simplify administration of this rule, bureaus may include in their instructions criteria not inconsistent with the regulations in the subpart concerning outside activities which are clearly permissible and would normally not require written permission.

§ 0.735–39 Engagements to speak, write or teach.

Employees may teach, lecture, or write providing such action is not prohibited by law, Executive Order 11222, or the regulations in this part. However, the requirements prescribed in § 0.735–38 also apply to engagements to speak, write and teach. In any of these activities the appropriate approving official in the bureau will determine whether the activity may be undertaken, and if so, whether as official duty, or whether in private capacity. If it is undertaken as official duty, expenses will be borne by the Treasury Department, and the employee may not accept compensation or permit his expenses to be paid for by the person or group under whose auspices the activity is being performed. If it is determined that the activity shall be undertaken in a private capacity, the employee may not use duty hours or Government facilities, but he may accept compensation, and he may use his official title provided he makes it clear that he does not represent the Treasury Department. Treasury employees are prohibited from official attendance at segregated meetings. They should not participate in conferences or speak before audiences where any racial group has been segregated or excluded from the meeting, from any of the facilities, or the conferences or from membership in the group. (Administrative Circular 109) Finally, before an employee delivers a formal speech or releases an article relating to matters connected with Treasury Department business, he must submit it for review to the appropriate approving official.

§ 0.735–40 Soliciting aid or advertising for organizations or associations of Treasury employees.

Employees shall not solicit financial aid from or sell tickets to persons out-

side the Federal Government for the benefit of any organization or association comprised of Treasury Department employees. No publication of any such organization shall contain any commercial advertising, and the costs of such publications must be wholly paid by the organization or association (Treasury Order 17, May 29, 1937). Employee organizations and associations may, however, accept financial aid for convention purposes from Boards of Trade, Chambers of Commerce, Convention Bureaus and other such organizations serving similar purposes which have followed a regular practice of furnishing financial aid to organizations which hold conventions.

§ 0.735–41 Gambling, betting, and lottery chances.

In areas of conduct where the employee's personal reputation can reflect upon the integrity of the Treasury Department, it is the employee's responsibility to avoid gambling, cheating or giving cause to impressions which detract from that integrity. The Treasury Department does not forbid legal forms of gambling, but employees will be held fully responsible for their actions when they gamble in a manner or in establishments which detract from their reputations or when, in their gambling activities, they associate or mingle with persons whose reputations detract from employee or Department integrity. Employees may not gamble on Government property. Betting or gambling while on official duty is also forbidden except as required on an undercover assignment. Employees may not while on Government property or on official duty participate in the sending of chain letters or in other lotteries, even for a worthy cause.

§ 0.735–42 Use of intoxicants.

Employees must refrain from using intoxicants habitually to excess or in any way which adversely affects their work performances (5 U.S.C. 640). Intoxicants may not be consumed while on official duty unless required in order to maintain security on an undercover assignment.

§ 0.735–43 Indebtedness.

Employees shall not without good reason fail to maintain good credit and a reputation for prompt settlement of their just financial obligations in a proper and timely manner. They are expected to manage their private financial affairs in a manner which will not cause embarrassment to the Treasury Department. This particularly includes just financial obligations to Federal, State, and local governments for taxes as well as private concerns and individuals. A "just financial obligation," as used in this section, means one acknowledged by the employee; reduced to judgment by a court; or, in the case of taxes, a final administrative determination confirmed by notice of a tax lien issued by a governmental agency, Federal, State, or local. "In a proper and timely manner," as used in this section, means in a manner which the Treasury Department determines does not, under the circumstances, reflect adversely on the Department as his employer. In the event of dispute between an employee and an alleged creditor, this section does not require the Department to determine the validity or amount of the disputed debt.

§ 0.735–44 Care of documents.

The care of Government documents is a Federal requirement which is regulated by legislation. All records and documents in the custody of employees are in their custody for official purposes only. It is unlawful to remove or conceal, alter, mutilate, obliterate or destroy records or documents or to remove or attempt to remove from official custody with the intent of performing any of the above actions (18 U.S.C. 2071). Employees must not remove records and documents from official files without approval from proper authority. Working papers, copies of reports and other official records and documents shall be promptly sent to file when no longer needed for official purposes. Disposal or destruction of records and documents is to be made in accordance with established requirements. There are specific instructions relating to the safeguarding of classified information which are furnished to employees authorized to have access to such information.

§ 0.735–45 Lending or borrowing money.

Employees shall not, either directly or indirectly, lend to or borrow from other employees substantial sums of money. In negotiating loans from authorized sources, such as credit unions, welfare associations, commercial or private banking institutions, etc., if the transaction involves the signature of one or more endorsers or comakers, the borrower must not in any instance solicit, or permit to be affixed to any instrument as endorser or comaker, the signature of any Treasury employee who is under his supervision.

§ 0.735–46 Use of Government cars.

Employees are prohibited from using Government cars for other than official purposes. Use of such cars for transportation of employees between their domiciles and places of employment can only be justified where affirmatively authorized by statute, as in 5 U.S.C. 78(c).

§ 0.735–47 Disclosure of information to the public.

Employees may not disclose official information without either appropriate general or specific authority under Department or bureau regulations. This should not be construed as directing any employee of the Department to withhold unclassified information from the press or public. This rule is intended solely to prohibit prior distribution of confidential information to an individual or group of individuals where the possession of such information would give the individual or individuals advantages not accorded to other citizens.

§ 0.735–48 Giving testimony.

When directed to do so by competent Treasury authority, employees must testify or respond to questions (under oath when required) concerning matters of official interest.

§ 0.735–49 Personal communications.

Employees may not conduct personal business while on official duty. Personal use of telephones is restricted to essential need. Employees who receive personal mail at their office will advise addressors to stop sending such mail to the Treasury Department address.

§ 0.735–50 Use of Federal property.

Employees may not directly or indirectly use or allow the use of Federal property of any kind for other than officially approved activities. They also have a positive responsibility to protect and conserve all Federal property, including equipment and supplies, which is entrusted or issued to them.

§ 0.735–51 Influencing legislation or petitioning Congress.

Employees are prohibited from using Government time, money or property (as, for example, through sending telegrams or letters) to influence a Member of Congress to favor or oppose any legislation. This prohibition does not apply to the official handling through proper channels of matters relating to legislation affecting the Treasury Department (18 U.S.C. 1913); or to the rights of employees to petition Members of Congress either individually or collectively or to furnish information to any committee or member of either House of Congress (5 U.S.C. 652(d)).

§ 0.735–52 Soliciting, selling, and canvassing.

Except when authorized by the head of the bureau, office or division concerned, and except as provided by § 0.735–32, employees are prohibited from soliciting, from making collections, from canvassing for the sale of any article or from distributing literature or advertising matter in any space occupied by Treasury.

§ 0.735–53 Civil Service examination processes.

Appointment and future advancement in the Federal career service are based on the important principle of individual merit and qualifications. The selection and merit competitive processes are protected by the Civil Service Act and its amendments, 5 U.S.C. Chapter 12 and the Civil Service regulations. Employees shall not participate, either directly or indirectly, in any of the following actions: (a) Intentionally make a false statement or practice any deception or fraud in examination or appointment, (b) induce persons to withdraw from competition for competitive service positions, (c) engage in any improper activity with respect to the taking of Civil Service examinations and examination ratings, and (d) obstruct the right of any person to take examinations according to the Civil Service rules and regulations.

§ 0.735–54 Falsification of official records.

Employees shall avoid making false, misleading or ambiguous statements, de-

liberately or wilfully, whether verbal or written, in connection with any matter of official interest. Some of these matters of official interest are: Transactions with the public, other Federal agencies or fellow employees; application forms and other forms which serve as a basis for appointment, reassignment, promotion or other personnel actions; vouchers; leave records; work reports of any nature or accounts of any kind; affidavits; entry or record of any matter relating to or connected with the employee's duties; and report of any moneys or securities received, held or paid to, for or on behalf of the United States (18 U.S.C. 1001).

§ 0.735–55 Miscellaneous statutory provisions.

Bureau heads should advise employees of any laws which relate specifically to employees in their bureaus and to the statutes relating to conduct listed below:

(a) House Concurrent Resolution 175, 85th Congress, 2d session, 72 Stat. 312, the "Code of Ethics for Government Service."

(b) The prohibition placed on Treasury Department employees against carrying on any trade in any public funds or debts or obtaining any personal gain from transacting the Department's business (5 U.S.C. 254).

(c) Chapter 11 of Title 18, U.S.C. relating to bribery, graft, and conflicts of interest as appropriate to the employees concerned.

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

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

(f) The prohibitions against (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).

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

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

(i) 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).

§ 0.735–56 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.

STATEMENTS OF EMPLOYMENT AND FINANCIAL INTERESTS

§ 0.735–70 Employees required to submit statements.

Except as provided in § 0.735–71, statements of employment and financial interests will be filed by the following employees:

(a) Those paid at a level of the Federal Executive Salary Schelule established by the Federal Executive Salary Act of 1964.

(b) Those in grade GS–16 or above of the General Schedule of the Classification Act and persons in comparable or higher positions not subject to that Act.

(c) Those in Hearing Examiner positions.

(d) Those in positions specifically identified in Appendix A to this part which are included by reason of meeting the following criteria:

(1) Positions the basic duties and responsibilities of which require the incumbent to exercise judgment in making or recommending a Government decision or in taking or recommending a Government action in regard to:

(i) Contracting or procurement, including the appraisal or selection of contractors; the negotiation or approval of contracts; the procurement of materials, services, supplies, or equipment;

(ii) Administering or monitoring grants or subsidies;

(iii) Audit of financial transactions;

(iv) Regulating or auditing private or other non-Federal enterprise;

(v) Use and disposal of excess or surplus property; and

(vi) Other activities where the decision or action has an economic impact on the interests of any non-Federal enterprise.

(2) Positions which the Secretary of the Treasury determines require the incumbent to report employment and financial interests in order to carry out the purposes of law, Executive Order 11222, and this part.

(e) Alterations to, deletions from, and other amendments of the list of positions in Appendix A to this part may be made under the criteria in paragraph (d) of this section and are effective upon approval by the Secretary of the Treasury and actual notification to the incumbents. Amendments to the list in Appendix A of this part shall be submitted annually for publication in the FEDERAL REGISTER.

§ 0.735–71 Exceptions.

Employees in positions which meet the criteria in § 0.735–70(d) may be excluded from the reporting requirements: (a) When it is determined by the Secretary of the Treasury that the duties of the position are at such a level of responsibility (1) that the submission of a statement of employment and financial interests by the incumbent is not necessary because of the degree of supervision and review over the incumbent and the remote or inconsequential effect on the integrity of the Government or (2) that other rules, regulations or procedures obviate the need for such statements to assure the integrity of employees; (b) when the employee is required to report to the Chairman of the Civil Service Commission under section 401 of Executive Order 11222.

§ 0.735–72 Determination of adequacy of other rules, regulations, or procedures.

Exclusions under § 0.735–71(a)(2) based upon the fact that other rules, regulations, or procedures obviate the need for filing statements must be approved by the Secretary or his designee. As a minimum, these alternate controls must include adequate supervisory review of:

(a) Written certifications by employees on each case, or on daily or monthly reports listing cases handled during the period, that they handle in regulating or auditing private or other non-Federal enterprise that they have no personal or financial interests in the case.

(b) Written certifications by employees recommending decisions or actions or making decisions or actions which have an economic impact on the interests of non-Federal enterprise that they have no personal or financial interest in the actions or decisions involved.

(c) In lieu of paragraphs (a) and (b) of this section, submission by employees of a comprehensive statement of net worth which shall be first completed upon entrance into such positions and kept current on an annual basis thereafter.

§ 0.735–73 Format for statements of employment and financial interests.

The format for statements of employment and financial interests to be submitted by employees is attached to the regulations in this part.[1] Bureaus may use the attached format or adapt it with additional reporting requirements on instructions which the bureau head personally deems necessary.

§ 0.735–74 Time and place for submission of employees' statements.

Each employee required to submit a statement of employment and financial interests shall submit that statement to the office or official designated by the bureau head not later than:

(a) Ninety days after the effective date of the regulations in this part if employed on or before that effective date; or

(b) Thirty days after his entrance on duty but not earlier than 90 days after the effective date of the regulations in this part if appointed after that effective date.

§ 0.735–75 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, an employee is not required to submit a negative report, however, for purposes of annual review a supplementary statement is required as of June 30 each year.

[1] Forms filed as part of the original document.

§ 0.735–76 Interests of employees' relatives.

For purposes of completing the statements of employment and financial interests, the interest of a spouse, minor child, or other member of the employee's immediate household is to be considered an interest of the employee. In other words, those blood relations who are residents of the employee's household are to be treated for purposes of completing the financial statement as though they were the employee and therefore, the report of financial statements should reflect their employment and financial interests in the same manner that the employment and financial interests of the employee are shown.

§ 0.735–77 Information not known by employees.

If any information required to be included in a statement of employment and financial interests or a 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 the information in his behalf.

§ 0.735–78 Information excluded.

The regulations in this part do not require an employee 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 the purposes of the regulations in this part, 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.

§ 0.735–79 Review of statements.

The head of each bureau and his principal assistant or deputy will file their statements with the official in the Office of the Secretary to whom they report, e.g., Secretary or Assistant Secretary. In a similar manner, financial statements of all Presidential appointees below the level of bureau head will be forwarded through the bureau head to the official in the Office of the Secretary to whom the bureau head reports. Each bureau will make provisions for a review of the statements submitted by other employees. This review may be made either by the bureau head or his designee or an independent function or both. The system of review shall be designed to disclose conflicts of interest or apparent conflicts of interest on the part of employees. If information from the statements submitted or from other sources indicates a conflict of interest or an apparent conflict of interest, the employee concerned shall be given an opportunity to explain the conflict or apparent conflict. If the conflict or apparent conflict is not resolved at bureau or lower organizational level, the matter will be referred to the General Counsel who may refer it to the Ad Hoc Committee on Ethical Standards. He shall report all cases formally referred to him to the Secretary.

§ 0.735–80 Confidentiality of financial statements.

Each statement of employment and financial interests and each supplementary statement shall be held in confidence. The important principle involved is that only an absolute minimum number of persons who have "a need to know" should see these statements. Information from a statement may not be disclosed other than for use under this part except as the Civil Service Commission or the Secretary of the Treasury may determine disclosure is for a good cause shown. Statements shall not be filed in employees' official personnel folders, but shall be filed separately. Precautions should be taken to insure that the statements are adequately secured at all times much in the same manner that security information is handled.

§ 0.735–81 Effect of employee's statements on other requirements.

The statements of employment and financial interests and supplementary statements required of employees under the regulations in this part are in addition to, and not in substitution for, or in derogation of, any similar requirement 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 the matter in which his or the other person's participation is prohibited by law, order, or regulation.

RESPONSIBILITIES

§ 0.735–90 Assignment of responsibilities.

The assignment of responsibilities to carry out the provisions of this part is described below in §§ 0.735–91–0.735–97.

§ 0.735–91 Department.

The Department's responsibilities are to (a) issue policy and basic standards of conduct applicable to all Treasury employees, (b) periodically review the basic standards issued and to review initially and periodically those additional standards issued by the bureaus, (c) set requirements to insure that supervisors and employees are aware of the standards of conduct, of their responsibilities in maintaining and adhering to those standards and of the fact that disciplinary action will be taken in cases of failure to maintain or adhere to them, and (d) establish procedures for furnishing advice to management end to employees on the application of standards of conduct. These procedures involve the establishment of and Ad Hoc Committee on Ethical Standards and the referral to the Ad Hoc Committee of problems relating to bureau heads and officials who report directly to the Secretary. Problems relating to all other employees on which advice or guidance is necessary or desirable may also be referred to the Committee through personnel or legal channels.

§ 0.735–92 The Department's Counselor.

The General Counsel has been designated by the Secretary as the Counselor for the Department on matters covered by the regulations in this part. He is responsible for coordination of the counseling service within the Department and for interpretations on questions of conflicts of interest and other matters under this part. He shall report matters formally referred to him to the Secretary.

§ 0.735–93 Deputy Counselors.

The Chief Counsel or legal advisor for each bureau is the Deputy Counselor for that bureau. As such, his responsibility is to give authoritative advice and guidance on conflicts of interest and other matters covered by this part.

§ 0.735–94 Role of personnel officers.

Personnel officers at all organizational levels are responsible for providing general guidance and assistance to supervisors and employees in implementing and adhering to the provisions of the regulations in this part. Where questions arise or where advice is sought by either supervisors or employees which involve either advice or interpretation which is legal in nature, personnel officers will be responsible for seeing that the advice or interpretation is sought or obtained from the Deputy Counselor or the Counselor, as appropriate.

§ 0.735–95 Bureaus.

The responsibilities of the bureaus are to (a) provide employees with basic standards of conduct and any additional standards and explanations necessary to effectively carry out the policy of the President and of the Department, (b) see that employees and supervisors are aware of their responsibilities in maintaining and adhering to established standards of conduct, (c) inform employees as to how and from whom they may get additional clarification of standards of conduct and related laws, rules, and regulations, (d) insure that appropriate disciplinary action is taken against employees who violate standards of conduct and related laws, rules and regulations and against supervisors who fail to carry out their responsibilities in taking or recommending disciplinary action when appropriate against employees under them who have committed such offenses, and (e) review and evaluate the effectiveness of standards issued and their application.

NOTE: Bureaus shall provide employees with copies of the regulations in this part. New employees shall be given copies of the regulations in this part at the time of their employment. All employees will be reminded of the standards of conduct at least annually after this initial issuance. This may be done by posting the standards on the bulletin board, by reminders in house organs or by

other forms of written communication, including payroll inserts.

§ 0.735–96 Supervisor.

It is the responsibility of each supervisor to (a) know the standards of conduct applicable to him and the employees under his supervision, (b) advise the employees under his supervision or held them obtain advice on the application of the standards of conduct, (c) adhere to them, (d) see that the employees under his supervision know and adhere to them also, and (e) take or recommend disciplinary action when appropriate in cases where the employees under his supervision violate the standards or the principles upon which they are based.

§ 0.735–97 Employees.

Each employee in the Department is required to (a) know the standards of conduct and their application in his case, (b) seek information from his supervisor in case of doubt or misunderstanding on the application of the standards of conduct (c) adhere to the standards of conduct, and (d) be aware of the consequences of violation of the laws, rules and regulations regarding conduct.

LISTING OF EMPLOYEES WHO MUST FILE STATEMENTS OR COMPLY WITH ALTERNATIVE PROCEDURES IN § 0.735–72

§ 0.735–100 Listing of employees.

Appendix A to this part is a listing of specific employees who must file statements or comply with alternative procedures in § 0.735–72. Bureau heads shall review the list of positions in Appendix A to this part on a quarterly basis and submit changes as appropriate. Quarters for this purpose are the same as those applicable in the bureau for submission of statements by employees under § 0.735–75. The effective date of the changes is set by § 0.735–70(e).

Subpart B—Preventing Conflicts of Interest on the Part of Special Government Employees in the Department

GENERAL PROVISIONS

§ 0.735–200 Purpose.

This subpart implements the provisions of Executive Order 11222 dated May 8, 1965, relating to special Government employees in the Treasury Department.

§ 0.735–201 Scope.

This subpart relates basically to special Government employees who are consultants and advisers, including experts. Submission of financial statements by special Government employees other than advisers, consultants, and experts is waived except where statements would otherwise be required under § 0.735–70. Employees who are employed for more than 130 days are treated as regular employees and are subject to the provisions of Subpart A of this part.

§ 0.735–202 Policy.

It is the Department's policy in issuing the instructions in this part to adhere rigidly to the policy set forth by the President that every citizen is entitled to have complete confidence in the integrity of his Government and that each individual officer, employee or adviser of the Government must help to earn and must honor that trust by his own integrity and conduct in all official actions.

GENERAL RULES OF CONDUCT APPLICABLE TO SPECIAL GOVERNMENT EMPLOYEES

§ 0.735–203 Applicability of Subpart A of this part.

Special Government employees shall familiarize themselves with the rules of conduct contained in Subpart A of this part so they can be guided by the principles contained in those rules insofar as their employment with the Treasury is concerned. In addition, the rules of conduct in §§ 0.735–204—0.735–209 specifically apply to them.

§ 0.735–204 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.

§ 0.735–205 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. "Inside information" as used in this section means information obtained under Government authority which has not become part of the body of public information.

§ 0.735–206 Teaching, lecturing, and writing.

Special Government employees may teach, lecture, or write providing such action is not prohibited by law, Executive Order 11222, or the regulations in this part. However, a special Government employee shall not, either with or without compensation, engage in teaching, lecturing, or writing that is dependent upon information obtained as a result of his employment with the Department, except when that information has been made available to the general public or will be made available on request, or when the official to whom he reports receives written authorization from the Secretary or the Ad Hoc Committee for the Secretary for the use of non-public information on the basis that the use is in the public interest.

§ 0.735–207 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.

§ 0.735–208 Gifts, entertainment, and favors.

A special Government employee, while so employed or in connection with his employment, shall not receive or solicit from a person having business with the Treasury Department anything of value as a gift, gratuity, loan, entertainment, or favor for himself or another person, particularly one with whom he has family, business or financial ties. Exceptions to this are the same exceptions contained in Subpart A of this part for regular employees of the Department.

§ 0.735–209 Miscellaneous statutory provisions.

The statutory provisions relating to Treasury employees referred to in §§ 0.735–30, 0.735–31, 0.735–32, 0.735–34, 0.735–42, 0.735–44, 0.735–46, 0.735–51, 0.735–53, 0.735–54, and 0.735–55 apply to special Government employees when serving in their official capacities with the Department. Where there are specific statutes applicable to employees in certain Treasury bureaus, the bureau concerned should inform its special Government employees of the applicability of those statutes to them.

CONFLICT OF INTEREST STATUTES

§ 0.735–210 Applicability of 18 U.S.C. 203 and 205.

(a) The prohibitions in 18 U.S.C. 203 and 205 applicable to special Government employees are less stringent than those which affect regular employees; i.e., those who are appointed for more than 130 days a year. These two sections in general operate to preclude a regular Government employee, except in the discharge of his official duties, from representing another person before a department, agency or court, whether with or without compensation, in a matter in which the United States is a party or has a direct and substantial interest. However, the two sections impose only the following major restrictions upon a special Government employee:

(1) He 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 has at any time participated personally and substantially in the course of his Government employment.

(2) 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 agency he serves. However, this restraint is not applicable if he has served the agency 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.

(b) 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.

(c) The rules to be followed in the Treasury Department to clearly identify the applicability of these statutes follow:

(1) Appointments will be made for a period of 365 days or less starting with the date of appointment. (This does not preclude renewing appointments at the expiration of the initial or succeeding 365 days for those who worked 130 days or less in the 365-day period prior to the renewal.) When an appointment of 365 days or less will extend beyond the fiscal year, the Notification of Personnel Action (Standard Form 50) should indicate that "Continuation of employment beyond the current fiscal year is subject to the availability of Appropriation Act authority and funds."

(2) At the time of his original appointment and the time of each appointment thereafter, an estimate will be made of the number of days during the following 365 on which the services of the appointee will be required. A part of a day should be counted as a full day for the purposes of this estimate, and a Saturday, Sunday or holiday on which duty is performed should be counted equally with a regular workday.

(3) If it is estimated that an appointee will serve more than 130 days during the ensuing 365, the appointee should not be carried on the rolls as a special Government employee, and he should be informed orally and in writing in the Remarks Section of the Notification of Personnel Action (Standard Form 50) that he is regarded as subject to the prohibitions of sections 203 and 205 to the same extent as if he were to serve as a regular employee. If the estimate is that he will serve no more than 130 days during the following 365 days, he should be carried on the rolls of the department or agency as a special Government employee and informed orally and in writing in the Remarks Section of the Notification of Personnel Action (Standard Form 50) that he is regarded as subject only to the restrictions of section 203 and 205 described in paragraphs (a) and (b) of this section. Even if it becomes apparent, prior to the end of a period of 365 days for which a department or agency has made an estimate with regard to an appointee that he has not been accurately classified, he should nevertheless continue to be deemed a special Government employee or not, as the case may be, for the remainder of that 365-day period.

(4) An employee who undertakes service with the Treasury Department and another department or agency shall inform each of his arrangements with the other. If both his appointments are made on the same date, the aggregate of the estimates made by the Treasury Department and the other department or agency shall be deemed determinative of his classification by each. If after being employed by one department or agency, a special Government employee is appointed by a second to serve it in the same capacity, each department or agency should make an estimate of the amount of his service to it for the remaining portion of the 365-day period covered by the original estimate of the first. The sum of the two estimates and of the actual number of days of his service to the first department or agency during the prior portion of such 365-day period shall be deemed determinative of the classification of the appointee by each during the remaining portion. If an employee undertakes to serve more than two departments or agencies, they shall classify him in a manner similar to that prescribed in this paragraph (c) in the case of two agencies. The Office of Personnel will coordinate the classification of such employees with such other agencies.

(5) In the case of a person who is serving as a member of an advisory committee, board or other group, and who is by virtue of his membership thereon an officer or employee of the United States, the above requirements will be carried out to the same extent as if he were serving the sponsoring department or agency separately and individually.

(6) The 60-day standard affecting a special Government employee's private activities before the Treasury Department is a standard of actual past service, as contrasted with the 130-day standard of estimated future service discussed above. A special Government employee is barred from representing another person before his department or agency at times when he has served it for an aggregate of more than 60 days during the past 365. Thus, although once having been in effect, the statutory bar may be lifted later by reason of an intervening period of non-service. In other words, as a matter of law, the bar may fluctuate in its effect during the course of a special Government employee's relationship with his department or agency.

(7) A part of a day should be counted as a full day in connection with the 60-day standard discussed in subparagraph (6) of this paragraph, and a Saturday, Sunday, or holiday on which duty has been performed should be counted equally with a regular workday. Service performed by a special Government employee in one department or agency should not be counted by another in connection with the 60-day standard.

(d) There may be situations where a consultant or adviser has a responsible position with his regular employer which requires him to participate personally in contract negotiations with the Treasury. In this situation, the consultant or adviser should participate in the negotiations for his employer only with the knowledge of a responsible Treasury official; i.e., the full-time official to whom the consultant or adviser reports. Prior to permitting such participation, the responsible Treasury official shall obtain the approval in writing of the Ad Hoc Committee.

(e) Section 205 of Title 18, U.S. Code, contains certain exemptive provisions. The first of these deals with a similar situation which may arise after a Government grant or contract has been negotiated. This provision in certain cases permits both the Government and the private employer of a special Government employee to benefit from his performance of work under a grant or contract for which he would otherwise be disqualified because he had participated in the matter for the Government or it is pending in an agency he has served more than 60 days in the past year. More particularly, the provision gives the head of a department or agency the power, notwithstanding any prohibition in either section 203 or 205 of Title 18, U.S. Code, to allow a special Government employee to represent before such department or agency either his regular employer or another person or organization in the performance of work under a grant or contract. The action required to effect the exemption is a certification by the Secretary to be submitted for publication in the FEDERAL REGISTER. Such certifications will be forwarded to the Secretary through the General Counsel, and the exemption will not take effect until the certification is published.

(f) The other exemptive provision requiring action permits a special Government employee to represent, with or without compensation, a parent, spouse, child, or person or estate he serves as a fiduciary, but only if he has the approval of the official responsible for appointments to his position and the matter involved is neither one in which he has participated personally or substantially nor one under his official responsibility. The term "official responsibility" is defined in 18 U.S.C. 202 to mean, in substance, the direct administrative or operating authority to control Government action. In the Treasury Department, the "official responsible for appointments" for these purposes will be the bureau head for purposes of those appointed as consultants and advisers in bureaus, or the person to whom the appointee reports for purposes of those appointed as consultants or advisers in the Office of the Secretary.

§ 0.735–211 Applicability of 18 U.S.C. 207.

(a) Section 207 of Title 18, U.S. Code applies to individuals who have left Government service, including former special Government employees. It prevents a former employee or special Government employee from representing another person in connection with certain matters in which he participated personally and substantially on behalf of the Government. The matters are those involving a specific party or parties in which the United States is also a party or has a direct and substantial interest. In addition, section 207 of Title 18, U.S. Code, prevents a former employee or special Government employee, for a period of 1 year after his employment has ceased, from appearing personally for another person in such matters before a court, department, or agency if the matters were within the area of his official responsibility at any time during the last year of his Government service. It should be noted that a consultant or adviser usually does not have "official responsibility."

(b) For the purposes of section 207 of Title 18, U.S. Code, the employment

of a special Government employee ceases on the day his appointment expires or is otherwise terminated, as distinguished from the day on which he last performs service. Accordingly, the appointment of an adviser or consultant should be terminated promptly as soon as it is determined that his services are no longer required.

§ 0.735–212 Applicability of 18 U.S.C. 208.

(a) Section 208 of Title 18, U.S. Code, bears on the activities of Government personnel, including special Government employees, in the course of their official duties. In general, it prevents an employee or special Government employee from participating as such in a particular matter in which, to his knowledge, he, his spouse, minor child, partner, or a profit or nonprofit enterprise with which he is connected has a financial interest. However, the section permits such an employee's agency to grant him an ad hoc exemption if the interest is not so substantial as to affect the integrity of his services. Insignificant interests may also be waived by a general rule or regulation.

(b) The matters in which special Government employees are disqualified by section 208 of Title 18, U.S. Code, are not limited to those involving a specific party or parties in which the United States is a party or has an interest, as in the case of sections 203, 205, and 207 of Title 18, U.S. Code. Section 208, therefore, undoubtedly extends to matters in addition to contracts, grants, judicial and quasi-judicial proceedings, and other matters of an adversary nature. Accordingly, a special Government employee should in general be disqualified from participating as such in a matter of any type the outcome of which will have a direct and predictable effect upon the financial interests covered by the section. However, the power of exemption may be exercised in this situation if the special Government employee renders advice of a general nature from which no preference or advantage over others might be gained by any particular person or organization. The power of exemption may, of course, be exercised also where the financial interests involved are minimal in value.

(c) Exemptions under section 208 of Title 18, U.S. Code may be made by general rule or regulation by the Secretary. Ad hoc exemptions may be made by the Secretary, the Under Secretary and the Under Secretary for Monetary Affairs, or upon obtaining the approval of the Ad Hoc Committee on Ethical Standards, by other officials in the Office of the Secretary and by bureau heads to whom advisers and consultants report.

CONSULTANTS AND ADVISERS

§ 0.735–220 Advice on rules of conduct and conflict of interest statutes.

If a special Government employee who is a consultant or adviser has doubt as to the ethics of any conduct falling within the standards of conduct and conflict of interest statutes, he should confer with the Chief Counsel of the bureau in which he is serving or the General Counsel of the Department if he is serving in the Office of the Secretary. The Chief Counsel of any bureau may refer doubtful questions to the General Counsel. Questions of ethical judgment may be referred to the Ad Hoc Committee on Ethical Standards by the General Counsel.

§ 0.735–221 Industry, labor, agricultural, and other representatives.

There are situations where a consultant or adviser or member of an advisory committee may be providing advice as a representative of an outside group and not as an employee or special Government employee of the Department. Such questions normally arise with respect to members of advisory committees within the departments. Some advisory committees are clearly composed of representatives of industries. The Attorney General has ruled that the Advisory Group to the Commissioner of Internal Revenue is composed of persons serving in a representative capacity. Bureaus or offices using advisory committees may seek the advice of the Chief Counsel, or through him, the General Counsel, to determine whether members of any given advisory committee are serving in a representative capacity and not as employees of the Department. Persons serving in a representative capacity are not subject to the conflict of interest laws, but they should nonetheless be guided by the considerations in this part covering such points as use of inside information, abuse of office and gifts.

§ 0.735–222 Responsibility of the individual special Government employee.

Each person appointed as a special Government employee in the Treasury Department is responsible for:

(a) Familiarizing himself with the contents of this part and the applicability of the conflict of interest statutes in his particular case.

(b) Seeking advice and assistance in interpreting the laws and instructions in case he has any questions concerning them.

(c) Being alert to the possibility of conflicts of interest.

(d) Furnishing the Department with information concerning his financial interests and keeping this information current.

PROCEDURES TO BE FOLLOWED IN THE DEPARTMENT

§ 0.735–230 Information and assistance to special Government employees and their supervisors.

Each special Government employee appointed in the Department and each supervisor of a special Government employee will be given a copy of this part and will be required to familiarize himself with the conflict of interest laws and the provisions of the instructions applicable to him. If a special Government employee or prospective special Government employee or a supervisor desires assistance in interpreting the instructions or laws, he will be referred to the Chief Counsel or General Counsel. Either of the latter may refer questions of ethical judgment to the Ad Hoc Committee on Ethical Standards. The committee is identified in Treasury Order No. 188 (Revised), dated May 31, 1962.

§ 0.735–231 Disclosure of financial interests.

(a) In order to carry out its responsibility to avoid the use of the services of special Government employees in situations in which violation of the conflict of interest laws or of the regulations in this part may occur, at the time of employment each special Government employee who is a consultant or adviser will be required to supply a statement of (1) all other employment and (2) financial interests which relate either directly or indirectly to the duties and responsibilities he will have as a special Government employee. Each statement of financial interests will be forwarded to the General Counsel through the Ad Hoc Committee on Ethical Standards along with a statement of the duties which the proposed special Government employee will be assigned.

(b) The supervisor of the special Government employee should review the statement of employment and financial interests in relationship to the duties to be performed and initially determine that no conflict of interest exists prior to submission of the material to the Ad Hoc Committee. The purposes of this are (1) for information, (2) to enable the Committee and the General Counsel to give advice as to possible conflicts of interest, and (3) to permit the Committee and the General Counsel to assist special Government employees in applying the criteria for disqualification discussed in this part. Such statements must be kept current during the period the special Government employee is on the Government rolls.

(c) The Department official or bureau head appointing a member of an advisory board or committee to serve in an individual rather than a representative capacity, may (1) waive disclosure of financial information when he considers that such information is not relevant to the advisory duties of the board or committee, or (2) waive disclosure of financial information except that which is relevant to the advisory duties of such board or committee. Such waiver or partial waiver is for the convenience of the Department and shall in no instance be considered a substitute for the exemption procedures described under "Applicability of 18 U.S.C. 208" in this subpart. If the official or bureau head elects to waive or partially waive disclosure of information as described in this paragraph rather than obtain complete disclosure of financial information, he must report in writing to the General Counsel through the Ad Hoc Committee the names of the persons to whom waivers were granted and the specific reasons for the waivers. In cases of doubt as to which of the three actions is appropriate, he should obtain advice from the Ad Hoc Committee.

§ 0.735–232 Service with other Federal agencies.

If a special Government employee is serving in other Federal agencies, he will be required to inform the Department and each of the agencies of his arrangements with the others so that appropriate administrative measures may be effected. Information of service with other Federal agencies will be submitted along with the statement of employment and financial interests and must be kept current while employed with the Treasury Department.

§ 0.735–233 Resolution of cases involving a conflict or apparent conflict of interest.

When a situation arises which indicates a conflict of interest or apparent conflict of interest and the matter is not resolved, information about the situation will be reported to the General Counsel, who in turn will report to the Secretary. In any such situation, the special Government employee shall be provided an opportunity to explain the conflict or appearance of conflict.

§ 0.735–234 Disciplinary and other remedial action.

A violation of the regulations in this part may be cause for appropriate remedial action which may be in addition to any penalty prescribed by law. Remedial action may include, but is not limited to:

(a) Change in assigned duties;

(b) Disqualification for a particular assignment;

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

(d) Disciplinary action.

§ 0.735–235 Legal interpretation.

Whenever the General Counsel and the General Counsel of the Civil Service Commission believe that a substantial legal question is raised by the employment of a particular special Government employee as a consultant or adviser, the General Counsel will advise the Department of Justice, through the Office of Legal Counsel, in order to insure a consistent and authoritative interpretation of the law.

§ 0.735–236 Safeguard of information.

(a) Information on a special Government employee's statement of employment and financial interests will be maintained in confidence. This information will be made available to persons in the Department strictly on a "need to know" basis and only upon the approval of the Ad Hoc Committee on Ethical Standards.

(b) The Secretary will decide and act upon any requests for information on a special Government employee's statement of employment and financial interests which come from outside of the Treasury Department. Information may not be disclosed except as the Secretary or the Civil Service Commission may determine for good cause shown.

Subpart C—Additional Rules and Guidelines Applicable to Employees Stationed in Foreign Countries

GENERAL PROVISIONS

§ 0.735–300 Purpose.

This subpart sets forth additional rules and guidelines applicable to employees and special Government employees stationed in foreign countries.

§ 0.735–301 Policy.

Treasury employees and special Government employees on official duty in foreign countries are both representatives of the Treasury Department and the United States Government and guests of the country in which they serve. This subpart is intended simply to emphasize these points.

§ 0.735–302 General provisions governing conduct in foreign countries.

Treasury employees and special Government employees should familiarize themselves with the standards of conduct for State Department personnel overseas and be guided accordingly. The most important provisions regarding conduct, not otherwise covered in this subpart, are contained in §§ 0.735–310–0.735–316. Since application of the standards may vary slightly in different countries due to local differences, Treasury employees and special Government employees should look to the State Department embassy for the country in which service is being performed for guidance, interpretation and assistance.

SPECIFIC RULES OF CONDUCT

§ 0.735–310 Basic rule of conduct.

Treasury employees and special Government employees are obligated to obey the laws of the country in which they are assigned and to observe the rules of moral and courteous conduct in their official and personal lives.

§ 0.735–311 Applicability to American employees.

Each head of a Treasury organization overseas shall insure that all employees and special Government employees under his jurisdiction have read and are familiar with the provisions of this part.

§ 0.735–312 Applicability to members of families.

Restrictions placed on Treasury employees and special Government employees with respect to speeches, interviews, and participation in activities abroad also shall apply to those members of the family of the employee and special Government employee who normally reside with him and are dependent on him. An employee or special Government employee shall be held to strict accountability for the actions of his family. Members of an employee's or special Government employee's family shall avoid expressing views which are unfriendly to or critical of the United States or the host country, their Governments, institutions, its people, either to or in the presence of persons of a foreign nationality. They shall, in addition, refrain from engaging in, or associating closely with, groups of people or organizations engaged in activities which are inimical to or embarrassing to the Government of the United States.

§ 0.735–313 Expression of thoughts and views.

Employees and special Government employees shall not allude in public speeches or newspaper interviews to disputes between governments or to active political issues in the United States or elsewhere, except with the authorization of the Department.

§ 0.735–314 Political activities.

Treasury employees and special Government employees shall not engage in any form of political activity in the country to which they are assigned. (This restriction does not apply to alien spouses who may continue to vote in their own countries.)

§ 0.735–315 Acceptance of employment by a member of a family.

Members of the family of a Treasury employee or special Government employee overseas shall not transact or be interested in any business or engage for profit in any profession in the country to which the employee or special Government employee is assigned without the approval of the bureau concerned. Bureaus may make certain exceptions to this with respect to employment for the U.S. Government.

§ 0.735–316 Sale of personal automobiles and other personal property.

The following provisions apply to all American employees and special Government employees regardless of agency, attached to United States embassies and constituent posts:

(a) The importation, sale or export of personal property including automobiles of American employees and special Government employees and their dependents must be in accordance with the laws, regulations and conventions of the host country.

(b) Personal property, including motor vehicles, brought to posts abroad by American employees and special Government employees must be for their bona fide personal use or that of their dependents, and not with intent of sale or transfer.

(c) Automobiles purchased for shipment to new posts of assignment should be unostentatious in appearance and modestly equipped.

(d) The employee or special Government employee will not be permitted to sell his personal property, including motor vehicles, at an amount in excess of the price he paid for it plus any taxes and customs paid by him, or for any valuable consideration in excess of the total of these amounts. However, an employee or special Government employee need not sell his personal property, including motor vehicles; he may export it, at his own or U.S. Government expense, under pertinent travel or

shipping regulations. He must export it if required to do so by local law, local government regulation, or rules established by the ambassador.

(e) Full responsibility rests with the ambassador for controlling the importation and sale of personal property by all American employees or special Government employees attached to the embassy or constituent posts. He will issue and ensure compliance with local regulations consistent with policy prescribed herein and with other applicable regulations.

(f) Since conditions surrounding the importation and sale of personal property, including motor vehicles, vary widely country by country, Treasury must rely on the ambassador to issue detailed local regulations and procedures tailored to meet unique local situations. In issuing such local regulations and procedures consideration should be given to the following alternatives among others available to the ambassador. The ambassador may—

(1) Limit or prohibit importation of certain kinds of personal property. (For example, he may limit the number or frequency of motor vehicles imported.)

(2) Limit classes of persons to whom sales may be made. (For example, he may arrange for personal property sales to the host government, or to the U.S. Mission's commissary or employee association for use or rental by it.)

(3) Limit the conversion of currency realized from the sale of personal property.

(4) Require the exportation of personal property at Government or the employee's or special Government employee's expense under applicable travel or shipping regulations.

ADVICE AND COUNSELING

§ 0.735–320 Responsibility for guidance and assistance.

Supervisors in charge of Treasury activities overseas are responsible for providing guidance and asssistance to their employees and special Government employees regarding conduct in such overseas activities. In the event the supervisor in the overseas location needs assistance and guidance or interpretation, he should first look to the State Department representative in the overseas country. If that is not possible or if he needs further assistance he should contact his bureau head. Bureaus may refer questions on the regulations in this part to the Director of Personnel who will confer with the State Department where necessary to assure uniformity of interpretation and of conditions in overseas locations.

This Part 0 was approved by the Civil Service Commission on March 18, 1966.

Effective date. This Part 0 shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] A. E. WEATHERBEE,
Assistant Secretary for Administration.

APPENDIX A—EMPLOYEES WHO MUST FILE STATEMENTS OR COMPLY WITH ALTERNATIVE PROCEDURES IN § 0.735–72

SPECIFIC POSITIONS

Office of the Secretary

Confidential Assistant to the Assistant Secretary.
Supervisory Digital Computer Systems Analyst.
Assistant to the Fiscal Assistant Secretary.
Fiscal Analyst (Special Assistant to the Fiscal Assistant Secretary).
Attorney Advisors (Tax Legislation).
Accountant (Tax Legislation).
Economist, Office of Financial Analysis.
National Security Affairs Officer.
Assistant Director, Office of Domestic Gold and Silver Operations.
All Auditors, Office of Domestic Gold and Silver Operations.
Financial Economists, GS–15, Office of Debt Analysis.
Actuary, Office of Debt Analysis.
Economists, GS–15, Office of Tax Analysis.
Special Assistant to the Assistant Secretary for Administration.
All Attorneys, Office of Tax Legislative Counsel.
Chief Counsel and all Attorneys, Foreign Assets Control.
Chief, Licensing Section, Foreign Assets Control.
Assistant Chief, Licensing Section, Foreign Assets Control.
Chief, Enforcement Section, Foreign Assets Control.
Deputy Director, Office of Administrative Services.
Chief, General Services Division.
Chief, Printing and Procurement Division.
Assistant Chief, Printing and Procurement Division.
Chief, Buildings Operations Division.
Communications Manager.
All employees GS–15, Office of the Assistant Secretary for International Affairs.

Office of the General Counsel

All Attorneys, except those in the Office of the Director of Practice.

Bureau of Accounts

Operating Facilities Officer.
Chief, Procurement Property and Service Section.

U.S. Coast Guard

Attorney, GS–905 (all grade levels).
Property Disposal Officer, GS–1104 (all grade levels).
Industrial Employment Policy Specialist, GS–1150 (all grade levels).
Construction Representative, GS–1640 (all grade levels).
Supervisory Purchasing and Procurement Officers, GS–2020.
Supervisory Traffic Manager, GS–2130.

Office of the Comptroller of the Currency

Associate Chief Counsel.
Administrative Assistant to the Comptroller of the Currency.
Deputy Administrative Assistant to the Comptroller of the Currency.
Chief, Organization Division.
Regional Comptroller of the Currency.
Deputy Regional Comptroller of the Currency.
Regional Counsel.
Chief Counsel.

Bureau of Customs

Commissioner of Customs.
Deputy Commissioner of Customs.
Assistant Commissioner of Customs.
Regional Commissioner of Customs.
Assistant Regional Commissioner of Customs.
Deputy Assistant Regional Commissioner (Classification and Value).
Deputy Assistant Regional Commissioner (Inspection and Control).
Deputy Assistant Regional Commissioner (Financial Management).
Regional Counsel.
District Directors.
Assistant District Directors.
Supervising Customs Agents.
Assistant Supervising Customs Agents.
Customs Agents in Charge.
Director, Field Audits.
Assistant Director, Field Audits.
Field Auditors.
Program Advisor.
Port Director.
Chief Counsel.
Director, Division of Field Audits.
Assistant Director, Division of Field Audits.
Director, Division of Administrative Services.
Director, Division of Finance and Management Analysis.
Director, Division of Data Processing.
Director, Division of Appraisement and Collections.
Director, Division of Inspection and Control.
Director, Division of Technical Services.
Director, Division of Tariff Classification Rulings.
Director, Division of Entry Procedures and Penalties.
Director, Division of Marine and Transportation Rulings.
Customs Law Specialist.
Employees in grade GS–15 or above and persons in comparable or higher positions not subject to the Classification Act, not otherwise identified above.
Appraisers, Examiners and Inspectors above GS–9 or Equivalent.

Bureau of Engraving and Printing

Director of Manufacturing.
Director of Industrial Services.
Supervisory Physicist (General).
Employees in grade GS–11 and above whose duties involve the exercise of judgment in making or recommending a Government decision or in taking or recommending Government action in regard to contracting or procurement.

Internal Revenue Service

All Attorneys in Chief Counsel's office in grade GS–15.
All employees in grades FC–1 and FC–2.
District and Service Center Directors and Assistant District and Service Center Directors, regardless of grade.
Procurement Officers.
Supervisory personnel in Audit, Appellate, Intelligence, Tax Ruling and Collection Functions.
Nonsupervisory personnel in Audit, Appellate, Intelligence, Tax Ruling and Collection Functions (Revenue Officers, Revenue Agents, Office Auditors, Special Agents, Appellate Conferees, and employees in Technical participating in Rulings activities).

Bureau of the Mint

Superintendents, Philadelphia and Denver Mints and New York Assay Office.
Engraver, Philadelphia Mint.
Assayers, Philadelphia and Denver Mints and New York Assay Office.
Assistant Superintendents, Philadelphia and Denver Mints and New York Assay Office.
Officers in Charge, San Francisco Assay Office and Fort Knox Bullion Depository.
Assistant Officers in Charge, San Francisco Assay Office and Fort Knox Bullion Depository.

Contract and Procurement Officer.
General Attorney.
Chief, Management Analysis and Production Division.
Assistant Technical Consultant to the Director.
Chief and Assistant Chief, Budget and Finance Division.

Bureau of Narcotics

Chief Counsel.
Head, Returns Division.
All District Supervisors.

Bureau of the Public Debt

All Attorneys in the Chief Counsel's Office.

U.S. Savings Bonds Division

Office Services Manager.

U.S. Secret Service

Attorney.

Office of the Treasurer of the United States

Assistants to the Deputy Treasurer.
Administrative Officer.

APPENDIX B—CONFIDENTIAL STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS

NOTE: Appendix B filed as part of the original document.

APPENDIX C—STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS FOR SPECIAL GOVERNMENT EMPLOYEES

NOTE: Appendix C filed as part of the original document.

[F.R. Doc. 66-4170; Filed, Apr. 15, 1966; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3978]

[Oregon 016348]

OREGON

Partial Revocation of Lighthouse Withdrawal

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

1. The Executive Order of July 18, 1891, reserving lands now in the Siuslaw National Forest, for lighthouse purposes, is hereby revoked so far as it affects the following described lands:

WILLAMETTE MERIDIAN

T. 16 S., R. 12 W.,

Parcel (1). Beginning at meander corner on section line between sections 33 and 34; 50.00 chains north of corner to sections 33 and 34; thence north 719 feet to a point; thence west to the Pacific Ocean; thence following along the ocean shore to the point of beginning, containing 10.09 acres more or less; excepting an area containing 2 acres more or less, described as follows:

Beginning at the true point of beginning located 719 feet north and 920 feet plus or minus west of the meander corner of Section line between sections 33 and 34; thence due west to the Pacific Ocean; thence southerly along the ocean shore to a point due south of the true point of beginning; thence due north to the point of beginning, said north-south line being 100 feet due east of the Heceta Head Lighthouse Tower;

Parcel (2). Beginning at the meander corner described above; thence north 719 feet to a point; thence S. 29°30' E. 670.5 feet to a point; thence S. 67°43' W., 356.9 feet to the point of beginning, containing 2.72 acres, more or less.

The areas described aggregate approximately 10.81 acres.

2. At 10 a.m. on May 17, 1966, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 11, 1966.

[F.R. Doc. 66-4126; Filed, Apr. 15, 1966; 8:45 a.m.]

[Public Land Order 3979]

[Washington 05201]

WASHINGTON

Powersite Cancellation No. 210, Partial Cancellation of Powersite Classification No. 426

By virtue of the authority contained in the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 1950 Reorganization Plan No. 3 (64 Stat. 1262; 5 U.S.C. 133z-15, Note), and in section 24 of the act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission in DA-200-Washington, it is ordered as follows:

1. The order of the Geological Survey of July 25, 1952, creating Powersite Classification No. 426 is hereby cancelled so far as it affects the following described lands:

WILLAMETTE MERIDIAN

T. 3 N., R. 19 E.,
Sec. 21, W½SW¼.
T. 5 N., R. 24 E.,
Sec. 32, N½NE¼SW¼, N½NW¼SE¼;
Sec. 34, N½SW¼SW¼, N½S½SW¼SW¼, N½S½S½SW¼SW¼.
T. 5 N., R. 25 E.,
Sec. 12, SE¼SE¼, that part lying north of southerly R/W line of Wash. State Hwy. 8E;
Sec. 14, SE¼NE¼, NE¼SW¼, that part lying north of R/W. of Hwy. 8E.;
Sec. 22, NW¼NE¼, that part lying north of R/W of Hwy. 8E.
T. 5 N., R. 26 E.,
Sec. 12, NW¼NW¼, N½SE¼NW¼, NE¼SW¼SE¼NW¼; SE¼SE¼NW¼, N½NE¼SE¼, NE¼SW¼NE¼SE¼; N½SE¼NE¼SE¼, SE¼SE¼NE¼SE¼.

The areas described aggregate approximately 390 acres in Klickitat and Benton Counties.

The lands are located on the north bank of the Columbia River. Topography varies from moderate to steeply sloping breaks. Soil cover is limited to a light cover of sagebrush, cheatgrass, some perennial grasses, and weeds.

2. Until 10 a.m., on October 10, 1966, the State of Washington shall have a preferred right of application to select the lands as provided by R.S. 2276, as amended (43 U.S.C. 852). After that time the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on October 10, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to the provisions of the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

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

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 11, 1966.

[F.R. Doc. 66-4127; Filed, Apr. 15, 1966; 8:45 a.m.]

[Public Land Order 3980]

[Montana 025412]

MONTANA

Transferring Lands From Federal Aviation Agency to Department of the Interior

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

Jurisdiction of the following described lands withdrawn by departmental order of January 6, 1936, as a part of Air Navigation Site No. 103, is hereby transferred from the Federal Aviation Agency to the Department of the Interior, for the maintenance of aids to air navigation:

PRINCIPAL MERIDIAN

T. 9 N., R. 8 W.,
Sec. 8, SE¼NE¼NW¼SW¼.

Containing 2.5 acres.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 11, 1966.

[F.R. Doc. 66-4128; Filed, Apr. 15, 1966; 8:45 a.m.]

[Public Land Order 3981]

[Nevada 047474]

NEVADA

Revocation of Public Land Order No. 338

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. Public Land Order No. 338 of January 7, 1947, withdrawing the following described lands for an administrative site, is hereby revoked:

MOUNT DIABLO MERIDIAN

T. 21 S., R. 61 E.,
Sec. 1, S½NW¼SE¼SW¼, W½SW¼SE¼SW¼ and NE¼SW¼SE¼SW¼.

The areas described aggregate 12.5 acres in Clark County.

2. The State of Nevada has indicated its intention to acquire the lands under appropriate authorities. The lands have been found suitable for disposal to the State and, therefore, will not be subject to other disposition under the public land laws unless authorized by an appropriate order of an authorized officer of the Bureau of Land Management.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 11, 1966.

[F.R. Doc. 66-4129; Filed, Apr. 15, 1966; 8:45 a.m.]

[Public Land Order 3982]

[Colorado 0125423]

COLORADO

Withdrawal for Protection of 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 (30 U.S.C., Ch. 2), for protection of their public recreation values, or for road relocation purposes, as indicated.

1. A strip of land on both sides of the center line of the existing road where it traverses the subdivisions hereinafter described, the width of which strip, as measured perpendicular to the center line, is indicated after each section:

a. Roadside Strip No. 1—Lake City to Forest Boundary on North Fork of Henson Creek.

NEW MEXICO PRINCIPAL MERIDIAN

T. 43 N., R. 5 W.,
Sec. 5, S½, 100' N., 400' S.;
Sec. 6, SE¼, 100' N., 400' S.
T. 43 N., R. 6 W.,*
Sec. 1, SE¼SE¼, 100' N., 100' S.
T. 44 N., R. 4 W.,
Sec. 31, S½N½, N½S½, 100' N., 400' S.;
Sec. 32, N½S½, 100' N., 150' S.;
Sec. 33, NE¼, N½SW¼, 100' N., 150' S.
T. 44 N., R. 5 W.,
Sec. 33, SE¼SE¼, 100' N., 400' S.;
Sec. 34, S½, 100' N., 150' S.;
Sec. 35, S½S½NW¼, S½SE¼NE¼, N½NE¼SE¼, 100' N., 150' S.;
Sec. 35, S½SW¼NE¼, N½NW¼SE¼, 600' N., 150' S.;
Sec. 36, S½S½NW¼, 100' N., 150' S.;
Sec. 36, S½S½NE¼, N½N½SE¼, 100' N., 400' S.
T. 44 N., R. 6 W.,*
Sec. 36, SW¼, 100' N., 100' S.

b. Roadside Strip No. 2—Capitol City Townsite to Engineer Pass.

T. 43 N., R. 5 W.,*
Sec. 7, NE¼, 0' N., 1000' S.
T. 43 N., R. 6 W.,*
Sec. 1, SE¼SE¼, 600' N., 0' S.;
Sec. 12, E½, E½W½, 1000' E., 600' W.;
Sec. 13, N½NW¼, 600' E., 100' W.;
Sec. 13, SW¼NW¼, NW¼SW¼, 400' E., 100' W.;
Sec. 14, S½, 100' N., 400' S.;
Sec. 16, S½SW¼SW¼, 100' N., 0' S.;
Sec. 17, S½, 100' N., 400' S.;
Sec. 18, S½, 100' N., 100' S.;
Sec. 19, NW¼NW¼NW¼, 100' N. 100' S.;
Sec. 20, N½N½NE¼, 100' N., 700' S.;
Sec. 20, N½N½NW¼, 100' N., 400' S.;
Sec. 21, N½, 300' N., 400' S.;
Sec. 22, N½, 100' N., 400' S.;
Sec. 23, N½NW¼, 100' N., 400' S.
T. 43 N., R. 7 W.,*
Sec. 24, NE¼, 150' S., 150' W.;
Sec. 24, W½, 400' E., 150' W.

c. Roadside Strip No. 3—Bent Creek to Cinnamon Pass.

T. 42 N., R. 5 W.,*
Sec. 6, NE¼, 100' E., 300' W.;
Sec. 6, SE¼; 100' E., 100' W.;
Sec. 7, NE¼NE¼, 100' E., 100' W.;
Sec. 8, W½, SE¼, 100' E., 100' W.;
Sec. 10, SE¼SE¼, 200' N., 600' S.;
Sec. 11, SW¼SW¼, 200' N., 600' S., SE¼SW¼, 600' N., 600' S., SW¼SE¼, 600' N., 400' S.;
Sec. 15, N½NE¼, 200' N., 600' S.;
Sec. 16, N½N½, 100' N., 100' S.;
Sec. 17, NE¼NE¼, 100' N., 100' S.
T. 42 N., R. 6 W.,*
Sec. 3, W½NE¼, E½NW¼, 400' E., 100' W.;
Sec. 4, NW¼, 200' N., 200' S.
T. 43 N., R. 5 W.,*
Sec. 31, SW¼, 300' N., 300' S.
T. 43 N., R. 6 W.,*
Sec. 33, S½SW¼, 200' N., 200' S.;
Sec. 33, S½SE¼, 100' N., 100' S.;
Sec. 34, SW¼, 100' N., 100' S.;
Sec. 34, SE¼, 400' E., 100' W.
T. 43 N., R. 6 W.,*
Sec. 35, SW¼NW¼, NW¼SW¼, 100' N., 400' S.;
Sec. 35, S½NW¼, SE¼NW¼, 300' N., 400' S.;
Sec. 36, SE¼NE¼, NE¼SE¼, 300' N., 600' S.;
Sec. 36, SW¼NE¼, S½NW¼, 300' N., 400' S.

d. Roadside Strip No. 4—Cinnamon Pass to Engineer Pass via Animas Forks.

T. 42 N., R. 6 W.,*
Sec. 4, N½N½NW¼, 200' N., 200' S.;
Sec. 5, NW¼, 100' N., 100' S.;
Sec. 6, NW¼, NE¼NE¼NW¼, 100' N., 100' S.
T. 43 N., R. 6 W.,*
Sec. 19, SW¼SW¼, 100' N., 100' S.;
Sec. 30, NW¼NW¼, 100' E., 100' W.;
Sec. 30, SW¼NW¼, W½SW¼, 200' E., 200' W.;
Sec. 31 W½, 100' E., 200' W.;
Sec. 32, SE¼, 200' N., 200' S.;
Sec. 32, SW¼, 100' N., 100' S.;
Sec. 33, SW¼SW¼, 200' N., 200' S.
T. 43 N., R. 7 W.,*
Sec. 24, S½, 200' N., 100' S.

e. Roadside Strip No. 5—Townsite of Sherman to Forest Boundary, along Cottonwood Creek.

T. 42 N., R. 5 W.,*
Sec. 17, SE¼NE¼, 400' N., 900' S.;
Sec. 17, SW¼NE¼, 200' N., 400' S.;
Sec. 17, S½NW¼, 100' N., 300' S.;
Sec. 18, Various, 100' N., 300' S.
T. 42 N., R. 6 W.,*
Sec. 13, N½SE¼SE¼, S½SW¼SE¼, SW¼SE¼SE¼, 100' N., 300' S.;
Sec. 23, E½E½SE¼, 100' N., 300' S.;
Sec. 24, NW¼NE¼, W½, 100' N., 300' S.

f. Roadside Strip No. 6—Lake Fork of the Gunnison River above Lake San Cristobal.

T. 42 N., R. 4 W.,
Sec. 4, Lot 6, 1000' E., 0' W., Lot 7, 700' E., 200' W., SW¼NW¼, 600' E., 400' W.;
Sec. 5, NE¼SE¼, 800' E., 400' W.
T. 43 N., R. 4 W.,
Sec. 33, Lot 2, 600' E., 200' W., Lot 3, 900' E., 200' W., Lot 4, 200' E., 200' W., NE¼NE¼, 300' E., 150' W., SE¼NE¼ 300' E., 150' W., SW¼NE¼, 500' E., 150' W.

g. Roadside Strip No. 7—Along Crest Drive—Engineer Mountain easterly to Ouray-San Juan-Hinsdale County line intersection.

T. 43 N., R. 6 W.,*
Sec. 19, SW¼, 150' N., 150' S.
T. 43 N., R. 7 W.,*
Sec. 24, S½, 150' N., 150' S.

2. For Road Relocation:

T. 43 N., R. 6 W.,*
Sec. 7, NW¼SW¼SW¼, S½S½SW¼, SW¼SW¼SE¼;
Sec. 18, SW¼NE¼NE¼, N½NW¼NE¼, SE¼NW¼NE¼, SE¼NE¼, N½NE¼SE¼, N½NE¼NW¼, E½NW¼NW¼, W½W½W½.
T. 43 N., R. 7 W.,*
Sec. 12, E½SE¼SE¼;
Sec. 13, NE¼NE¼, SE¼SE¼SE¼.

The areas described in this order aggregate approximately 2,318 acres.

Legal description within townships marked with an asterisk is based on protraction diagrams approved May 5, 1965.

3. 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. However, leases, licenses, or permits will be issued only if the proposed use of the lands will not interfere with the primary use for which they are withdrawn.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 11, 1966.

[F.R. Doc. 66-4130; Filed, Apr. 15, 1966; 8:45 a.m.]

[Public Land Order 3983]

[Oregon 017337]

OREGON

Partial Revocation of Reclamation Withdrawals

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

1. The departmental orders of March 17, 1916, November 5, 1919, February 5, 1923, and March 28, 1925, withdrawing lands for the Owyhee Project are hereby revoked so far as they affect the following described lands:

WILLAMETTE MERIDIAN

T. 26 S., R. 43 E.,
Sec. 13, SW¼NW¼;
Sec. 15, SW¼NW¼;
Sec. 20, SE¼NE¼;
Sec. 21, NE¼NE¼;
Sec. 23, NE¼SE¼;
Sec. 28, NE¼NW¼;
Sec. 29, E½SW¼;
Sec. 32, NE¼SE¼ and SW¼SE¼.
T. 27 S., R. 43 E.,
Sec. 5, lot 20;
Sec. 6, lots 1, 13, and 17;
Sec. 7, lots 7, 8, and E½NE¼;
Sec. 18, lots 12, 13, SE¼NE¼, and NW¼SE¼.
T. 22 S., R. 44 E.,
Sec. 26, SW¼SE¼;
Sec. 34, S½NE¼;
Sec. 35, NE¼NW¼ and SW¼NW¼.
T. 23 S., R. 44 E.,
Sec. 1, lot 4;
Sec. 2, NW¼SW¼;
Sec. 7, S½NE¼, SE¼NW¼, and NE¼SW¼;
Sec. 10, NE¼SW¼ and SW¼SW¼;
Sec. 18, NE¼NW¼;
Sec. 28, E½SW¼;
Sec. 31, SE¼SE¼;
Sec. 32, S½SW¼;
Sec. 33, SW¼NE¼.
T. 24 S., R. 44 E.,
Sec. 4, SW¼NE¼;
Sec. 5, W½NE¼ and SE¼SW¼;
Sec. 8, NE¼NW¼;
Sec. 9, SE¼NE¼ and NE¼SE¼;
Sec. 17, SW¼NE¼;
Sec. 22, NW¼NW¼;
Sec. 28, W½SE¼;
Sec. 29, NE¼NW¼;
Sec. 32, W½NW¼;
Sec. 33, SW¼NE¼.
T. 25 S., R. 44 E.,
Sec. 9, NW¼SW¼;
Sec. 10, SW¼NE¼;
Sec. 14, SE¼NE¼ and S½SE¼;
Sec. 15, SE¼SW¼;
Sec. 22, NE¼SW¼;
Sec. 23, SE¼NW¼;
Sec. 34, SW¼NW¼;
Sec. 35, W½NE¼ and NW¼SE¼.
T. 26 S., R. 44 E.,
Sec. 4, lot 9;
Sec. 7, lots 10 and 17;
Sec. 8, SW¼SW¼;
Sec. 9, SE¼NW¼ and SE¼SE¼;
Sec. 10, NW¼SW¼;
Sec. 17, N½SE¼.
T. 21 S., R. 45 E.,
Sec. 22, E½;
Sec. 26, NE¼NW¼, NW¼NW¼, W½SW¼NW¼, E½SE¼NW¼, NE¼SW¼, W½NW¼SW¼, and S½SW¼;
Sec. 27, E½NE¼, NW¼NE¼, and E½SE¼;
Sec. 33, S½SE¼;
Sec. 34, NE¼ and W½;
Sec. 35, N½NW¼ and SE¼NW¼.
T. 22 S., R. 45 E.,
Sec. 3, lots 4, 5, 8, 11, 12 and 14;
Sec. 4, lots 2, 3, 4, 5, 6, 7, 10, SW¼NE¼, S½NW¼, N½SW¼, SW¼SW¼, and N½SE¼;
Sec. 7, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, NW¼NE¼ and NE¼SE¼;
Sec. 8;
Sec. 9, lots 2, 3, and SW¼;
Sec. 18, lot 5 and W½NW¼NE¼;
Sec. 30, lot 2.

The lands described aggregate 6,614.27 acres in Malheur County, of which the SW¼NE¼, sec. 17, and the NW¼NW¼, sec. 22, T. 24 S., R. 44 E., are withdrawn for power purposes.

The lands are situated along the Owyhee River in southeastern Oregon. Solid basaltic rock outcrops are numerous. Vegetation consists of big sagebrush, various grasses, native shrubs, and forbs.

2. Until 10 a.m. on October 10, 1966, the State of Oregon shall have a preferred right of application to select the lands as provided by R.S. 2276, as amended (43 U.S.C. 852). After that time the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 10, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location under the U.S. mining laws at 10 a.m. on October 10, 1966, those withdrawn for power purposes being subject to the provisions of the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621). The lands have been open to applications and offers under the mineral leasing laws.

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

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 11, 1966

[F.R. Doc. 66-4131; Filed, Apr. 15, 1966; 8:45 a.m.]

[Public Land Order 3984]

[Sacramento 080186]

CALIFORNIA

Partial Revocation of Executive Order No. 6544 of Dec. 30, 1933

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Executive Order No. 6544 of December 30, 1933, withdrawing certain public lands in California for use in connection with the administration of the Shasta and Trinity National Forests, is hereby revoked so far as it affects the following described land:

MOUNT DIABLO MERIDIAN

TRINITY NATIONAL FOREST

T. 33 N., R. 10 W.,
Sec. 12, NE¼NW¼NE¼ (NE¼ of lot 2), except that portion in Min. Lot 47 and Exchange Survey 364.

The area described contains approximately 7.70 acres in Trinity County, and is closed to operation of the mining laws by the act of June 20, 1938 (52 Stat. 797).

2. At 10 a.m. on May 17, 1966, the land shall be open to such forms of disposition as may by law be made of national forest lands, subject to the act of June 20, 1938, supra.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 11, 1966.

[F.R. Doc. 66-4135; Filed, Apr. 15, 1966; 8:45 a.m.]

[Public Land Order 3985]

[Arizona 035348]

ARIZONA

Modification of Reclamation and Stock Driveway Withdrawals to Permit Grant of Right-of-Way

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, and in section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The departmental orders of July 2, 1902, and August 21, 1909, withdrawing lands for the Salt River Project, and the departmental order of May 19, 1938, creating Stock Driveway Withdrawal No. 164 (Arizona No. 6), are hereby modified to the extent necessary to permit the granting of a right-of-way under section 2477, U.S. Revised Statutes (43 U.S.C. 932), to Maricopa County, Ariz., over the following described land, as delineated on a map on file with the Bureau of Land Management in Arizona 035348, for construction of a public road:

GILA AND SALT RIVER MERIDIAN

T. 1 N., R. 7 E.,
Sec. 18, S½.

Containing 9.12 acres in Maricopa County.

2. The right-of-way shall be subject to the prior right of the United States, its successors and assigns, to use any of the land to construct, reconstruct, operate and maintain dams, dikes, levees, reservoirs, canals, wasteways, laterals, ditches, drainage works, flood channels, telephone and telegraph lines, electric transmission lines, roadways, and appurtenant irrigation structures, without any payment by the United States, or its successors and assigns, for such right, with the agreement on the part of the County of Maricopa that if the construction or reconstruction of any or all of such dams, dikes, levees, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, or appurtenant irrigation structures across, over or upon said land should be made more expensive by reason of the existence of improvements or workings of the county thereon, such additional expense is to be estimated by the Secretary of the Interior, whose estimate is to be final and binding upon the parties hereto, and that within 30 days after demand is made upon the county for payment of such sums, the county will make payment thereof to the United States, or its successors and assigns, constructing or reconstructing such dams, dikes, levees, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, or appurtenant irrigation structures across, over or upon said land. There is reserved to the United States the right of its officers, agents, employees, licensees and permittees, at all proper times and places freely to have ingress to, passage over, and egress from all of said land for

the purpose of exercising, enforcing, and protecting the rights reserved herein. The United States, its officers, agents, employees and assigns, shall not be liable for any damage to the improvements or works of the county resulting from the construction, reconstruction, operation, or maintenance of any of the works hereinabove enumerated.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 11, 1966.

[F.R. Doc. 66-4133; Filed, Apr. 15, 1966; 8:45 a.m.]

[Public Land Order 3987]

[Fairbanks 020832]

ALASKA

Withdrawing Land for Bureau of Indian Affairs for School Purposes; Revoking Prior Withdrawals Wholly or in Part

By virtue of the authority contained in the act of May 31, 1938 (52 Stat. 593; 48 U.S.C. 353a), it is ordered as follows:

1. 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 (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for school purposes:

a. *Tanunak,*
Lot 2, U.S. Survey 4054.
Containing 8.28 acres.
b. *Nunapitchuk,*
Lot 1, U.S. Survey 4049.
Containing 3.30 acres.
c. *Kasigluk,*
Lot 1, U.S. Survey 4048.
Containing 2.79 acres.
d. *Minto,*
U.S. Survey 4072.
Containing 10.89 acres.
e. *Mekoryuk,*
U.S. Survey 4051.
Containing 5.56 acres.
f. *Scammon Bay,*
Lot 1, U.S. Survey 4099.
Containing 3.61 acres.
g. *Rampart,*
Lot 2, U.S. Survey 3667.
Containing 2.70 acres.
h. *Stevens Village,*
U.S. Survey 4035,
Containing 0.68 acre.

The areas described aggregate 41.77 acres.

2. Public Land Orders No. 1177 of June 28, 1955; No. 1216 of September 13, 1955; No. 1814 of March 4, 1959, and the Departmental Order of July 5, 1955, withdrawing lands for school purposes, are hereby revoked so far as they affect lands in the areas described in paragraph 1 of this order.

3. The primary objective of this order is to redescribe, in terms of the public land surveys, existing withdrawals which describe the lands by metes and bounds. Very little public land is returned to the unreserved public domain by this order.

4. Until 10 a.m. on July 11, 1966, the State of Alaska shall have a preferred right of application to select any lands released from withdrawal by this order, as provided by the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and section 6g of the act of July 7, 1958 (72 Stat. 339). After that date and hour the lands shall become subject to application, petition, location and selection generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on July 11, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. The released lands will be open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws after 10 a.m. on July 11, 1966.

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

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 11, 1966.

[F.R. Doc. 66-4134; Filed, Apr. 15, 1966; 8:45 a.m.]

[Public Land Order 3988]

[Sacramento 080160]

CALIFORNIA

Partial Revocation of Reclamation Withdrawal (Truckee-Carson Project)

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

1. The departmental order of June 24, 1912, which withdrew lands for reclamation purposes in connection with the Truckee-Carson Project, is hereby revoked so far as it affects the following described national forest land in the Eldorado National Forest:

MOUNT DIABLO MERIDIAN

T. 12 N., R. 18 E.,
Sec. 5, S½SW¼.

The area described contains 80 acres.

2. The lands have been withdrawn from mineral entry for use as a public service site by Public Land Order No. 3342 of March 2, 1964.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 11, 1966.

[F.R. Doc. 66-4135; Filed, Apr. 15, 1966; 8:45 a.m.]

[Public Land Order 3989]

[Wyoming 0318539]

WYOMING

Powersite Restoration No. 642. Powersite Cancellation No. 233. Partial Revocation of Powersite Reserve No. 115 and Powersite Classification No. 345.

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority contained in the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and in 1950 Reorganization Plan No. 3 (64 Stat. 1262; 5 U.S.C. 133z-15, Note), and in section 24 of the act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission in DA-155-Wyoming, it is ordered as follows:

1. The Executive Order of July 2, 1910, creating Powersite Reserve No. 115, and the departmental order of July 31, 1944, establishing Powersite Classification No. 345, are hereby revoked so far as they affect the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 55 N., R. 94 W.,
Sec. 21, lot 9;
Sec. 28, lots 1 and 4.

The areas described aggregate 79.78 acres in Big Horn County.

The lands are situated along the Big Horn River about 16 miles north of Greybull, Wyo. Elevation is approximately 3,600 feet. Vegetation consists principally of saltbush assocation.

2. Until 10 a.m. on October 10, 1966, the State of Wyoming shall have a preferred right of application to select the lands as provided by R.S. 2276, as amended (43 U.S.C. 852). After that time the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 10, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws.

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

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 11, 1966.

[F.R. Doc. 66-4136; Filed, Apr. 15, 1966; 8:45 a.m.]

[Public Land Order 3990]

[Montana 071663]

MONTANA

Partial Revocation of National Forest Administrative Site and Recreation Area Withdrawals

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

1. The departmental orders of August 28, 1907, and November 30, 1907, and Public Land Order No. 2924 of January 30, 1963, withdrawing national forest lands for administrative sites and recreation areas, are hereby revoked so far as they affect the following described lands:

MONTANA PRINCIPAL MERIDIAN

LOLO NATIONAL FOREST

Packer Creek Administrative Site

(Order of August 28, 1907)

T. 19 N., R. 31 W.,
Sec. 1, S½SE¼.

Saltese Administrative Site

(Order of November 30, 1907)

T. 19 N., R. 31 W.,
Sec. 13, S½SE¼NE¼, N½NE¼SE¼, N½NW¼SE¼, and N½NE¼SE¼.

HELENA NATIONAL FOREST

Cannon Recreation Area

(Public Land Order No. 2924)

T. 13 N., R. 8 W.,
Sec. 16, N½SW¼NW¼SW¼, and NW¼SE¼NW¼SW¼.

The areas described aggregate 167.5 acres in Lewis and Clark, and Mineral Counties.

2. At 10 a.m. on May 17, 1966, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 11, 1966.

[F.R. Doc. 66-4137; Filed, Apr. 15, 1966; 8:45 a.m.]

[Public Land Order 3991]

[New Mexico 0559098]

NEW MEXICO

Revocation of Stock Driveway Withdrawal

By virtue of the authority contained in section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The departmental order of December 9, 1918, creating Stock Driveway Withdrawal No. 47 (New Mexico No. 5), is hereby revoked so far as it affects the following described land:

NEW MEXICO PRINCIPAL MERIDIAN

T. 20 S., R. 14 E.,
Sec. 7, lots 2, 3, S½NE¼, and SE¼NW¼;
Sec. 8, NE¼NE¼, and S½N½.

The areas described aggregate 396.78 acres.

The lands are situated in east-central Otero County, N. Mex., 35 miles southeast of Alamogordo. The terrain is rolling to rough and the soils are shallow to medium in depth and rocky in character. Vegetation consists of grama grasses with a scattered stand of pinon juniper.

2. At 10 a.m., on May 17, 1966, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on May 17, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws.

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

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

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 11, 1966.

[F.R. Doc. 66-4138; Filed, Apr. 15, 1966; 8:45 a.m.]

[Public Land Order 3992]

[Anchorage 048978]

ALASKA

Revocation in Part of Public Land Order No. 2470 of August 28, 1961

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:

Public Land Order No. 2470 of August 28, 1961, so far as it withdrew the following described lands for the Department of the Army in connection with the Kodiak, Alaska, Communications System Receiver Site, is hereby revoked.

CITY OF KODIAK AREA

Beginning at Corner No. 1 of U.S. Survey No. 3467, thence by metes and bounds N. 66°06' W., 7.348 chains along line 1-2 of U.S. Survey No. 3467 to the point of beginning, thence:
N. 66°06' W., 8.002 chains to a point;
N. 26°30' E., 20.370 chains to a point;
S. 89°23' E., 14.524 chains to a point of intersection on line 11-12 of said survey;
S. 23°54' W., 2.804 chains to a point;
S. 43°20' W., 22.092 chains to a point on line 1-2 of said survey and the point of beginning.

The area described contains 34.61 acres of nonpublic lands.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 11, 1966.

[F.R. Doc. 66-4139; Filed, Apr. 15, 1966; 8:45 a.m.]

[Public Land Order 3993]

[Fairbanks 035051]

ALASKA

Partial Revocation of Withdrawal for Native School

By virtue of the authority vested in the Secretary of the Interior by the act of May 31, 1938 (52 Stat. 593; 48 U.S.C. 353a), it is ordered as follows:

1. The Bureau of Land Management Order of July 5, 1955, withdrawing lands for school purposes, is hereby revoked so far as it affects the following described lands:

CHANILIUT

Beginning at a point on a slough from which the southwest corner of the Alaska Native Service School building bears N. 57° E., 100 feet, N. 35° W., 80 feet in approximate latitude 63°02' N., longitude 163°24' W.; thence:
N. 33° W., 500 feet;
N. 57° E., 500 feet;
S. 33° E., 500 feet to a point on an unnamed slough;
Southwesterly, 520 feet along the north shore of the slough to the point of beginning.

The area described contains approximately 5.70 acres.

The lands are located about 50 miles southwesterly of Saint Michael, and are flat, soggy boglands. Frequent flooding prevents any vegetative growth other than mosses and marsh grasses.

2. Until 10 a.m., on July 11, 1966, the State of Alaska shall have a preferred right to select the lands subject to the requirements and limitations of the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), sections 6(b) and 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 2222.9. After that time the lands shall be open to operation of the public land laws generally, including the mining and mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on July 11, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

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

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 11, 1966.

[F.R. Doc. 66-4140; Filed, Apr. 15, 1966; 8:45 a.m.]

[Public Land Order 3994]

[Anchorage 064303]

ALASKA

Partial Revocation of Public Land Order No. 2787

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. Public Land Order No. 2787 of October 15, 1962, as amended by Public Land Order No. 2834 of December 4, 1962, withdrawing public lands for use of the Department of the Army for the storage of ammunition, is hereby revoked so far as it affects the following described lands:

SEWARD MERIDIAN

EKLUTNA LAKE AREA

T. 16 N., R. 1 E.,
Sec. 26, W½NW¼SW¼ and NW¼SW¼SW¼;
Sec. 27, SW¼SE¼NE¼, SE¼SW¼NE¼, SW¼NW¼NW¼, S½SW¼, NE¼SE¼, and S½SE¼;
Sec. 28, S½NE¼NE¼, E½NW¼NE¼, E½W½NW¼NE¼, S½NE¼SW¼, NW¼SW¼, N½SW¼SW¼, N½SE¼SW¼, SE¼SE¼SW¼, S½S½NW¼SE¼, and S½SE¼;
Sec. 33, N½NE¼NE¼;
Sec. 34, N½NE¼, N½SW¼NE¼, NW¼SE¼NE¼, NE¼NW¼, N½NW¼NW¼, and SE¼NW¼NW¼.

The areas described aggregate approximately 710 acres.

The lands are situated about 28 miles northeast of Anchorage, on the Eklutna Lake Road.

2. Until 10 a.m. on July 11, 1966, the State of Alaska shall have a preferred right to select the lands as provided by the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b), section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 2222.9. After that time the lands shall be open to the operation of the public land laws generally, including the mining and mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on July 11, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

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

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 11, 1966.

[F.R. Doc. 66–4141; Filed, Apr. 15, 1966; 8:45 a.m.]

[Public Land Order 3995]

[Montana 066462]

MONTANA

Powersite Restoration No. 621, Powersite Cancellation No. 212, Eliminating Lands From Water Power Withdrawals

By virtue of the authority contained in section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 1950 Reorganization Plan No. 3 (64 Stat. 1262; 5 U.S.C. 133z–15, note), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Executive Order of April 4, 1917 withdrawing a portion of the following-described lands for electrical transmission lines, as Powersite Reserve No. 589, is hereby revoked:

MONTANA MERIDIAN

T. 1 S., R. 10 W.,
Sec. 14, NW¼NE¼, E½NW¼, SW¼NW¼, NW¼SW¼;
Sec. 15, E½SE¼, SW¼SE¼.

Aggregating about 16 acres in a 100-foot wide strip actually withdrawn.

2. The Departmental Order of June 7, 1929, classifying a portion of the following-described lands as Powersite Classification No. 231, is hereby canceled:

MONTANA MERIDIAN

T. 1 S., R. 10 W.,
Sec. 22, NW¼NE¼, E½NW¼, SW¼;
Sec. 27, W½W½;
Sec. 34, W½NW¼, SW¼.
T. 2 S., R. 10 W.,
Sec. 3, lot 3, SE¼NW¼, E½SW¼;
Sec. 10, SW¼NE¼, E½NW¼, NW¼SE¼;
Sec. 15, N½NW¼, SW¼NW¼;
Sec. 16, SE¼NE¼, NE¼SW¼, S½SW¼, N½SE¼;
Sec. 20, SE¼NE¼, SE¼SW¼, N½SE¼, SW¼SE¼;
Sec. 21, W½NW¼;
Sec. 29, NW¼, NW¼SW¼;
Sec. 30, NE¼SE¼, S½SE¼;
Sec. 31, lots 3 and 4, NW¼NE¼, E½NW¼, NE¼SW¼.
T. 2 S., R. 11 W.,
Sec. 36, SE¼SE¼.
T. 3 S., R. 11 W.,
Sec. 1, NE¼, SE¼NW¼, N½SW¼, NW¼SE¼;
Sec. 2, N½SE¼.

The area withdrawn totals about 141 acres in a 100-foot wide strip for transmission lines in the Beaverhead National Forest.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 11, 1966.

[F.R. Doc. 66–4142; Filed, Apr. 15, 1966; 8:45 a.m.]

[Public Land Order 3996]

[Anchorage 049034]

ALASKA

Revocation of Public Land Order No. 3365

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. Public Land Order No. 3365 of April 7, 1964, which withdrew the following described public lands for protection of public recreation values, is hereby revoked:

SEWARD MERIDIAN

UPPER FIRE LAKE

T. 15 N., R. 1 W.,
Sec. 30, lots 87, 96, 97, 105, 107, 108, 109, and those portions of lots 88, 98, and 104 lying between the boundary of lots 87, 105, and 107, and the centerline of the Glenn Highway.

The areas described aggregate approximately 14.2 acres.

The lands are situated around the northerly shore of Upper Fire Lake, about 20 road miles northeast of Anchorage. Most of the lands are level and support an immature growth of birch and spruce reproduction.

2. Until 10 a.m. on July 11, 1966, the State of Alaska shall have a preferred right to select the lands as provided by the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b), section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 2222.9. After that time the lands shall be open to the operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on July 11, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws.

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

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

APRIL 11, 1966.

[F.R. Doc. 66–4143; Filed, Apr. 15, 1966; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter VIII—Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Appendix A

MISSISSIPPI

Appendix A to Part 801 is amended as set out below to show, under the heading "Dates, Times, and Places for Filing," five additional places for filing in Mississippi:

MISSISSIPPI

County; Place for filing; Beginning date.
* * * * *
Claiborne; Port Gibson—McFatters Drug Store, 2d Floor, 618 Main Street; April 16, 1966.
Jasper; Bay Springs—trailer at New Post Office; April 16, 1966.
Noxubee; Macon—Post Office Building, Basement, Room 1; April 16, 1966.
Rankin; Brandon—Rankin Building, intersection of U.S. Highway 80 and State Highway 18; April 16, 1966.
Winston; Louisville—Post Office Building; Basement, Room 6; April 16, 1966.

(Secs. 7 and 9 of the Voting Rights Act of 1965; P.L. 89–110)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66–4207; Filed, Apr. 15, 1966; 8:48 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

[CGFR 66-20]

PART 98—SPECIAL CONSTRUCTION, ARRANGEMENT, AND PROVISIONS FOR CERTAIN DANGEROUS CARGOES IN BULK

Subpart 98.03—Barges Carrying Dangerous Cargoes

OPEN HOPPER TYPE BARGES TRANSPORTING CHLORINE IN BULK

For a number of years the Coast Guard has considered problems with respect to the transportation of various dangerous cargoes in bulk in open hopper type barges. This study was started because of a number of marine casualties involving open hopper type barges which sank as a result of swamping or diving. Initial emergency operating requirements were placed in effect on March 1, 1963, as 46 CFR 98.03–10. Following this, and in conjunction with the Chemical Transportation Advisory Panel to the Merchant Marine Council, new hull construction requirements for barges were developed and published effective on July 1, 1964. Generally, the revised requirements were directed towards improving resistence to damage or sinking and barges constructed in accordance with these requirements in 46 CFR 98.03 have performed satisfactorily. In the establishment of requirements for new barge hull construction an exemption permitted existing barges to carry liquid chlorine in bulk. Recent casualties involving open hopper type barges transporting liquid chlorine in bulk indicate a serious hazard to the public which cannot be allowed to continue until such barges become unserviceable. After the MTC 602 sank and was later successfully recovered, the Coast Guard held informal meetings with representatives of chlorine barge owners or operators, the Chlorine Institute, the Chemical Transportation Advisory Panel, and representatives of the Western Rivers Panel where the desired changes in the regulations were considered.

The changes to 46 CFR 98.03–5, regarding effective dates for certain requirements, remove the exemption from construction requirements for chlorine barges built prior to July 1, 1964, and establish alternate and termination dates for conversion. Existing barges constructed or converted prior to July 1, 1964, which do not already meet the requirements for a Type I barge hull shall be modified to conform to the Type I requirements of 46 CFR 98.03–15, 98.03–20, 98.03–25 and 98.03–30 prior to January 1, 1968. Alternately, where such conversion is not reasonable or practicable and the barge is operated and marked in accordance with the provisions of 46 CFR 98.03–10 (b) (1) and (c), modification in conformance with the requirements of 46 CFR 98.03–15(b) (1), 98.03–20(b) (1) and (4), and 98.03–25(c) shall be completed prior to January 1, 1968. Design proposals and schedules for conversion or modification shall be submitted by the owners prior to July 1, 1966. Where it is determined that modifications are not feasible and the owner states an intention to construct a replacement barge, or where complicating circumstances arise and the owners make specific application for relief, the existing barge may be retained in service until replaced or modified but not later than June 30, 1968. In effect, the schedule will require owners to submit within 3 months, i.e., before July 1, 1966, design proposals and conversion schedules of existing barges required to be modified. An additional 18 months or until January 1, 1968, is provided for the completion of the conversion of such barges. Where owners stating intent to replace such barges rather than to convert them, the termination date for the use of such barges is extended an additional 6 months or until June 30, 1968.

The changes and additions to 46 CFR 98.03–7, 98.03–20, and 98.03–25, as set forth in this document revised the construction requirements for existing open hopper type barges transporting liquid chlorine in bulk, which should substantially improve the resistance of such barges to sinking by holing or swamping. The change designated 46 CFR 98.03–7 regarding barge hull classification, provides a special classification for existing barges converted under alternate provisions in 46 CFR Subpart 98.03. The change to 46 CFR 98.03–15, regarding rakes and coamings, provides alternate requirements for conversion where modification to the bow rake is not feasible. The increased coaming requirements compensate for the reduced reserved buoyancy permitted by alternate subdivision requirements. The change to 46 CFR 98.03–20, regarding subdivision and stability, provides alternate requirements for conversion where full Type I requirements cannot be attained. The reduced requirements are supplemented by the operating requirements of § 98.03–10(b) (1) and the coaming requirements of § 98.03–15(c). The change to 46 CFR 98.03–25 regarding hull structure provides alternate requirements for demonstrating adequacy of longitudinal strength. Simplified calculations are accepted inasmuch as a grounding study is not considered necessary for tank saddle analysis. Although this requirement is not as severe as that of § 98.03–25(b) (2) which would normally be applied, it is considered adequate under the operating restriction of § 98.03–10 (b) (1).

The Coast Guard finds that there is an urgent and immediate need for positive action to require modification of those chlorine barges built prior to July 1, 1964, which are not in full compliance with Type I barge hull requirements in 46 CFR Subpart 98.03; and that it is in the public interest to require changes so that the resistance of such barges to sinking by holing or swamping will be further minimized. Because of this emergency, it is hereby found necessary to invoke the special provisions concerning rule making in sections 170 and 391a, Title 46, U.S. Code and section 1003, Title 5, U.S. Code, and declare that compliance with those provisions respecting notice of proposed rule making, public hearings, public rule-making procedure thereon, and effective date requirements described in such laws is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632, Title 14, U.S. Code, by Treasury Department Order 120, dated July 31, 1950 (15 F.R. 6521), to promulgate regulations to implement sections 170 and 391a, Title 46 U.S. Code, the following regulations are prescribed and shall become effective on date of publication in the FEDERAL REGISTER and modification of barges shall be in accordance with the effective date in 46 CFR 98.03–5(c):

1. Section 98.03–5 is amended by adding a new paragraph (c) reading as follows:

§ 98.03–5 Effective dates for certain requirements.

* * * * *

(c) Barges constructed or converted for the carriage of liquid chlorine in bulk prior to July 1, 1964, and not meeting the requirements for a Type I barge hull as defined by this subpart shall be modified to conform to the Type I requirements of §§ 98.03–15, 98.03–20, 98.03–25, and 98.03–30 prior to January 1, 1968. Alternately, where such conversion is not reasonable or practicable and the barge is operated and marked in accordance with the provisions of § 98.03–10 (b) (1) and (c), modification in conformance with the requirements of §§ 98.03–15(b) (1), 98.03–20(b) (1) and (4) and 98.03–25(c) shall be completed prior to January 1, 1968. Design proposals and schedules for conversion or modification shall be submitted by the owners prior to July 1, 1966. Where it is determined that modifications are not feasible and the owners state an intention to construct a replacement barge, or where complicating circumstances arise and the owner makes specific application for relief, the existing barge may be retained in service until replaced or modified but not later than June 30, 1968.

2. Section 98.03–7 is amended by adding a new paragraph (c) reading as follows:

§ 98.03–7 Barge hull classifications.

* * * * *

(c) Barge hulls modified under the alternate provisions of § 98.03–5(c) shall be classified as Type I (Special).

3. Section 98.03–15(b) is amended by adding a new subparagraph (1) reading as follows:

§ 98.03–15 Rakes and coamings.

* * * * *

(b) * * *

(1) All open hopper type barges modified under the alternate provisions of § 98.03–5(c) shall be provided with

36-inch minimum height coamings around the hopper.

4. Section 98.03–20(b) is amended by adding a new subparagraph (4) reading as follows:

§ 98.03–20 Subdivision and stability.

* * * * *

(b) *Types I and II barge hulls.* * * *

(4) Barge hulls modified under the alternate provisions of § 98.03–5(c) shall retain positive buoyancy and stability after holing the side shell plating anywhere in way of a transverse watertight bulkhead, or after holing the four feet of bottom shell plating immediately inboard of the side anywhere in way of a transverse watertight bulkhead, or after holing the remaining inboard bottom shell plating anywhere not in way of a transverse watertight bulkhead. An inner bottom shall be provided from the bow rake bulkhead to the bow rake tangency line where the tangency line is aft of the bulkhead. Where bow type rakes are provided at each end of the barge, each end shall be similarly considered.

5. Section 98.03–25 is amended by adding a new paragraph (c) reading as follows:

§ 98.03–25 Hull structure.

* * * * *

(c) *Type I special barge hull.* Barge hulls modified under the alternate provisions of § 98.03–5(c) shall have sufficient longitudinal strength, to limit the maximum hull bending stress to 50 percent of the minimum ultimate tensile strength or 70 percent of the yield strength of the material, whichever is greater, under an assumed bending moment (M) equal to 75 WL; where M is the moment in foot-pounds, W is the full load displacement in short tons and L is the overall length in feet.

(R.S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U.S.C. 375, 416, 170. Interpret or apply R.S. 4417a, as amended, 4488, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 481, 50 U.S.C. 198; E. O. 11239, July 31, 1965, 30 F.R. 9671, 3 CFR, 1965 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–38, Oct. 26, 1959, 24 F.R. 8857)

Dated: April 12, 1966.

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

[F.R. Doc. 66–4171; Filed, Apr. 15, 1966; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 33—SPORT FISHING

Lake Woodruff National Wildlife Refuge, Fla., et al.

On page 3402 of the FEDERAL REGISTER of March 4, 1966, and on page 3466 of the FEDERAL REGISTER of March 5, 1966, there were published notices of proposed amendments to § 33.4 of Title 50, Code of Federal Regulations. The purpose of these amendments is to provide for public sport fishing on the National Bison Range, Mont., and Lake Woodruff and Cross Creeks National Wildlife Refuges, Florida and Tennessee respectively, as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions, or objections have been received. The proposed amendments are hereby adopted without change.

Since these amendments benefit the public by relieving existing restrictions on sport fishing, they shall become effective upon publication in the FEDERAL REGISTER.

1. Section 33.4 is amended by the addition of the following areas as those where sport fishing is authorized:

§ 33.4 List of open areas; sport fishing.

* * * * *

FLORIDA

LAKE WOODRUFF NATIONAL WILDLIFE REFUGE

* * * * *

MONTANA

NATIONAL BISON RANGE

* * * * *

TENNESSEE

CROSS CREEKS NATIONAL WILDLIFE REFUGE

* * * * *

(Sec. 10, 45 Stat. 1222; 16 U.S.C. 715; and sec. 4, 48 Stat. 402; 16 U.S.C. 664)

ABRAM V. TUNISON,
Acting Director, Bureau of
Sport Fisheries and Wildlife.

APRIL 13, 1966.

[F.R. Doc. 66–4197; Filed, Apr. 15, 1966; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 26]

GRAIN STANDARDS FOR CORN

Notice of Proposed Rule Making

Statement of considerations. Under the Official Grain Standards of the United States for Corn (7 CFR §§ 26.151–26.153), "yellow kernels of corn with a slight tinge of red" are considered as yellow corn, and "white kernels of corn with a slight tinge of light straw or pink color" are considered as white corn.

In recent years yellow corn with red pigmented stripes has appeared in commercial lots in various midwestern grain markets. When the stripes were distinct and were on the side and over the crown of the kernels, the kernels were considered to be "corn of other colors." A similar striped condition is reported to occur in white corn. When corn of "other colors" is present in yellow corn in quantities of more than 5 percent, and when present in white corn in quantities of more than 2 percent, the corn is graded "mixed corn." The occurrence of yellow corn with red stripes has become more pronounced in recent months and in one or more markets is now one of the more important factors in grading the corn.

Corn specialists indicate that the stripes are caused by a virus; are not known to be related to the quality of the corn; and are not considered to be a genetic characteristic. Corn merchandisers indicate that the stripes are considered to be an appearance factor only and are not considered objectionable by the end users. Accordingly, it is questioned whether the corn with the stripes should be considered "corn of other colors" under the Standards.

Pursuant to section 8 of the United States Grain Standards Act, as amended (7 U.S.C. 84), the following interpretations of the Official Grain Standards of the United States for Corn are proposed for consideration and comment:

§ 26.904 Interpretation with respect to the term 'yellow kernels of corn with a slight tinge of red.'

The term 'yellow kernels of corn with a slight tinge of red' when used in the Official Grain Standards of the United States for Corn (see § 26.151(c)) shall be construed to include kernels which are yellow and/or light red in color, and kernels which are yellow and dark red in color provided the dark red color covers less than 50 percent of the kernel. Yellow and dark red kernels in which the dark red color covers 50 percent or more of the kernel shall be considered as 'corn of other colors.'

§ 26.905 Interpretation with respect to the term 'white kernels of corn with a slight tinge of light straw or pink color.'

The term 'white kernels of corn with a slight tinge of light straw or pink color' when used in the Official Grain Standards of the United States for Corn (see § 26.151(d)) shall be construed to include kernels which are white and/or light straw or light pink in color, and kernels which are white and pink in color provided the pink color covers less than 50 percent of the kernel. White and pink kernels in which the pink color covers 50 percent or more of the kernel shall be considered as 'corn of other colors.'

Under the proposed interpretations, persons who wish to buy corn with not more than a certain percentage of kernels with stripes would be able to obtain, upon request, certificates of grade showing the percentage of kernels with stripes.

Because of the interest in the grading of yellow corn with red stripes, opportunity is hereby afforded interested parties to submit written data, views, or arguments with respect to the proposed interpretations to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250. All written submissions should be in duplicate and should be received by the Hearing Clerk not later than 30 days after this notice is published in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the written data, views, or arguments so received by the Hearing Clerk and to other information available to the U.S. Department of Agriculture before a final interpretation is issued.

Done in Washington, D.C., this 13th day of April 1966.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 66-4173; Filed, Apr. 15, 1966; 8:48 a.m.]

[9 CFR Part 318]

MEAT INSPECTION

Approval of Substances for Use in Preparation of Meat Food Products

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Department of Agriculture pursuant to the authority conferred by the Meat Inspection Act, as amended and extended (21 U.S.C. 71–91, 96) and section 306 of the Tariff Act of 1930, as amended (19 U.S.C. 1306) proposes to amend § 318.7 (b)(4) of the Meat Inspection Regulations (9 CFR 318.7(b)(4)) as follows:

(1) In that portion of the chart in subparagraph (4) dealing with cooling and retort water treatment agents the following information would be inserted in the appropriate columns in alphabetical order.

Class of substance	Substance	Purpose	Products	Amount
	Citric acid	To prevent staining on exterior of canned goods.	Various	Sufficient for purpose.
	Disodium-calcium ethylenediaminetetraacetate.	do	do	Do.
	Disodium ethylenediaminetetraacetate.	do	do	Do.
	Ethylenediaminetetraacetic acid.	do	do	Do.
	Sodium gluconate	do	do	Do.
	Sodium nitrite. (The sodium nitrite must be decharacterized with 0.05% powdered charcoal. Bulk decharacterized sodium nitrite when in cook room shall be held in locked metal bin or container conspicuously labeled "Decharacterized sodium nitrite—To be used by authorized personnel only.")	To inhibit corrosion on exterior of canned goods.	do	600 ppm.

(2) The information shown below would be inserted in the appropriate columns in alphabetical order in that portion of the chart dealing with denuding agents.

Class of substance	Substance	Purpose	Products	Amount
	Sodium gluconate	To denude mucous membrane.	Tripe	Sufficient for purpose.

(3) The following information would be inserted in appropriate columns in alphabetical order in that portion of the chart dealing with hog scald agents.

Class of substance	Substance	Purpose	Products	Amount
	Disodium-calcium ethylenediaminetetraacetate.	To remove hair	Hog carcasses	Sufficient for purpose.
	Disodium ethylenediaminetetraacetate.	do	do	Do.
	Disodium phosphate.	do	do	Do.
	Ethylenediaminetetraacetic acid.	do	do	Do.
	Propylene glycol	do	do	Do.
	Soap (prepared by reaction of calcium, potassium or sodium with rosin or fatty acids of natural fats and oils.)	do	do	Do.
	Sodium acid pyrophosphate.	do	do	Do.
	Sodium pyrophosphate.	do	do	Do.

(4) The term "Lime" now appearing in the chart in the list of substances with respect to denuding agents and hog scald agents would be qualified so as to read "Lime (calcium oxide, calcium hydroxide)".

Statement of considerations. The purposes of the proposed amendments of the regulations are to permit the use of the substances shown above in items (1), (2), and (3), under the stated conditions in the processing of the specified products at federally inspected establishments, and to clarify certain provisions of the regulations with respect to the chemical identity of lime. Authorizing use of these additional substances would afford the processors a greater choice of substances demonstrated to be effective for the operations indicated and would also facilitate production of better or more acceptable products at reduced cost. All substances listed are known to be safe for the purposes indicated when used in accordance with good commercial practices.

Any person who wishes to submit written data, views or arguments concerning the proposed amendments may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250, within 60 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 13th day of April 1966.

R. K. SOMERS,
Deputy Administrator,
Consumer and Marketing Service.

[F.R. Doc. 66-4174; Filed Apr. 15, 1966; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 29]

FRUIT PRESERVES AND JAMS

Notice of Proposal To Permit Optional Use of Concentrated Fruit Ingredients

Correction

In F.R. Doc. 66-3858 appearing at page 5638 in the issue for Saturday, April 9, 1966, the word "property" in § 29.3(e)(7) is corrected so that the first sentence of that material reads as follows: "(7) The term 'concentrated fruit' means a concentrate made from the properly prepared edible portion of mature, fresh or frozen fruits by the removal of moisture with or without the use of heat or vacuum, but not to the point of drying, and is identified to show the weight of the properly prepared fresh fruit used to produce any given quantity of such concentrate."

FEDERAL AVIATION AGENCY

[14 CFR Part 151]

[Docket No. 7194; Notice No. 66-5A]

REVIEW OF MISCELLANEOUS ELIGIBILITY CRITERIA AND PROGRAMING STANDARDS

Extension of Comment Period

The Federal Aviation Agency proposed in Notice 66-5, Review of Miscellaneous Eligibility Criteria and Programing Standards, published in the FEDERAL REGISTER on March 17, 1966 (31 F.R. 4523) to add, revise, and clarify certain eligibility criteria and programing standards for obtaining Federal financial assistance for airport development under the Federal-aid Airport Program. The notice stated that consideration would be given to all comments received on or before April 18, 1966.

The Airport Operators Council (AOC), on behalf of its members, has requested an extension of the time to comment on the proposed regulatory action. This organization, which has a substantive interest in the purposed rule, advised the Agency that it will hold its 1966 Spring Conference between April 19 and 21, 1966, that the proposals contained in Notice 66-5 would be an important agenda item, and that it needs an additional 14 days to prepare and submit its comments.

I find that the petitioner has shown a substantive interest in the proposed rule and good cause exists for the extension and that the extension is consistent with the public interest.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 11.45), the time within which comments on Notice 66-5 will be received is extended to May 2, 1966.

Issued in Washington, D.C., on April 14, 1966.

CHESTER G. BOWERS,
Deputy Director, Airports Service.

[F.R. Doc. 66-4210, Filed, Apr. 15, 1966; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

REGIONAL DIRECTORS AND FIELD PERSONNEL

Delegations of Authority

Chapter 4, Part 4 of the Administrative Manual of the Bureau of Sport Fisheries and Wildlife is amended to delegate additional authority to regional directors by deleting the existing restriction which precluded approval of proposals for non-conforming (non-program) use.

Section 4 AM 4.9C is revised to read as follows:

4.9 *Wildlife matters.* * * *

C. *Development and management of national wildlife refuges and game ranges.* This authority does not include:

(1) Final approval of proposals for acquisition of lands for wildlife refuge purposes and the naming of refuges.

(2) Approval of agreements between the Bureau and other Federal or State agencies involving the Bureau's vested rights in the title or dedication of the lands and waters of wildlife refuge areas.

(3) Issuance of permits for archaeological investigations.

(4) Approval of the annual disposal program for surplus "range animals."

(5) Approval, pursuant to 50 CFR 32.1 and 33.1, of the opening of refuge areas to public hunting and fishing.

(6) Approval of master plans, soil and moisture conservation plans and hunting and fishing management plans.

ABRAM V. TUNISON,
Acting Director.

APRIL 12, 1966.

[F.R. Doc. 66-4125; Filed, Apr. 15, 1966; 8:45 a.m.]

[Docket No. A-384]

DAVID V. HALL

Notice of Loan Application

David V. Hall, Post Office Box 161, Petersburg, Alaska, 99833, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 45.5-foot registered length wood vessel to engage in the fishery for salmon and halibut.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised August 11, 1965), that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C., 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

H. E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

APRIL 13, 1966.

[F.R. Doc. 66-4156; Filed, Apr. 15, 1966; 8:46 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Antidumping AC 643.3-G]

WHOLE FROZEN EGGS FROM UNITED KINGDOM

Withholding of Appraisement Notice

APRIL 12, 1966.

On March 30, 1966, a "Withholding of Appraisement" notice was published in the FEDERAL REGISTER, volume 31, No. 61, page 5148, with regard to whole frozen eggs from the United Kingdom.

The available information was insufficient to state the appropriate basis of comparison with foreign market value.

Information now discloses that purchase price is the appropriate basis of comparison for fair value purposes.

This supplementary notice is published pursuant to § 14.6(e) of the Customs regulations (19 CFR 14.6(e)).

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 66-4151; Filed, Apr. 15, 1966; 8:45 a.m.]

Office of Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM THE REPUBLIC OF THE PHILIPPINES

Available Certifications by the Government of the Republic of the Philippines

Notice is hereby given that certificates of origin issued by the Department of Finance (Bureau of Customs) of the Government of the Republic of the Philippines under procedures agreed upon between that Government and the Office of Foreign Assets Control in connection with the Foreign Assets Control Regulations are now available with respect to the importation into the United States directly, or on a through bill of lading, from the Republic of the Philippines of the following additional commodity:

Hair, human, raw and processed (wigs, etc.).

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 66-4211; Filed, Apr. 15, 1966; 8:48 a.m.]

Office of the Secretary

[Antidumping AC 643.3-G]

WHOLE FROZEN EGGS FROM UNITED KINGDOM

Notice of Intent To Discontinue Investigation and To Make Determination That No Sales Exist Below Fair Value

Information was received on March 11, 1966, that whole frozen eggs imported from the United Kingdom were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. This information was the subject of an "Antidumping Proceeding Notice" which was published pursuant to § 14.6(d), Customs regulations, in the FEDERAL REGISTER of March 29, 1966.

On March 24, 1966, the Commissioner of Customs issued a withholding of appraisement notice with respect to such merchandise which was published in the FEDERAL REGISTER dated March 30, 1966.

The merchandise is used primarily in commercial baking.

Promptly after the commencement of the antidumping investigation, assurance was given in compliance with the provisions of § 14.7(b)(9) of the Customs regulations that shipments to the United States of the merchandise other than those afloat or loaded would be terminated immediately and will not be resumed at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended, regardless of the determination in this case.

In view of the foregoing it appears that there are not, and are not likely to be, sales below fair value of whole frozen eggs from the United Kingdom within the meaning of the Antidumping Act, 1921, as amended, and the regulations issued thereunder.

Unless persuasive evidence or argument to the contrary is presented within 30 days, a determination will be made that there are not, and are not likely to be, sales below fair value.

This notice is published pursuant to § 14.7(b)(9) of the Customs regulations (19 CFR 14.7(b)(9)).

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

APRIL 13, 1966.

[F.R. Doc. 66-4169; Filed, Apr. 15, 1966; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[P.P.C. 641, Amdt.]

BLACK STEM RUST

Addition to and Correction of List of Establishments

1. Pursuant to § 301.38–6(a) (2) and (3) of the regulations supplemental to the black stem rust quarantine (Notice of Quarantine No. 38, 7 CFR 301.38), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the list of specifically approved establishments eligible to ship rust-resistant Berberis, Mahoberberis, and Mahonia plants interstate (30 F.R. 16021–16027) in accordance with the regulations is hereby amended by adding the following establishments thereto:

Establishment or dealer, address

* * * * *

CONNECTICUT

Hoyt's Sons Co., Inc., Stephen, 529 Carter Street, New Canaan.

* * * * *

MASSACHUSETTS

Hunting Hills, Federal Street, Montague 01351.

* * * * *

RHODE ISLAND

Van Hof Nurseries, 54 Bristol Ferry Road, Portsmouth.

* * * * *

GENERAL

All establishments operated in the conterminous United States by Sears, Roebuck & Co., and by Montgomery Ward & Co.

2. F.R. Doc. 65–13708, published on pages 16021–16027 in the FEDERAL REGISTER dated December 23, 1965, is corrected by changing the third establishment listed under Massachusetts, "Day State Nursery, Box 155, Halifax," to read "Bay State Nursery, Box 155, Halifax."

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 29 F.R. 16210, as amended, 30 F.R. 5801, 31 F.R. 3350; 30 F.R. 5799, as amended; 7 CFR 301.38)

The foregoing amendment and correction shall become effective April 16, 1966.

The amendment adds certain nurseries and dealers to the list of specifically approved establishments eligible to ship rust-resistant Berberis, Mahoberberis, and Mahonia in accordance with the regulations in 7 CFR Part 301, Subpart-Black Stem Rust, as such nurseries and dealers have fulfilled the requirements of § 301.38–6(a) (2) and (3) of the regulations (7 CFR 301.38–6(a) (2) and (3)), and the Director of the Plant Pest Control Division has determined that such nurseries and dealers are growing only rust-resistant Berberis, Mahoberberis, and Mahonia plants listed in § 301.38–5a (7 CFR 301.38–5a). The change in such list corrects an inadvertent spelling error.

The amendment relieves certain restrictions of the Black Stem Rust Quarantine and should be made effective promptly to be of maximum benefit to persons subject to the restrictions which are being relieved, and the correction involves a nonsubstantive change. Accordingly, it is found upon good cause under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that notice and other public procedure with respect to this action are impracticable and contrary to the public interest, and good cause is found for making such action effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 13th day of April 1966.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F.R. Doc. 66–4175; Filed, Apr. 15, 1966; 8:48 a.m.]

Office of the Secretary

GREAT PLAINS CONSERVATION PROGRAM

Applicability to Certain Counties in Oklahoma

Designation of counties within the Great Plains area of the 10 Great Plains States where the Great Plains Conservation Program is specifically applicable.

For the purpose of making contracts based upon an approved plan of farming operations pursuant to the Act of August 7, 1956 (70 Stat. 1115, 16 U.S.C. 590p (b)), as amended, the following counties in the following State are designated as susceptible to serious wind erosion by reason of their soil types, terrain, and climatic and other factors.

OKLAHOMA

Alfalfa. Canadian.

Done at Washington, D.C., this 13th day of April 1966.

JOHN A. BAKER,
Assistant Secretary.

[F.R. Doc. 66–4149; Filed, Apr. 15, 1966; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15353; Order E–23513]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Fare and Rate Matters

Adopted by the Civil Aeronautics Board at its Office in Washington, D.C., on the 12th day of April 1966.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 3 of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above designated CAB Agreement number.

The agreement would embrace within IATA the normal fares between Okinawa and Taipei that have been applied during the open-fare situation that has existed within Traffic Conference 3.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find IATA Resolution 300 (Mail 209) 053 and 300 (Mail 209) 063, which are incorporated in Agreement CAB 18765, to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Agreement CAB 18765 be approved.

Any air carrier party to the agreement, or any interested persons, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66–4157; Filed, Apr. 15, 1966; 8:46 a.m.]

[Docket No. 17063; Order E–23514]

AKRON-CANTON REGIONAL AIRPORT AUTHORITY

Order To Show Cause for Redesignating Certificated Point

Adopted by the Civil Aeronautics Board at its Office in Washington, D.C., on the 12th day of April 1966.

On March 7, 1966, the Akron-Canton Regional Airport Authority (the Authority) filed a petition with the Board pursuant to section 401(g) of the Federal Aviation Act of 1958, as amended (the Act), requesting that the Board amend the certificates of Eastern Air Lines, Inc. (for route 6), and United Air Lines, Inc. (for routes 1 and 14), so as to redesignate the certificated point Akron, Ohio, as Akron-Canton, Ohio.[1]

In support thereof, the Authority alleges that it is the duly authorized operator of the Akron-Canton Airport; that the airport was designed and built to serve, and does in fact serve jointly the cities of Akron and Canton; that it is customary for carriers of all types, including Eastern and United, to designate accurately and correctly the points served; that the named carriers operate under route certificates and tariff schedules which reflect service to Akron only, when in fact for some years past they have been providing service to both Akron and Canton through the Akron-Canton Airport; and that this practice works a hardship upon air travelers seek-

[1] The Authority's request that the carriers' respective tariffs and flight schedules be amended to reflect the redesignation should be implemented by carrier action if the tentative action taken herein is made final.

ing service to Canton because extensive checking is necessary by agents of the air carriers before the ticketing process can be completed and, therefore, is a detriment to the City of Canton.

No answers to the petition have been filed to date.

The Board has decided to institute a proceeding under section 401(g) of the Act to determine whether it is in the public interest to amend Eastern's certificate of public convenience and necessity for route 6, and United's certificates for routes 1 and 14, respectively, so as to redesignate the present point Akron as Akron-Canton.

Because of the geographic relation of Canton, Akron and the Akron-Canton airport, service to the latter is actually service to both cities. Thus, it is obvious that the airport serves passengers to and from Canton and surrounding areas as well as Akron.[2] The area so served is designated as Akron-Canton in the existing certificates of United for route 51, and Lake Central Airlines, Inc., for route 88. Hence, the requested redesignation would not only reflect more accurately the service which actually is being provided, but would conform all of the authorizations of the three carriers presently providing service at such point in respect to certificate designation. Such redesignation would permit the carriers to show Canton in their advertising, flight schedules, and tariff filings with resulting administrative convenience and other benefits to both the carriers and the traveling public.

Upon consideration of the foregoing, the Board tentatively finds and concludes that the public convenience and necessity require that the certificates held by Eastern for route 6 and United for routes 1 and 14 be amended so as to redesignate the present point Akron as Akron-Canton.

Accordingly, it is ordered:

1. That a proceeding be and it hereby is instituted in Docket 17063 pursuant to section 401(g) of the Act, to determine whether the public convenience and necessity require, and the Board should order, the amendment of the certificates of public convenience and necessity held by Eastern for route 6 and United for routes 1 and 14 so as to redesignate the present point Akron, Ohio, as Akron-Canton, Ohio;

2. That all interested parties are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue at an appropriate time to Eastern an amended certificate of public convenience and necessity for route 6 and to United amended certificates of public convenience and necessity for routes 1 and 14, redesignating the present point, Akron, as Akron-Canton;

3. That any interested persons having objection to the issuance of an order making final the proposed findings, conclusions and certificate amendments set forth herein shall, within 15 days of service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections, such statement to conform to the Board's rules of practice in economic proceedings,[3]

4. That, if timely objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

5. That, in the event no objections are filed, all further procedural steps will be deemed to have been waived and the case will be submitted to the Board for final action; and

6. That copies of this order shall be served upon the following persons who are hereby made parties to this proceeding: Eastern Air Lines, Inc., United Air Lines, Inc., The Akron-Canton Regional Airport Authority, The City of Akron, Ohio, The City of Canton, Ohio, the Ohio Department of Commerce, Division of Aviation, and the Postmaster General of the United States.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

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

[F.R. Doc. 66-4158; Filed, Apr. 15, 1966; 8:46 a.m.]

[Docket No. 15619]

LAWRENCEVILLE, ILL./ VINCENNES, IND.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 3, 1966, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Barron Fredricks.

Dated at Washington, D.C., April 11, 1966.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 66-4159; Filed, Apr. 15, 1966; 8:46 a.m.]

[Docket No. 13577, etc.]

REOPENED TRANSATLANTIC ROUTE RENEWAL CASE

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding now assigned to be held April 25, 1966, is postponed to April 26, 1966, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., April 13, 1966.

[SEAL] JAMES S. KEITH, *Hearing Examiner.*

[F.R. Doc. 66-4160; Filed, Apr. 15, 1966; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 66-24]

SEA-LAND SERVICE, INC.

Increased Rates in Alaska Trade on Commodities Requiring Temperature Control

It appearing, that there have been filed with the Federal Maritime Commission by Sea-Land Service, Inc., 1st Revised Pages 48-A, 48-B, and 48-C to Tariff FMC-F No. 5 naming increased rates on commodities requiring temperature control from, to and/or between U.S. Pacific coast ports and Anchorage, Alaska, to become effective April 13, 1966;

It further appearing, that upon consideration of the said schedules, there is reason to believe that the increased rates, if permitted to become effective would result in rates, charges, classifications, regulations, tariffs 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 said increased rates 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 rate increases should be suspended pending such investigation;

Now, therefore, it is ordered, That pursuant to sections 18(a) and 22 of the Shipping Act, 1916, and section 3 of the Intercoastal Shipping Act, 1933, an investigation be, and it is hereby, instituted into and concerning the lawfulness of the aforementioned tariff matter with a view to making such findings and orders in the premises as the facts and circumstances shall warrant;

It is further ordered, That all increased rates prefixed with the "diamond" symbol published in Column A on the aforementioned revised pages be and they are hereby suspended and that the use thereof be deferred to and including August 12, 1966, unless otherwise authorized by the Commission, and that the rates, fares, charges, rules, regulations and/or practices heretofore in effect on 3d Revised Page 47 and Original Page 48, FMC-F No. 5, and which were to be changed by the suspended matter shall remain in effect during the period of suspension;

[2] The Akron-Canton Airport is located 12 miles south of Akron and 10 miles north of Canton and is reached from both cities via a modern, four-lane, limited access highway.

[3] No petition for reconsideration of this order will be entertained. All requests for relief from, or modification of, this order shall be submitted with such objections as may be made to the issuance of an order making final the proposed findings, conclusions and certificate amendments set forth herein.

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 whichever first occurs, unless otherwise authorized by the Commission;

It is further ordered, That there shall be filed immediately with the Commission by Sea-Land Service, Inc., a consecutively numbered supplement to the 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 rates are suspended and may not be used until the 13th day of August 1966, unless otherwise authorized by the Commission; and that the rate and charges heretofore in effect, and which were to be changed by the suspended matter 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, whichever first occurs, unless otherwise authorized by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedule 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) Sea-Land Service, Inc., be, and it is hereby made respondent in this proceeding; (III) a copy of this order shall forthwith be served upon said respondent; (IV) the said respondent 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(1) (46 CFR 502.72).

By the Commission, April 12, 1966.

[SEAL] FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 66-4161; Filed, Apr. 15, 1966; 8:46 a.m.]

[Independent Ocean Freight Forwarder License 313]

CRESCENT FORWARDING SERVICE

Order To Show Cause

On March 28, 1966, New Hampshire Insurance Co. (Eimicke & Loren, Inc., agents) notified the Commission that the surety bond filed pursuant to section 44(c), Shipping Act, 1916 (46 U.S.C. 841b) by James G. Marti, doing business as Crescent Forwarding Service, 527 Canal Street, New Orleans, La., 70130, would be canceled effective 12:01 a.m., April 28, 1966.

Section 44(c) of the Shipping Act, 1916 (46 U.S.C. 841b) and § 510.5(f) of General Order 4 (46 CFR) provide that no license shall remain in force unless such forwarder shall have furnished a bond.

Section 44(d) of the Shipping Act, 1916 (46 U.S.C. 841b) provides that licenses may, after notice and hearing, be suspended or revoked for wilful failure to comply with any provision of the Act, or with any lawful rule of the Commission promulgated thereunder.

Therefore, it is ordered, That James G. Marti, doing business as Crescent Forwarding Service, on or before April 21, 1966, either (1) submit a valid bond effective on or before April 28, 1966, or (2) show cause in writing or request a hearing to be held at 10 a.m., on April 26, 1966, in Room 505, Federal Maritime Commission, 1321 H Street NW., Washington, D.C., 20573, to show cause why his license should not be suspended or revoked pursuant to section 44(d), Shipping Act, 1916.

It is further ordered, That the Director, Bureau of Domestic Regulation forthwith revoke license No. 313 if the licensee fails to comply with this order.

It is further ordered, That a copy of this order to show cause and all subsequent orders in this matter be served upon the licensee and be published in the FEDERAL REGISTER.

[SEAL] FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 66-4162; Filed, Apr. 15, 1966; 8:46 a.m.]

[Independent Ocean Freight Forwarder License 746]

F. V. VALDES & CO., INC.

Order To Show Cause

On March 28, 1966, Fireman's Fund Insurance Co., notified the Commission that the surety bond filed pursuant to section 44(c), Shipping Act, 1916 (46 U.S.C. 841b) by F. V. Valdes & Co., Inc., 607 Market Street, San Francisco, Calif., would be canceled effective 12:01 a.m., April 27, 1966.

Section 44(c) of the Shipping Act, 1916 (46 U.S.C. 841b) and § 510.5(f) of General Order 4 (46 CFR) provide that no license shall remain in force unless such forwarder shall have furnished a bond.

Section 44(d) of the Shipping Act, 1916 (46 U.S.C. 841b) provides that licenses may, after notice and hearing, be suspended or revoked for wilful failure to comply with any provision of the Act, or with any lawful rule of the Commission promulgated thereunder.

Therefore, it is ordered, That F. V. Valdes & Co., Inc., on or before April 20, 1966, either (1) submit a valid bond effective on or before March 26, 1966, or (2) show cause in writing or request a hearing to be held at 10 a.m., on April 25, 1966, in Room 505, Federal Maritime Commission, 1321 H Street NW., Washington, D.C., 20573, to show cause why its license should not be suspended or revoked pursuant to section 44(d), Shipping Act, 1916.

It is further ordered, That the Director, Bureau of Domestic Regulation forthwith revoke license No. 746 if the licensee fails to comply with this order.

It is further ordered, That a copy of this order to show cause and all subsequent orders in this matter be served upon the licensee and published in the FEDERAL REGISTER.

[SEAL] FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 66-4163; Filed, Apr. 15, 1966; 8:46 a.m.]

[Docket No. 66-21]

CONTINENTAL NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Order to Show Cause Why Agreement Should Not Be Disapproved

Agreement 8210, originally approved November 9, 1953, between the member lines of the Continental North Atlantic Westbound Freight Conference, covers the trade from or via ports of Germany, The Netherlands, and Belgium in the range between Hamburg and boundary lines of Belgium and France to U.S. North Atlantic Ports in the Hampton Roads/Portland, Maine, range.

Section 15 of the Shipping Act, 1916, reads, in pertinent part, as follows:

> The Commission shall disapprove any such agreement, after notice and hearing, on a finding of inadequate policing of the obligations under it * * *.

General Order 7 (46 CFR Part 528) was adopted to implement section 15, as amended by Public Law 87-346, 75 Stat. 763-4, effective October 3, 1961. In this connection the order states that:

> * * * The Commission shall disapprove an agreement thereunder if, after notice and hearing, it finds inadequate policing of the obligations of the agreement. This amendment makes it necessary that provision for self-policing be included in certain section 15 agreements and that the Commission be informed of the manner in which such provision is being carried out. The requirements set forth below are to aid the Commission in determining the existence and adequacy of self-policing systems, in accordance with the statutory objective.

Section 528.2 *General requirements; section 15 agreements.*

Conference agreements and other rate-fixing agreements between common carriers by water in the foreign and domestic offshore commerce of the United States, whether or not previously approved, shall contain a provision describing the method or system used by the parties in policing the obligations under the agreement, including the procedure for handling complaints and the functions and authority of every person having responsibility for administering the system. In the case of agreements previously approved under section 15 which do not meet these requirements, the parties shall file for

approval an amendment which complies with the requirements * * *.

Section 528.3 *Reporting requirements.*

Twice each year, once during the month of January and once during the month of July, there shall be filed with the Commission by the conferences and carriers subject to these rules, or by any person to whom they have delegated the self-policing authority, a report showing the nature of each complaint received during the preceding 6-month period; the action taken on the complaint or on the volition of any person responsible for policing; and with respect to violations found, the nature thereof and the penalty or other sanction imposed. The names of the parties involved in complaints or in action taken on the volition of the person responsible for policing may be omitted from these reports.

The basic agreement, as approved by the Federal Maritime Board on November 9, 1953, contains a self-policing provision which conforms with the requirements outlined in § 528.2 above.

On May 5, 1965 a form letter was addressed to those conferences and ratefixing agreements, including the subject conference (Attachment 1 [1]), which had not filed self-policing reports due in January 1965, covering the period from July through December 1964. Therein it was pointed out that such reports must be filed in January and July of each year to cover the 6-month period preceding the reports and should be filed even though there was no activity to report. It was also indicated continued noncompliance with the lawful requirements of the Commission could not be tolerated, and if a report, or a statement of an early date by which such a report might be expected, was not received within 15 days of the date of the letter, there would be no alternative but to recommend appropriate action to the Commission. No reply has been received to our letter of May 5, 1965, and no action has been taken on this matter by the Conference.

Section 15 of the Shipping Act, 1916, also reads, in pertinent part, as follows:

> No such agreement shall be approved, nor shall continued approval be permitted * * * in respect to any conference agreement, which fails to provide reasonable and equal terms and conditions for admission and readmission to conference membership of other qualified carriers in the trade, or fails to provide that any member may withdraw from membership upon reasonable notice without penalty for such withdrawal.

General Order No. 9 was adopted to implement section 2 of Public Law 87–346, effective October 3, 1961. In this connection the order states that:

> * * * no conference agreement shall be approved, nor shall continued approval be permitted for any agreement, which fails to provide reasonable and equal terms and conditions for admission and readmission to conference membership of other qualified carriers in the trade, or fails to provide that any member may withdraw from membership upon reasonable notice without penalty for such withdrawal.
>
> (b) It is the responsibility of the Federal Maritime Commission under the Shipping Act, 1916, to determine that all conference agreements contain reasonable and equal terms and conditions for admission and readmission to conference membership of qualified carriers according to the requirements set forth in paragraph (a) of this section.
>
> Section 523.2 *Provisions of conference agreements.*
>
> In effectuation of the policy set forth in § 523.1, conference agreements, whether in effect on October 3, 1961, or initiated after that date, shall contain provisions substantially as follows:
>
> (a) Any common carrier by water which has been regularly engaged as a common carrier in the trade covered by this agreement, or who furnishes evidence of ability and intention in good faith to institute and maintain such a common carrier service between ports within the scope of this agreement, and who evidences an ability and intention in good faith to abide by all the terms and conditions of this agreement, may hereafter become a party to this agreement by affixing its signature thereto.
>
> NOTE: The above Provision will not preclude the conference from imposing legitimate conditions on membership, including but not necessarily limited to, the payment of an admission fee, payment of any outstanding financial obligations arising from prior membership, or the posting of a security bond or deposit. All such conditions must be made expressed terms of the conference agreement, filed with and approved by the Commission pursuant to section 15 of the Shipping Act, 1916.
>
> (b) Every application for membership shall be acted upon promptly.
>
> (c) No carrier which has complied with the conditions set forth in paragraph (a) of this section shall be denied admission or readmission to membership.
>
> (d) Prompt notice of admission to membership shall be furnished to the Federal Maritime Commission and no admission shall be effective prior to the postmark date of such notice.
>
> (e) Advice of any denial of admission to membership, together with a statement of the reasons therefor, shall be furnished promptly to the Federal Maritime Commission.
>
> (f) Any party may withdraw from the conference without penalty, by giving at least 30 days' written notice of intention to withdraw to the conference: *Provided, however,* That action taken by the conference to compel the payment of outstanding financial obligations by the resigning member shall not be construed as a penalty for withdrawal.
>
> (g) Notice of withdrawal of any party shall be furnished promptly to the Federal Maritime Commission.
>
> (h) No party may be expelled against its will from this conference except for failure to maintain a common carrier service between the ports within the scope of this agreement (said failure to be determined according to the minimum sailing requirements set forth in this agreement) or for failure to abide by all the terms and conditions of this agreement.
>
> (i) No expulsion shall become effective until a detailed statement setting forth the reason or reasons therefor has been furnished the expelled member and a copy of such notification submitted to the Federal Maritime Commission.

On November 6, 1964, the Commission dispatched a letter to the Conference Secretary (Attachment 2 [1]), advising the Conference of the requirements of § 523.10 of General Order 9 that all existing conference agreements be modified to comply with General Order 9 and filed with the Commission by July 20, 1964. In her response thereto, dated December 31, 1964 (Attachment 3 [1]), the Conference Secretary referred to minutes of the meeting held on June 2 and 3, 1964. Resolution No. 5 therein reads:

> Part 523—Admission, Withdrawal and Expulsion Provisions of Steamship Conference Agreements. Discussed—does not call for further action.

The Conference Secretary was advised by letter of January 25, 1965 (Attachment 4 [1]), of the specific changes in Articles 9, 10, and 13 of Agreement 8210, as amended, which would be necessary to effect compliance with General Order 9. No response has been received to this letter, and no action has been taken on this matter by the Conference.

The approved agreement of the members of the Continental North Atlantic Westbound Freight Conference does not comport with that provision of section 15 of the Shipping Act, 1916, in the following respects:

(a) There is no provision that every application for membership shall be acted upon promptly (§ 523.2(b)).

(b) "Just and reasonable cause" is not adequate criteria for denial of admission to membership and does not meet the requirements of General Order 9 (§ 523.2 (c)).

(c) There is no provision for "prompt" notification to the Commission of the admission of new members (§ 523.2(d)).

(d) There is no provision to promptly furnish advice of denial of admission to membership, together with a statement of the reasons therefor, to the Commission (§ 523.2(e)).

(e) There is no provision for expulsion for failure to abide by all the terms and conditions of the agreement (§ 523.2 (h)).

(f) The agreement fails to provide that no expulsion shall become effective until a detailed statement setting forth the reason or reasons therefor has been furnished the expelled member and a copy of such notification submitted to the Commission (§523.2(i)).

The sections referred to are those in the Commission's General Order No. 9 (46 CFR Part 523), et seq.

Section 15 of the Shipping Act, 1916, also provides, in pertinent part, that:

> The Commission shall disapprove any such agreement, after notice and hearing, on a finding * * * of failure or refusal to adopt and maintain reasonable procedures for promptly and fairly hearing and considering shippers' requests and complaints.

General Order 14 was adopted to implement section 2 of Public Law 87–346, effective October 3, 1961. The General Order provides, in pertinent part as follows:

> Section 527.3 *Filing of procedures.*
>
> Within 60 days from the effective date of these rules, each ratemaking group operating under an approved section 15 agreement shall file with the Commission a statement outlining in complete detail its procedures for the disposition of shippers' requests and complaints. In January of each year thereafter, each of the above shall file a report covering all changes made in these procedures during the past year, and, in the event the procedures have continued unchanged, the report shall so state.

[1] Attachments 1, 2, 3, 4, and 6 filed as part of original document.

Section 527.4 *Reports.*

By January 31, April 30, July 31, and October 31 of each year, each conference and each other body with ratefixing authority under an approved agreement shall file with the Commission a report covering all shippers' requests and complaints received during the preceding calendar quarter or pending at the beginning of such calendar quarter. The first such report shall be filed by October 31, 1965. All such reports shall include the following information for each request or complaint:

(a) Date request or complaint was received.

(b) Identity of the person or firm submitting the request or complaint.

(c) Nature of request or complaint; i.e., rate reduction, rate establishment, classification, overcharge, undercharge, measurement, etc.

(d) If final action was taken, date and nature thereof.

(e) If final action was not taken, an identification of the request or complaint as "pending."

(f) If denied, the reason.

Section 527.5 *Resident representative.*

Conference and other ratemaking groups domiciled outside the United States shall designate a resident representative in the United States with whom shippers situated in the United States may lodge their requests and complaints. The resident representative shall maintain for a period of two years a complete record of requests and complaints filed with him by shippers and consignees situated in the United States and its territories. Conferences and other ratemaking groups subject to this section may satisfy the reporting requirements of § 527.4 by reporting those requests and complaints filed with the resident agent appointed pursuant to the provisions of this section. Appointment of the resident representative shall be made by September 9, 1965.

Section 527.6 *Tariff provision.*

Tariffs issued by or on behalf of conferences and other ratemaking groups shall contain full instructions as to where and by what method shippers may file their requests and complaints, together with a sample of the rate request form, if one is used, or, in lieu thereof, a statement as to what supporting information is considered necessary for processing the request or complaint through conference channels. Appropriate tariff provision shall be accomplished within 90 days from the effective date of these rules.

On June 9, 1965, all conferences and rate-making agreements were mailed a copy of General Order 14 which became effective July 9, 1965. This Conference has made no effort to comply with General Order 14. The Conference Secretary was advised by letter of January 11, 1966 (Attachment 6[1]) of the requirements of General Order 14 with which the Conference should comply, but no response was received to this letter.

The issues raised herein do not involve any disputed issues of fact which necessitate an evidentiary hearing and require a prompt determination by the Commission.

Now, therefore, pursuant to sections 15 and 22 of the Shipping Act, 1916: *It is ordered,* That the Continental North Atlantic Westbound Freight Conference and the member lines thereof show cause why Agreement 8210, as amended, should not be disapproved by the Commission pursuant to section 15 of the Shipping Act, 1916, because of the Conference's failure to comply with the requirements of section 15 of the Shipping Act, 1916, and the Conference's failure to comply with the Commission's General Order 9, issued April 21, 1964, the Commission's General Order 7, issued July 30, 1963, and the Commission's General Order 14, issued June 8, 1965. This proceeding shall be limited to the submission of affidavits and memoranda and oral argument. The affidavits of fact and memoranda of law shall be filed by respondents no later than close of business May 23, 1966, replies thereto shall be filed by Hearing Counsel and interveners, if any, no later than close of business June 6, 1966. An original and 15 copies of affidavits of fact, memoranda of law, and replies to be filed with the Secretary, Federal Maritime Commission, Washington, D.C., 20573. Copies of any papers filed with the Secretary should also be served upon all parties hereto. Oral argument will be heard at 9:30 a.m., June 15, 1966, in Room 114, 1321 H Street N.W., Washington, D.C.

It is further ordered, That the Continental North Atlantic Westbound Freight Conference and its member lines as indicated in Attachment 5, are hereby made respondents in this proceeding.

It is further ordered, That this order be published in the FEDERAL REGISTER and a copy of such order be served upon each respondent.

Persons other than respondents and Hearing Counsel who desire to become a party to this proceeding shall file a petition for leave to intervene in accordance with Rule 5(n) (46 CFR 201.74) of the Commission's rules of practice and procedure no later than close of business May 6, 1966, with copy to Respondent Conference.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

ATTACHMENT 5

Continental North Atlantic Westbound Freight Conference, 79, de Bomstraat, Antwerp, Belgium.
American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, N.Y., 10004.
Belgian Line, Belgian Line, Inc., 67 Broad Street, New York, N.Y., 10004.
Black Diamond Steamship Co., 2 Broadway, New York, N.Y., 10004.
Cosmopolitan Line, A/S J. Ludwig Mowinckels Rederi, 42 Broadway, New York, N.Y., 10004.
Holland America Line, Pier 40, North River, New York, N.Y., 10014.
Moore-McCormack Lines, Inc., 2 Broadway, New York, N.Y., 10004.
United States Lines Co., 1 Broadway, New York, N.Y., 10004.

[F.R. Doc. 66-4206; Filed, Apr. 15, 1966; 8:48 a.m.]

INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

CHAMPLAIN WATERWAY

Public Notice of Hearings

The International Joint Commission will conduct public hearings at the times and places listed hereunder in the matter of the feasibility and economic advantages of improving or developing a waterway from the St. Lawrence River in Canada through Lake Champlain to the Hudson River at Albany in the United States.

On July 5, 1962, the Governments of Canada and the United States specifically requested the Commission:

(i) To examine into and report whether it would be feasible and economically advantageous to improve the existing waterway from Sorel on the St. Lawrence River to the Hudson River at Albany and, if so, to what governing dimensions;

(ii) To make an estimate of the costs in each country of improving the said waterway to any such governing dimensions;

(iii) To make an economic appraisal of the value to the two countries, jointly and separately, of improving the said waterway to any such governing dimensions;

(iv) To examine into and report in similar terms on any other routes for a waterway connecting the St. Lawrence River at or near Montreal with the Hudson River at Albany by way of Lake Champlain which would be both feasible and economically advantageous;

(v) In making its examination and report, to bear in mind the effects which the improvement of the existing waterway or the development of any other routes for a waterway would have on conservation, recreation and other beneficial uses.

The required technical investigations and studies have been completed by the Commission's International Champlain Waterway Board and copies of the Board's reports are available for inspection in the offices of:

Fletcher Free Library,
227 College Street,
Burlington, Vt.

Legislative Reference Library,
University of the State of New York,
State Education Building,
Washington Avenue,
Albany, N.Y., 12224.

U.S. Army Engineer District, New York,
111 East 16th Street,
New York, N.Y., 10003.

Plattsburgh Public Library,
Oak and Brinkerhoff Streets,
Plattsburgh, N.Y., 12902.

Copies may also be obtained by writing to the Secretaries of the Commission.

The purpose of the hearing is to give opportunity to those interested to give testimony and submit evidence on the questions referred to the Commission, and, in particular, on the subject matter of the Board's report.

Oral statements will be heard and written briefs accepted. Written briefs, where possible, should be filed with the Secretaries ten (10) days prior to the hearing. Fifty (50) copies should be provided.

Times and places of hearings:

Date	Time (a.m.)	Place
17 May 1966	10:00	Council Chamber, City Hall, St Jean, Province of Quebec.
18 May 1966	10:00	City Hall Auditorium, Burlington, Vt.

WILLIAM A. BULLARD,
Secretary, United States Section, International Joint Commission.

D. G. CHANCE,
Secretary, Canadian Section, International Joint Commission.

APRIL 12, 1966.

[F.R. Doc. 66-4144; Filed, Apr. 15, 1966; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI66-335, etc.]

ASHLAND OIL & REFINING CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, Effective Subject to Refund [1]

APRIL 8, 1966.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) 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 25, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

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.
RI66-335	Ashland Oil & Refining Co., Post Office Box 1503, Houston, Tex., 77001.	117	4	Phillips Petroleum Co. (Hugoton Field, Sherman County, Tex.) (R.R. District No. 10).[2]	$38,319	3-14-66	[3] 4-14-66	[4] 4-15-66	[7] [8] [10] 8.6871	[5] [6] [7] [8] [9] 11.7526	
	do	118	3	Phillips Petroleum Co. (Hugoton Field, Hansford County, Tex.) (R.R. District No. 10).[2]	3,872	3-14-66	[3] 4-14-66	[4] 4-15-66	[7] [10] [11] 8.0399	[5] [6] [7] [9] [11] 11.0182	
RI66-336	Chiles Drilling Co. (Operator), et al., Post Office Box 531, Alice, Tex., 78332.	1	1	Almos Gas Gathering Co. (Linke Field, Bee County, Tex.) (R.R. District No. 2).[12]	600	3-17-66	[3] 6-1-66	[4] 6-2-66	11.0	[6] [13] 12.0	

[2] Phillips resells the gas under its FPC Gas Rate Schedule No. 4 to Michigan Wisconsin Pipe Line Co. at a present effective rate of 15.22 cents plus applicable tax reimbursement which was made effective subject to refund in Docket No. RI65-526 on Dec. 10, 1965.
[3] The stated effective date is the effective date requested by Respondent.
[4] The suspension period is limited to 1 day.
[5] Revenue-sharing rate increase.
[6] Pressure base is 14.65 p.s.i.a.
[7] Subject to a downward B.t.u. adjustment.
[8] Sweet gas (rate includes 0.1157 cent tax reimbursement before increase and 0.1565 cent tax reimbursement after increase).
[9] Based on 162.27 percent of a base rate of 7.1463 cents less 0.4466 cent for sour gas if applicable (162.27 percent = Phillips' present rate of 15.22 cents divided by Phillips' related base rate of 9.3796 cents times 100).
[10] Based on 143 percent of a base rate of 5.9940 cents less 0.4466 cent for sour gas if applicable (143 percent = Phillips' last clean rate of 10.858 cents divided by Phillips' related base rate of 7.593 cents times 100).
[11] Sour gas (rate includes 0.1071 cent tax reimbursement before increase and 0.1468 cent after increase).
[12] Almos resells the gas to United Gas Pipe Line Co. at a rate of 13.4196 cents under its FPC Gas Rate Schedule No. 1.
[13] Periodic rate increase.

Ashland Oil & Refining Co. (Ashland) proposes revenue-sharing rate increases for wellhead sales of gas to Phillips Petroleum Co. (Phillips) from the Hugoton Field, Sherman and Hansford Counties, Tex. (R.R. District No. 10). Phillips gathers the gas, processes it in its Sherman Gasoline Plant and resells the residue gas to Michigan Wisconsin Pipe Line Co. under its FPC Gas Rate Schedule No. 4 at a rate of 15.22 cents per Mcf, plus tax reimbursement, which is in effect subject to refund in Docket No. RI65-625. Ashland's proposed revenue-sharing increases are based on Phillips' 15.22-cent resale rate. The proposed rates also exceed the applicable area increased rate ceiling of 11.0 cents per Mcf for the area involved. The sales involved are for nonpipeline quality gas. We consider the increased rate ceiling to be applicable at the outlet of the processing plant which is the point of delivery to the pipeline company. Under the circumstances, we believe that Ashland's rate increases should be suspended for 1 day from April 14, 1966, the proposed effective date, as hereinbefore ordered.

Chiles Drilling Co. (Operator), et al. (Chiles) proposes a periodic rate increase from 11.0 cents to 12.0 cents per Mcf for gas sold to Almos Gas Gathering Co. (Almos). Almos gathers and resells the gas, together with gas which it purchases from other producers in the area at initial 11.0-cent and 12.0-cent rates, to United Gas Pipe Line Co., pursuant to Almos' FPC Gas Rate Schedule No. 1 at a rate of 13.4194 cents per Mcf. A periodic increase to 14.25 cents plus tax reimbursement will be contractually due under Almos' rate schedule on June 1, 1967, a suspendable rate under current Commission Policy as exceeding the area increased ceiling. Since the 14.0 cents per Mcf increased rate ceiling in Texas Railroad District No. 2 announced in the Commission's Statement of General Policy No. 61-1, as amended, is applicable to the resale rate of Almos, we conclude that Chiles' proposed increased rate should be suspended for 1 day from June 1, 1966, the proposed effective date.

[F.R. Doc. 66-4074; Filed, Apr. 15, 1966; 8:45 a.m.]

[1] Does not consolidate for hearing or dispose of the several matters herein.

[Docket No. CS66-4, etc.]

BOGLE FARMS, INC., ET AL.

Findings and Order After Statutory Hearing

APRIL 8, 1966.

Each Applicant herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a small producer certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications.

All Applicants, except in Docket No. CS66-39, have heretofore been authorized to sell natural gas from the Permian Basin area. Therefore, the small producer certificates issued to them shall be effective on the date of this order. The small producer certificate issued in Docket No. CS66-39 shall be effective on the date of initial delivery.

Applicants' presently effective certificates and FPC gas rate schedules for sales from the Permian Basin area to be continued under small producer certificates are listed in the appendix hereto. The certificates will be terminated and the rate schedules will be canceled. Sam D. Ares, Applicant in Docket No. CS66-46, proposes to continue the sale of natural gas heretofore authorized in Docket No. CI62-285 and made pursuant to A. F. Roberts, Jr. (Operator), et al., FPC Gas Rate Schedule No. 1. The certificate hereinafter issued in Docket No. CS66-46 shall be construed to include said sale.

Applicant in Docket No. CS66-37 is presently authorized to sell natural gas from the Permian Basin area pursuant to temporary certificates issued in Docket Nos. CI62-336 and CI64-732, and Applicants in Docket Nos. CS66-44, CS66-46, and CS66-57 are presently authorized to sell natural gas from the Permian Basin area pursuant to temporary certificates heretofore issued in Docket Nos. CI66-616, CI66-135, and CI65-911 respectively. The applications in Docket Nos. CI62-336, CI64-732, and CI65-911 are consolidated with the proceeding on the Order to Show Cause issued August 5, 1965, in Docket No. AR61-1, et al. The applications will be severed from said proceeding, all of the temporary certificates will be canceled and the applications pending in said dockets will be dismissed as moot.

Applicant in Docket No. CS66-23 has heretofore filed increases in rate which were suspended in Docket Nos. RI60-147 and RI60-179 and have not been made effective. Docket Nos. RI60-147 and RI60-179 were consolidated with the original proceeding in Docket No. AR61-1, et al. Inasmuch as the increases have not been made effective, proceedings in Docket Nos. RI60-147 and RI60-179 will be terminated.

After due notice no notice of intervention, petition to intervene or protest to the granting of the applications has been received.

At a hearing held on April 7, 1966, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon commencement of service under the authorization hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications herein and in the appendix hereto, will be made in interstate commerce subject to the jurisdiction of the Commission, and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) Applicants are or will be independent producers of natural gas who are not affiliated with natural gas pipeline companies and whose total jurisdictional sales on a nationwide basis, together with sales of affiliated producers, were not in excess of 10,000,000 Mcf at 14.65 p.s.i.a. during the preceding calendar year.

(5) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity, and small producer certificates of public convenience and necessity therefor should be issued as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to Applicants for sales of natural gas from the Permian Basin, which sales will be continued under the small producer certificates issued hereinafter, should be terminated, and the related FPC gas rate schedules should be canceled.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceedings pending in Docket Nos. CI62-336, CI64-732, and CI65-911 should be severed from the proceeding on the Order to Show Cause issued August 5, 1965, in Docket No. AR61-1, et al.; that the applications pending in Docket Nos. CI62-336, CI64-732, CI65-911, CI66-135, and CI66-616 should be dismissed as moot; and that the proceedings pending in Docket Nos. RI60-147 and RI60-179 should be terminated.

The Commission orders:

(A) Small producer certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing the sale for resale and delivery of natural gas in interstate commerce by Applicants from the Permian Basin area of Texas and New Mexico, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the appendix hereto and in the applications in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission, and particularly,

(a) The subject certificates shall be applicable only to all previous and all future "small producer sales," as defined in § 157.40(a)(3) of the regulations under the Natural Gas Act, from the Permian Basin area,

(b) Sales shall not be at rates in excess of those set forth in § 157.40(b)(1) of the regulations under the Natural Gas Act, and

(c) Applicants shall file annual statements pursuant to § 154.104 of the regulations under the Natural Gas Act.

(C) The certificates granted in paragraph (A) above shall remain in effect for small producer sales until the Commission on its own motion or on application terminates said certificates because Applicants no longer qualify as small producers or fail to comply with the requirements of the Natural Gas Act, the regulations thereunder, or the terms of the certificates. Upon such termination Applicants will be required to file separate certificate applications and individual rate schedules for future sales. To the extent compliance with the terms and conditions of this order is observed, the small producer certificates will still be effective as to those sales already included thereunder.

(D) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the cer-

tificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7 (b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales subject to said certificates.

(E) The certificates issued in all dockets except CS66–39 shall be effective on the date of this order. The certificate issued in Docket No. CS66–39 shall be effective on the date of initial delivery.

(F) The certificates heretofore issued to Applicants for sales proposed to be continued under small producer certificates are terminated and the related FPC gas rate schedules are canceled.

(G) The proceedings pending in Docket Nos. CI62–336, CI64–732, and CI65–911 are severed from the proceeding on the Order to Show Cause issued August 5, 1965, in Docket No. AR61–1, et al.

(H) The applications pending in Docket Nos. CI62–336, CI64–732, CI65–911, CI66–135, and CI66–616 are dismissed as moot.

(I) The proceedings pending in Docket Nos. RI60–147 and RI60–179 are terminated.

By the Commission.

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

APPENDIX

Docket No. and filing date	Applicant	Canceled FPC gas rate schedule	Terminated certificate docket No.
CS66–4 11–15–65	Bogle Farms, Inc.	1	CI63–1318.
CS66–19 10–15–65	Yucca Petroleum Co.	1	G–5993.
CS66–23 11–8–65	Slade, Inc.	[1] 4 [2 3] 6	G–18224. CI60–174.
CS66–27 11–17–65	Morris R. Antwell	1	CI60–528.
CS66–31 11–29–65	C. R. Gallagher	[3] 1	CI61–1259.
CS66–37 12–6–65	W. K. Byrom	[3] 1 [3] 2 [3] 3 [3] 4 5 6	CI61–1549. G–18050. G–18051. G–18049. CI62–336.[4] CI64–732.[4]
CS66–39 12–8–65	Edward H. Leede		
CS66–42 12–13–65	Sid Lanier	1	CI62–1528.
CS66–43 12–13–65	Ed E. Watts	1 2	CI60–683. CI60–682.
CS66–44 12–20–65	Chapman & Poland	1	CI66–616.[4]
CS66–46 12–13–65	Sam D. Ares	1 [2] 2 [3] 3 [3] 4 [3] 5 [6] 1	CI63–1194. CI64–1465. CI65–857. CI65–1313. CI66–135.[4] CI62–285.[7]
CS66–54 12–30–65	Cactus Drilling Co.	1	CI63–512.
CS66–57 12–30–65	Southern Petroleum Exploration, Inc.	16	CI65–911.[4]
CS66–58 1–3–66	J. T. Langham	[3] 1	CI62–1406.

[1] Increase in rate is suspended in Docket No. RI60–147 and is not effective.
[2] Increase in rate is suspended in Docket No. RI60–179 and is not effective.
[3] "(Operator), et al."
[4] Temporary certificate.
[5] "et al."
[6] Rate schedule is designated as A. F. Roberts, Jr. (Operator), et al., FPC Gas Rate Schedule No. 1.
[7] Certificate issued to A. F. Roberts, Jr. (Operator), et al., successor in interest to Sam D. Ares.

[F.R. Doc. 66–4075; Filed, Apr. 15, 1966; 8:45 a.m.]

[Docket No. RI66–337, etc.]

HORIZON OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

APRIL 8, 1966.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) 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 25, 1966.

By the Commission.

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

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

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.
RI66-337	N. Bruce Calder and Curtis E. Calder, Jr., d.b.a. Horizon Oil & Gas Co., 940 Hartford Bldg., Dallas, Tex., 75201.	14	8	Transwestern Pipeline Co. (Hansford Field, Hansford County, Tex.) (R.R. District No. 10).	$2,531	3-18-66	[2] 4-18-66	9-18-66	[3] 17.0	[2] [4] [5] 19.5	
RI66-338	Oklahoma Natural Gas Co., Post Office Box 871, Tulsa, Okla., 74102.	6	11	Michigan Wisconsin Pipe Line Co. (Laverne Area, Beaver and Harper Counties, Okla.) (Panhandle Area).	103,627	3-14-66	[2] 4-14-66	9-14-66	[6] 17.89	[2] [4] [5] 20.39	
	do	12	3	Panhandle Eastern Pipe Line Co. (Glenwood Field, Beaver County, Okla.) (Panhandle Area).	1,161	3-16-66	[2] 4-16-66	9-16-66	[7] 19.36	[2] [4] [7] 22.2105	
RI66-339	Arkla Exploration Co., Slattery Bldg., Shreveport, La., 71101.	11	10	United Gas Pipe Line Co. (Ada Area, Bienville Parish, La.) (North Louisiana).	21,000	3-16-66	[2] 4-16-66	9-16-66	[8] 18.25	[2] [8] [9] 21.75	

[2] The stated effective date is the effective date requested by Respondent.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to a downward B.t.u. adjustment.
[6] Subject to upward and downward B.t.u. adjustment (Rate includes 0.89 cent upward B.t.u. adjustment based on 1/100 cent per Mcf for each B.t.u. in excess of 1000—filing reflects that gas contains 1089 B.t.u.'s per cubic foot.
[7] Subject to proportionate upward and downward B.t.u. adjustment (Rate includes 2.363 cents upward B.t.u. adjustment before increase and 2.7105 cents after increase—filing reflects that gas presently contains 1139 B.t.u.'s per cubic foot.
[8] Includes 1.75 cents per Mcf tax reimbursement.
[9] Pressure base is 15.025 p.s.i.a.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended [18 CFR, Chapter I, Part 2, § 2.56].

[F.R. Doc. 66-4076; Filed, Apr. 15, 1966; 8:45 a.m.]

[Docket No. RI66-334]

MIDHURST OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, Effective Subject to Refund

APRIL 8, 1966.

On March 9, 1966, Midhurst Oil Corp. (Midhurst) [1] tendered for filing proposed changes in its 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.
RI66-334	Midhurst Oil Corp., 1030 Bank of the Southwest Bldg., Houston, Tex., Attention: Mr. L. R. Metcalf.	5	4	El Paso Natural Gas Co. (Jack Herbert Field, Upton County, Tex.) (R.R. District No. 7-c) (Permian Basin Area).	$180	3-9-66	[2] 4-9-66	[3] 4-10-66	13.6823	[4] [5] 14.5	RI60-103.
	Midhurst Oil Corp	2	13	El Paso Natural Gas Co. (Jack Herbert Field, Upton County, Tex.) (R.R. District No. 7-c) (Permian Basin Area).	90	3-9-66	[2] 4-9-66	[3] 4-10-66	13.6823	[4] [6] 14.5	RI60-103.

[2] The stated effective date is the first day after expiration of the statutory notice.
[3] The suspension period is limited to 1 day.
[4] "Fractured" rate increase. (Contract provides for 15.0 cents rate effective June 1, 1964.)
[5] Pressure base is 14.65 p.s.i.a.
[6] Relates only to casinghead gas.

Midhurst requests that its proposed rate increases be permitted to become effective as of the date of filing, March 9, 1966. 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 Midhurst's rate filings and such request is denied.

Midhurst, a producer-respondent in the Permian Basin Opinion No. 468, proposes "fractured" rate increases from 13.6823 cents to 14.5 cents per Mcf, amounting to $270 annually, for sales of residue gas derived from casinghead gas to El Paso Natural Gas Co. in the Permian Basin Area of Texas. The proposed rates are equal to the applicable area ceiling base rate of 14.5 cents per Mcf prescribed by Opinion No. 468. Midhurst's contractually due rate for these two sales is 15.0 cents per Mcf.

The proposed increased rates involve Spraberry-type contracts which contain the provision that the percentage of the liquid products retained by the buyer is deemed to cover all costs of gathering and processing the casinghead gas in buyer's gasoline plant. With respect to quality, the only contract provision in this respect is that the casinghead gas shall be delivered at approximately 15 p.s.i.g. and that the casinghead gas, as well as the residue gas derived therefrom, shall not contain acid gases or inerts to the extent that the residue gas derived therefrom would contain less than 1000 B.t.u.'s. Midhurst's FPC Gas Rate Schedule No. 2 provides for the sale of gas-well gas in addition to residue gas but the notice of change in rate is for the residue gas only.

Although Midhurst's increased rates are equal to the area base rate prescribed in Opinion Nos. 468 and 468-A, they may require adjustment for less than pipeline quality gas. Midhurst, to date, has not submitted Rate Schedule-Quality Statements for the subject sales. Since the quality of the residue gas is not known at this time, we conclude that Midhurst's proposed rates should be suspended for 1 day from April 9, 1966, the date of expiration of the statutory notice, subject to the submittal by Midhurst of Rate Schedule-Quality Statements in the form prescribed by the Permian Basin opinions as set forth below.

Midhurst shall file within 30 days of the date of issuance of this order, a statement setting forth either that the residue gas sold under the subject rate

[1] Address is: 1030 Bank of the Southwest Building, Houston, Tex., Attention: Mr. L. R. Metcalf.

schedules accords with all pipeline quality standards established in Opinion Nos. 468 and 468–A, or in which respects the residue gas deviates from such standards; the agreed cost to the purchaser to bring it to the pipeline quality standards established there with respect to each quality deviation; any upward or downward B.t.u. adjustment; and the resulting applicable area rate for the gas. Such statement shall be signed by both the seller and the purchaser. If the seller and the purchaser are unable to agree upon any or all of the particulars entering into the computation of the applicable area rate, the seller shall file the statement herein required which shall indicate the absence of agreement and supply the information required to compute the applicable area rate as well as the contentions of the parties with respect to the quality and the amount of the adjustment for any item in dispute. The purchaser may file a separate statement setting forth its views within the period herein provided.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes, and that Supplement Nos. 4 and 13 to Midhurst's FPC Gas Rate Schedule Nos. 5 and 2, respectively, be suspended and the use thereof deferred as hereinafter order.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement Nos. 4 and 13 to Midhurst's FPC Gas Rate Schedule Nos. 5 and 2, respectively.

(B) Pending such hearing and decision thereon, Supplement Nos. 4 and 13 to Midhurst's FPC Gas Rate Schedule Nos. 5 and 2, respectively, are hereby suspended and the use thereof deferred until April 9, 1966, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Midhurst, as set forth herein, shall become effective subject to refund on the date in the manner herein prescribed if within 20 days from the date of the issuance of this order, Midhurst shall execute and file under Docket No. RI66–334, with the Secretary of the Commission, its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser, El Paso Natural Gas Co. Unless Midhurst is advised to the contrary within 15 days from the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) 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 25, 1966.

By the Commission.

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

[F.R. Doc. 66–4077; Filed, Apr. 15, 1966; 8:45 a.m.]

[Docket No. CP66–313]

INLAND GAS CO., INC.

Notice of Application

APRIL 11, 1966.

Take notice that on April 1, 1966, The Inland Gas Co., Inc. (Applicant), 340 17th Street, Ashland, Ky., 41101, filed in Docket No. CP66–313 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the sale and delivery of natural gas to Air Products & Chemicals, Inc. (Air Products), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct approximately 420 feet of 3½-inch gas transmission pipeline together with the necessary regulating and measuring facilities for the sale and delivery of natural gas for industrial service to Air Products.

Applicant states that Air Products is located approximately 420 feet from Applicant's existing 16-inch transmission pipeline extending north from Floyd County, Ky. Applicant further states that the estimated annual requirements of Air Products are 91,250 Mcf of gas for the first full year and for several years subsequent thereto and that the average daily requirement is estimated to be approximately 250 Mcf with a possible range of between 200 Mcf and 300 Mcf.

The application states that Applicant produces and purchases gas in Boyd, Knott, Floyd, Lawrence, Magoffin, Letcher, Pike, and Johnson Counties, Ky., and also purchases gas from Tennessee Gas Transmission Co. in Boyd and Carter Counties, Ky. The application further states that Applicant will be able to render the proposed service without impairing its ability to render adequate service to its present customers.

The total estimated cost of Applicant's proposed facilities is $3,510, which cost 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 May 9, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66–4117; Filed, Apr. 15, 1966; 8:45 a.m.]

SOUTHERN NATURAL GAS CO.

Notice of Application

APRIL 11, 1966.

Take notice that on April 4, 1966, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala., 35202, filed in Docket No. CP66–314 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities required to deliver natural gas on an interruptible basis to Paymaster Oil Mill Co., a division of Anderson, Clayton & Co., Inc. (Paymaster), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the following natural gas facilities in Warren County, Miss.

(1) A line tap located at approximately M.P. 1.735 on Applicant's Vicksburg Harbor Project lateral pipeline;

(2) 520 feet of 3½-inch pipeline from the said tap to Paymaster's plant; and

(3) A measuring station at the terminus of the said 3½-inch pipeline.

Paymaster's estimated natural gas requirements to be served through the proposed facilities are 1,500 Mcf per day. The service will be on an interruptible basis and rendered pursuant to a contract between Applicant and Paymaster dated February 25, 1966. Paymaster will utilize the gas in its plant, which is now under construction, for the processing of soybeans.

The estimated cost of the facilities to be constructed by Applicant is $23,690,

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 May 9, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-4118; Filed, Apr. 15, 1966; 8:45 a.m.]

[Docket No. CP66-209]

TOWN OF MASON, TENN., AND TRUNKLINE GAS CO.

Notice of Date of Hearing

APRIL 11, 1966.

The above-docketed application of the town of Mason, Tenn. (Applicant), filed on December 27, 1965, pursuant to section 7(a) of the Natural Gas Act, was the subject of a Commission notice issued January 5, 1966, and published in the FEDERAL REGISTER on January 13, 1966 (31 F.R. 462). Applicant seeks an order of the Commission directing Trunkline Gas Co. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant up to 148 Mcf of natural gas per day, Applicant's third year peak day requirement, for resale and distribution in Mason, Tenn. On March 1, 1966, Applicant filed a supplement to the subject application.

Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 3, 7, and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 3, 1966, at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., 20426, concerning the matters involved in and the issues presented by the application, as supplemented, in this proceeding.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-4119; Filed, Apr. 15, 1966; 8:45 a.m.]

[Docket Nos. G-8932, CP66-315]

EL PASO NATURAL GAS CO.

Notice of Application and Petitions To Amend

APRIL 11, 1966.

Take notice that on April 5, 1966, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex., 79999, filed in Docket No. G-8932 a petition to amend the order issued, pursuant to section 3 of the Natural Gas Act, in said docket on November 25, 1955, and amended on October 26, 1956, and December 10, 1965, by increasing to 500 MMcf per day (at 14.9 psia) the amount of natural gas which Applicant is authorized to import from Canada into the United States at a point on the international boundary near Sumas, Wash. Also on April 5, 1966, Applicant filed in the same docket another petition to amend requesting authorization for the continued importation of 50,575 Mcf of natural gas (at 14.73 psia or 50 MMcf at 14.9 psia) purchased on an interruptible basis from Westcoast Transmission Co., Ltd. (Westcoast), through December 31, 1966, or until Applicant and Westcoast have completed necessary facilities and Westcoast is prepared to deliver a daily quantity of 404,600 Mcf (at 14.73 psia or 400 MMcf at 14.9 psia) under a Second Service Agreement dated February 28, 1966.

On the same day, Applicant filed in Docket No. CP66-315 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities to be constructed in its Northwest Division System and the transportation and delivery of natural gas, to accommodate the increased import volumes for which authorization is sought in Docket No. G-8932. These proposals are more fully set forth in the application and the petitions to amend which are on file with the Commission and open to public inspection.

By the original order of November 25, 1955, Pacific Northwest Pipeline Corp. (Pacific) was authorized to import, pursuant to section 3 of the Natural Gas Act, up to 303,462 Mcf of natural gas per day at a point on the international boundary near Sumas, Wash.[1] The gas is purchased from Westcoast on a firm basis pursuant to an agreement between the parties dated December 11, 1954 (First Service Agreement). On December 10, 1965, Applicant was authorized to import 50,575 Mcf per day of natural gas purchased on an interruptible basis from Westcoast, pursuant to their agreement dated September 20, 1965 (Interruptible Contract). This authorization was for a limited term extending through April 30, 1966. Applicant seeks to have the Interruptible Contract Volumes continued until arrangements are complete for the importation of the volumes to be purchased under the Second Service Agreement.

Under an agreement dated February 28, 1966 (Second Service Agreement), which, upon receipt of appropriate authorizations and completion of certain facilities, is designed to supplant the First Service Agreement, Westcoast will continue to deliver 300 MMcf of natural gas per day (at 14.9 p.s.i.a.) at the same Sumas import point. Westcoast is also obligated to deliver a further daily quantity of 100 MMcf. The Second Service Agreement also obligates Westcoast to deliver a further daily quantity of 100 MMcf effective November 1, 1967, and yet a further daily quantity of 100 MMcf effective November 1, 1969. Provision is also made for still further deliveries, at Applicant's option, of up to 300 MMcf per day during the 4-year period commencing November 1, 1970. The instant application, in conformity with a petition to amend filed in Docket No. G-8932, is directed to facilities, and authorizations to transport, necessary to implement receipt and authorization of the first two 100 MMcf contract demand increments above the present contract demand quantity of 300 MMcf. The potential contract demand under the Second Service Agreement is 900 MMcf beginning November 1, 1974, and extending through the term of the agreement. The primary term of the Second Service Agreement has been extended, from that of the First Service Agreement, from December 31, 1977, through October 31, 1991.

Applicant seeks authorization in Docket No. 8932 to import 400 MMcf on or about November 1, 1966, and an increase thereof to 500 MMcf on November 1, 1967. Applicant states that these quantities will be sufficient to meet projected firm demands to be served by its Northwest Division System during the succeeding three heating seasons.

Facilities which Applicant states are required to accommodate the initial two increments of 100 MMcf each in the contract demand will be installed in two construction phases by November 1, 1966, and November 1, 1967, respectively. The facilities are specifically described as follows:

A. *Compressor stations.* 1. Two 4,000 horsepower gas engine-driven reciprocating compressor units and appurtenances at Applicant's existing Compressor Station No. 18, Whatcom County, Wash.;

2. Two 4,000 horsepower gas engine-driven reciprocating compressor units

[1] Applicant acquired and continued operation of Pacific's system beginning in 1959. In 1964 the U.S. Supreme Court found that Applicant's acquisition of and merger with Pacific was in violation of sec. 7 of the Clayton Act. Applicant now has an application pending designed to divest itself of its Northwest Division System to Northwest Pipeline Corp. (Northwest). (See Applicant's filing in Docket No. CP66-27 and Northwest's filings in Docket Nos. CP66-28, CP66-29, and CP66-30.)

and appurtenances at a new Compressor Station No. 17 in Skagit County, Wash.;

3. Two 4,000 horsepower gas engine-driven reciprocating compressor units and appurtenances at a new Compressor Station No. 16 in Snohomish County, Wash.;

4. One 4,000 horsepower gas engine-driven reciprocating compressor unit and appurtenances at a new Compressor Station No. 15 in Pierce County, Wash.; and

5. Two 1,068 horsepower gas turbine-driven centrifugal compressor units and appurtenances at a new McMinnville Station in Marion County, Wash.

B. *Maineline loops.* Approximately 11.0 miles of 30-inch O.D. pipeline and appurtenances, including a single submerged crossing of the Nooksack River, looping Applicant's 26-inch O.D. Northwest Division mainline from Milepost 1468 to Milepost 1457, all in Whatcom County, Wash.

C. *Metering facilities.* Four 12¾-inch O.D. orifice-type purchase meters and appurtenances located at Applicant's existing Sumas Meter Station situated near the international boundary between the United States and Canada, Whatcom County, Wash.

During the first phase of construction, Applicant proposes to construct one each of the two 4,000 horsepower compressor units at Compressor Station Nos. 18, 17, and 16 and two of the four 12¾-inch O.D. meter runs. During the second phase, prior to November 1, 1967, the remainder of the above-described facilities will be constructed.

Applicant states that certain curtailments of interruptible industrial service during the past heating season have led a number of the industrial customers to request service on a firm basis. This development, coupled with the normal increases in the firm loads, necessitates the request by Applicant in these filings for authorization to import additional quantities of natural gas and to construct and operate the new facilities. Applicant estimates that the demand for firm service will exceed the present capacity of its facilities in the area.

The estimated total cost of construction is $11,927,000. Applicant states that this amount, coupled with other construction contemplated for 1966, will be financed with current working funds, supplemented as necessary by short term bank loans. Applicant further assumes that the construction of the proposed facilities will result in Northwest assuming an additional $10,000,000 in Applicant's bonds upon divestiture.

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 May 9, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on the application filed in Docket No. CP66–315 if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66–4120; Filed, Apr. 15, 1966; 8:45 a.m.]

[Docket No. CI66–890, etc.]

CONTINENTAL OIL CO., ET AL.

Notice of Applications [1]

APRIL 11, 1966.

Continental Oil Co., Docket No. CI66–890; Sun Oil Co., Docket No. CI66–891; M. H. Marr, Docket No. CI66–892; Pan American Petroleum Corp., Docket No. CI66–910; and General Crude Oil Co., Docket No. CI66–919.

Take notice that each Applicant herein has filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce for ultimate public consumption by means of the assignment and conveyance of leases of gas producing properties, all as more fully set forth in the appendix hereto and in the applications which are on file with the Commission and open to public inspection.

The applications in Docket Nos. CI66–890, CI66–891, CI66–892, and CI66–919 have been filed pursuant to the orders accompanying Commission Opinion Nos. 378, 29 FPC 249, and 378–A, 30 FPC 153, which were ultimately affirmed in United Gas Improvement Co. v. Continental Oil Co., et al., 381 U.S. 392. The application in Docket No. CI66–910 has been filed pursuant to the order accompanying Commission Opinion No. 413, 30 FPC 1477, which was ultimately affirmed in FPC v. Pan American Petroleum Corp., 381 U.S. 762.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 6, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

APPENDIX

Docket No. and filing date	Applicant	Purchaser	Location
CI66–890 3–24–66	Continental Oil Co., Post Office Box 2197, Houston, Tex., 77001.	Louisiana Gas Corp., Texas Eastern Transmission Corp.[1]	Rayne Field, Acadia Parish, La.
CI66–891 3–24–66	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa., 19103.	do [1]	Do.
CI66–892 3–24–66	M. H. Marr, 2500 Republic National Bank Bldg., Dallas, Tex., 75201.	do [1]	Do.
CI66–910 3–29–66	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla., 74102.	Tennessee Gas Transmission Co.	Bastian Bay Field, Plaquemines Parish, La.
CI66–919 3–29–66	General Crude Oil Co., Post Office Box 2252, Houston, Tex., 77001.	Louisiana Gas Corp., Texas Eastern Transmission Corp.[1]	Rayne Field, Acadia Parish, La.

[1] The subject producing properties were assigned to Louisiana Gas Corp. which simultaneously assigned them to Texas Eastern Transmission Corp.

[F.R. Doc. 66–4122; Filed, Apr. 15, 1966; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

UNITED SECURITY LIFE INSURANCE CO.

Order Suspending Trading

APRIL 12, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value, of United Security Life Insurance Co., Birmingham, Ala., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading is such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 13, 1966, through April 22, 1966, both dates inclusive.

[1] This notice does not provide for consolidation for hearing of the several applications herein, nor should it be so construed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-4145; Filed, Apr. 15, 1966; 8:45 a.m.]

[File No. 70-4366]

ARKANSAS POWER & LIGHT CO.

Proposed Charter Amendments

APRIL 12, 1966.

Notice is hereby given that Arkansas Power & Light Co. ("Arkansas"), Ninth and Louisiana Streets, Little Rock, Ark., 72203, an electric utility company and a subsidiary company of Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed an amended declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a)(2), 7, and 12(e) of the Act and Rules 23 and 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transactions.

Arkansas proposes to amend its Agreement of Consolidation or Merger ("charter"), so as to increase its authorized preferred stock, par value $100 per share, from 500,000 shares to 1,000,000 shares. Arkansas also proposes to amend its charter to conform to certain conditions contained in prior orders of this Commission permitting Arkansas to issue and sell various series of its preferred stock (Holding Company Act Release Nos. 13992 (Apr. 29, 1959); 15137 (Oct. 13, 1964); and 15213 (Mar. 30, 1965)). The conditions principally relate to limitations upon the right of the company (a) to alter, amend or repeal any of the rights, preferences, or powers of the holders of the preferred stock; (b) to merge or consolidate with any other corporation, or otherwise dispose of all or substantially all of the company's assets; (c) to issue or assume unsecured indebtedness; and (d) to purchase or otherwise acquire outstanding shares of preferred stock.

The proposed charter amendments will be submitted to all the stockholders for their approval at a special meeting of the holders of the common and preferred stocks of Arkansas to be held on July 28, 1966. In connection therewith, Arkansas proposes to solicit proxies from the holders of its preferred stock, and the proposed solicitation material sets forth in detail the amendments as to which their proxies are to be solicited. The declaration states that under the applicable provisions of the Arkansas Business Corporation Act, the affirmative vote of the holders of at least two-thirds of all outstanding shares of common and preferred stocks, as well as the affirmative vote of the holders of at least two-thirds of all outstanding shares of preferred stock, voting separately as a class, will be required for the adoption of the proposed amendments. Middle South, the holder of all of the outstanding shares of the common stock of Arkansas will vote such shares in favor of the proposed amendments.

The expenses to be incurred in connection with the proposed transactions are estimated to total $7,250, including legal fees of $3,000 and printing costs of $2,500.

The filing states that the Arkansas Public Service Commission has asserted jurisdiction over the proposed charter amendments, and a copy of its order will be supplied by amendment. No other State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed charter amendments.

Notice is further given that any interested person may, not later than April 29, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing), upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate), should be filed contemporaneously with the request. At any time after said date, the amended declaration, as filed or as further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-4146; Filed, Apr. 15, 1966; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[No. 3666; Ex Parte No. MC-13]

NITROMETHANE

Transportation Found Lawful

Transportation of nitromethane mixtures, stabilized in bulk, in railroad tank cars and in tank motor vehicles, subject to prescribed regulations, found lawful. Commission's order of September 10, 1958, amended.

Eugene T. Liipfert for petitioner. John H. Doeringer, Edward G. Howard, and Kenneth H. Lundmark for intervenors. Wellington McNichols and Asa J. Merrill for the Bureau of Enforcement, Interstate Commerce Commission.

REPORT AND ORDER

Recommended by Albert E. Luttrell, Hearing Examiner: By a notice of proposed rule making dated December 29, 1964, the Commission gave notice that it had under consideration amendment of its order dated September 10, 1958, which prohibits shipments of nitromethane in bulk, in railroad tank cars and in tank motor vehicles. The proposed amendment would permit the transportation of nitromethane mixtures, stabilized, in bulk, in railroad tank cars and in tank motor vehicles when approved for transportation by the Bureau of Explosives of the Association of American Railroads. The amendment is sought by Commercial Solvents Corp., hereinafter called CSC or petitioner, the only producer of commercial quantities of nitromethane formulations in the United States.

Hearing was held on December 20–22, 1965, at which CSC offered evidence in support of its proposed amendment. It submitted verified written statements from Dr. Richard S. Egly, Director of Process Development for CSC; James M. Hubbard, Assistant Vice President, Liberty Mutual Insurance Co., Boston, Mass.; Louis G. Shelton, Section Superintendent, Dow Chemical Co., Freeport, Tex.; William W. Wilson, Shipping Superintendent, CSC, and Dr. Frank E. Dolian, Manager, Technical Staff, Sales Division, CSC.

The Illinois Central Railroad Co., hereinafter called IC, intervenor in opposition to the proposed amendment, submitted verified written statements from Dr. Gerard V. Smith, an Assistant Professor in the Department of Chemistry of the Illinois Institute of Technology, and from Herbert L. Williams, General Superintendent, IC, Chicago, Ill.

The Bureau of Enforcement of the Interstate Commerce Commission, intervenor, offered testimony by Dr. Glenn H. Damon, Staff Research Coordinator, Explosives, Bureau of Mines, U.S. Department of Interior, Washington, D.C. In its brief the Bureau asks that the petition be denied.

The Association of American Railroads, hereinafter called AAR, offered no evidence but a statement filed in advance of hearing stated:

1. The AAR has reviewed the results of tests and experiments that have been performed on the substance described as nitromethane mixtures, stabilized, as furnished to the Commission, including those performed by a manufacturer of such substance and by the Bureau of Explosives. It appears from the reports describing such tests and experiments that the mixture so designated is not explosive under the applicable standards prescribed by the Commission's regulations.

2. For the foregoing reasons the AAR submits that the words "when approved for transportation by the Bureau of Explosives" should not appear in any regulation the Commission may adopt pursuant to its Notice. The Bureau of Explosives has no responsibilities respecting approval for transportation of

materials that do not fall within the definition of explosives or other dangerous articles contained in the Commission's rules and regulations affecting those subjects.

3. The rule adopted by the Commission herein should specify the composition of the substance to which it relates and should prescribe the vehicles in which it may be shipped.

The Manager of the Laboratory Research Center of the New York Central Railroad Co., hereinafter called New York Central, described certain conditions which he would recommend to his management relating to transportation of any stabilized nitromethane mixtures approved by the Commission. He also recommended other conditions relating to sampling and billing descriptions to be incorporated in any Commission regulation approving transportation of stabilized nitromethane mixtures.

CSC is a manufacturer of industrial chemicals, agricultural chemicals, animal feed additives, carbon black, resin vehicles, and bulk pharmaceuticals. The principal plants of petitioner are located at Sterlington, La., Terre Haute, Ind., Marion, Ill., Agnew, Calif., Tacoma, Wash., Harvey, La., Newark, N.J., Garfield, N.J., and Chicago, Ill. CSC has been engaged in the manufacture of nitroparaffins including nitromethane, since 1936, and on a commercial scale since 1940. All nitroparaffins and most nitroparaffin derivatives are now produced at Sterlington. Nitromethane has three principal commercial use categories. It is useful as a stabilizer for halogenated hydrocarbons which are used as industrial solvents, as a starting point synthesis of other chemical compounds, and as an energy source or fuel. Nitromethane possesses many excellent properties for industrial applications. Nitromethane has the chemical formula, CH,3NO2 and the commercial grade of nitromethane is approximately 96 percent pure nitromethane.

The embargo placed on the transportation of nitromethane, in bulk, in railroad tank cars and in tank motor vehicles, followed the explosion of two tank cars of nitromethane, one at Niagara Falls, N.Y., on January 22, 1958, and the other at Mount Pulaski, Ill., on June 1, 1958. A report of the latter explosion appears in Accident Near Mount Pulaski, Ill., 305 ICC 81. The record in that proceeding consisted primarily of testimony of employees of IC upon whose right-of-way the accident occurred. The Commission's report found: (1) The car of nitromethane had been shipped by CSC from its plant at Sterlington, (2) the cause of the accident was the explosion of a tank car loaded with nitromethane, (3) the cause of the explosion could not be determined from the facts developed in its investigation, and (4) under certain conditions nitromethane can become a dangerous explosive.

No loss of life resulted from the Niagara Falls explosion and the property loss and damage is unknown. The Mount Pulaski explosion resulted in the death of two members of the train crew, injuries to over 40 people in the community, and property damage amounting to over $1,000,000. In both explosions the tank cars were on railroad sidings.

Prior to the two explosions commercial grade nitromethane was manufactured, shipped, and used without incident for many years, utilizing the same precautions taken in connection with other organic solvents. It was shipped in 55-gallon steel drums, in tank cars, and in tank trucks without incident until 1958. Since the embargo, nitromethane has been shipped only in 55-gallon steel drums. These drums normally contain 50 gallons of commercial nitromethane and 5 gallons of a nitrogen blanket. There has never been an explosion with a drum shipment.

CSC is not seeking approval of the transportation in bulk by railroad tank cars or by tank motor vehicles of commercial grade nitromethane which was involved in the two explosions. On the basis of extensive tests performed by itself or by others with materials which stabilize nitromethane it is seeking amendment of the Commission's rules to permit the following stabilized nitromethane mixtures to be transported in bulk in railroad tank cars and in tank motor vehicles constructed of carbon or other steel:

	Minimum amount of stabilizing liquid in mixture (percentage of weight)
Cyclohexanone	25
Toluene	30
Benzene	30
1,L-Butylene Oxide	30
1,4-Dioxane	35
Methanol	40
1-Nitropropane	45
2-Nitropropane	45

Rail tank cars used for transportation of stabilized nitromethane should be of welded construction with provision for top unloading and sealing off of bottom outlets and should be confined to nitroparaffin service.

The stabilizing liquids described above are generally chemicals with which nitromethane is commonly employed in its commercial and industrial application. As a result they can be mixed with nitromethane to stabilize it without producing any impracticable dilution or contamination from the standpoint of the ultimate users. The New York Central states that it will not participate in shipments of nitromethane mixed with nitropropane 1 or 2.

CSC also seeks permission to transport in bulk shipments of other stabilized nitromethane mixtures which are:

1. Completely miscible at temperatures likely to be encountered in transportation;

2. Exhibit zero card gap by CSC tests;

3. Exhibit an average height of 13 feet or less under CSC's heavy confinement cap test; and

4. Exhibit no properties which might contraindicate manufacture, shipment or use.

upon demonstration to the appropriate Commission staff personnel that the foregoing conditions are met in the case of such mixtures.

Petitioner's recommendations came from its Nitromethane Safety Committee which was formed following the 1958 explosions, and were formulated on the basis of knowledge of the factors affecting the stability of nitromethane gained from 25 years experience in its productions, a careful study of the available professional literature, familiarity with studies and experiments conducted by others, and its own studies and experiments with nitromethane.

Commercial grade nitromethane is not an explosive by ICC definition or by the definition of the Bureau of Explosives of the AAR who act as advisers to this Commission regarding explosives and other dangerous articles. The Bureau of Explosives defines an explosive in terms of utility "as any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion; i.e., with substantially instantaneous release of gas and heat, unless such compound, mixture, or device is otherwise specifically classified." Explosives are further subdivided by class and type depending on whether they can be detonated by means of a No. 8 test blasting cap, their sensitivity to shock as measured by the Bureau of Explosives impact apparatus, their thermal stability and their rate of deflagration. A number of writers in the chemical literature field have referred to unstabilized nitromethane as an explosive. Experiments by CSC and others show that unstabilized nitromethane is basically too stable and difficult to initiate to be classified as an explosive, although it can be detonated in the following three ways:

1. By heating nitromethane to approximately its critical temperature, 599 degrees fahrenheit, under conditions of strong confinement with sufficient material present to allow the pressure to build up to at least the critical pressure of nitromethane. Where nitromethane is heated under atmospheric pressure, it passes into the vapor phase at its boiling point, 214 degrees fahrenheit, and the vapor is harmlessly dissipated. Heating nitromethane vapor above the boiling point leads to no appreciable decomposition until temperatures are well in excess of 600 degrees fahrenheit and causes no apparent hazard. In the process, nitromethane is formed at temperatures 700–900 degrees fahrenheit.

2. By adiabatic compression[1] where the temperatures produced are high

[1] The term adiabatic compression means compression under conditions that permit no escape of heat (generated by the compression) to the external environment. The term usually refers to vapor phase, since liquids cannot be compressed appreciably. Very high vapor phase temperatures can be developed under these conditions. For example, where air is compressed suddenly from atmospheric pressure to 350 pounds, the temperature can rise from 70 degrees fahrenheit to 837 degrees fahrenheit. If the air is in contact with a combustible liquid and if mixed with the vapors of that liquid, sudden compression can raise the temperature above the ignition point so that a fire can result. This is the same principle upon which the diesel engine operates.

enough to result in ignition, deflagration and finally detonation. Pressures sufficient to produce these temperatures must be confined either by the mass of the liquid or by a container with walls thick enough to resist rupture from the pressure long enough (100–500 microseconds) to permit ignition to proceed to deflagration and detonation. Heating, especially by adiabatic compression, is dangerous because nitromethane can ignite and burn as a monopropellant.[2]

3. By a high explosive initiator in, or in direct contact with the nitromethane. It is relatively insensitive to shock at ordinary temperatures. A shock wave strong enough to directly detonate nitromethane, that is to produce detonation within a few microseconds, generates a pressure of 80–90,000 atmospheres in the nitromethane which compresses it locally behind the shock front to about five-eighths of its original volume and heats it to an estimated 1.593 degrees fahrenheit. It becomes somewhat more sensitive to shock as its temperature is raised, and at about 140 degrees fahrenheit it becomes cap sensitive; i.e., it can be detonated by a No. 8 blasting cap placed directly in the nitromethane. In the absence of such a strong shock it exhibits no significant decomposition or instability even at temperatures well in excess of atmospheric pressure boiling point of 101 degrees centigrade.

During World War II nitromethane was known to be a high energy fuel source and because of its monopropellant characteristics was thought suitable for a rocket fuel. In the course of experiments, adiabatic compression was encountered by the sudden introduction of pressurizing gas for the purpose of moving liquids by gas pressure instead of pumps. Explosions occasionally occurred when nitromethane was transferred to the motor or reaction chamber using high pressure gasses to produce high speed of flow of nitromethane through pipes, valves, and nozzles.

It is CSC's purpose in adding the proposed stabilizers to nitromethane to eliminate the hazard of accidental explosion by all the foregoing mentioned mechanisms.

Experiments and Tests on Nitromethane Characteristics

A. The Bureau of Mines of the U.S. Department of Interior. Prior to the 1958 tank car explosions petitioner had been concerned with the possible industrial hazards involved in use of nitromethane which might occur as a result of the addition, accidentally or otherwise, of certain sensitizing agents. Accordingly it commissioned a 3-year study (1955–58) by the Bureau of Mines to learn more about sensitizing and desensitizing nitromethane. The Bureau of Mines tests dealt primarily with the shock sensitivity of nitromethane as shown by what is known as a card-gap test. A test assembly is designed so that a stack of plastic cards may be inserted between the test sample and a powerful initiator. The latter is usually a 50 grain tetryl pellet and an electric blasting cap. The number of cards is varied until a thickness is reached when the sample will detonate on 50 percent of the trials. In the card-gap test commercial grade nitromethane has a gap value of approximately 200 mills (18–20 cards) and 99 percent nitromethane has a gap value of approximately 230 mills. The effect of added materials in the nitromethane on its shock sensitivity can be rather accurately measured by determining the number of cards which can be eliminated and still produce the same test results. When the cards are reduced to zero the mixture may be considered no longer sensitive to detonation by the high explosive charge involved. The Bureau of Mines also conducted what it called a heavy confinement test. As conducted by the Bureau there is a one inch thick wall with a 50 grain tetryl booster in direct contact with the material. In this test a somewhat higher mixture of the recommended stabilizing material was necessary to get to zero card gap. The Bureau of Mines experiments established that: (1) Nitromethane can be desensitized or sensitized to detonation by addition of other chemicals, (2) the chemicals now proposed as stabilizers of nitromethane as well as 1,2-butylene oxide and 1,4-dioxane have a significant desensitizing effect on nitromethane.

B. Tests by Intermountain Research & Engineering Co. The shock sensitivity of nitromethane as well as its sensitivity to high velocity projectile impact was studied at petitioner's request by the Intermountain Research & Engineering Co. of Salt Lake City, Utah, during the period June–July 1958. Dr. Egly of CSC was present during most of the tests and assisted in their supervision. The tests were of two general types, namely (a) drop tests, and (b) projectile impact tests. It was found impossible to detonate drums of nitromethane dropped 50 feet onto a steel plate with protruding pins, on to a steel plate without protruding pins, or on to other drums of nitromethane. No detonations resulted when a 100-pound weight with a sharp pointed nose, one with a rounded nose, and one with a flat nose were dropped 50 feet on to 55 gallon drums of nitromethane. There was evidence that high pressures were developed, at least locally and momentarily within the drums by the impacts, as side walls were stretched and bulged but there were no indications of any decomposition or change in the nitromethane. A .50 caliber special high velocity bullet impact at 3,600 feet per second was found insufficient to detonate a 55-gallon drum of nitromethane with or without the use of steel plates to stop the bullets in the nitromethane. By means of a combination of aeration of nitromethane, steel plate backing and a front steel plate it was possible on one occasion to detonate the nitromethane and on another to cause it to ignite and burn without detonation. Several attempts to duplicate the detonation resulted in failure. No detonations were obtained in the bullet impact tests using the .50 caliber bullet impact test with the nitromethane at 83 and 92 degrees centigrade and the drum back and front surfaced with heavy steel plates. A 55-gallon drum of nitromethane was detonated by a ½-inch thick 6-inch x 6-inch steel plate hurled at the drum by a 10-inch (diameter) by 10-inch (length) cast 50–50 pentolite charge at a distance of 25 feet. These tests indicate that nitromethane is not sensitive to rather extreme shock such as might be encountered in railroad switching operations or highway vehicle operations. The tests also indicate that the sensitivity of nitromethane to shock is not affected significantly by an increase in temperatures to ranges well above those which would be encountered under the most extreme transportation conditions. The .50 caliber projectile detonation of a single drum in the presence of aeration is consistent with the necessity for heavy confinement and conditions of adiabatic compression necessary to create the high temperatures and maintain the pressures requisite for detonation of nitrogen. Without these favorable conditions for adiabatic compression and confined burning, an extremely high object, propelled by high explosive charges, was necessary to secure detonation. The nitromethane used in these tests was reused several times and was exposed to air, dust and other desert contaminations.

The foregoing shock sensitivity tests were performed solely on drums of commercial nitromethane and not on tank cars. Dr. Egly stated that if a tank car had been dropped on a bed of steel spikes he did not know what would happen but it would be more likely to explode than in a thin walled container which would break or bulge. The Bureau of Enforcement contends that since the shock sensitivity tests were not made on tank cars of commercial nitromethane no weight should be given to their tests. In effect the Bureau would have CSC reenact the 1958 explosions. The model car tests and the heavy confinement tests supplement the drum tests and all together are convincing proof of the shock sensitiveness of nitromethane.

C. CSC heavy container tests. Following the tests in Utah CSC undertook additional shock sensitivity tests in its research department at Terre Haute, Ind. These tests were designed to further study the stability of nitromethane and the effects of container size, shape and strength, degree of fill, confining gas, temperature, and diluents on the stability of nitromethane when subjected to adiabatic compression created by high-energy impact of short duration. These tests indicated that the passage of a high velocity projectile through liquid nitromethane does not directly ignite the nitromethane nor cause the liquid to detonate or deflagrate. However, adiabatic compression of a gas reservoir in the container may cause ignition, and if the pressure is high enough the nitromethane may continue burning as a monopropellant. As combustion continues, the pressure inside the container will rise, causing the nitromethane to burn faster. The rate of burning will increase until the pressure is relieved by

[2] Capable of supplying its own oxygen for combustion.

hydraulic rupture of the container, the nitromethane supply is exhausted, or transition from rupture of the container, the nitromethane supply is exhausted, or transition from rapid burning or deflagration to detonation occurs. Deflagration or detonation can be avoided if either the temperature created by adiabatic compression is less than the ignition temperature of the nitromethane or the pressure required or needed is relieved shortly after ignition to less than the minimum pressure required or needed for monopropellant burning. The entire sequence of events appears to require 100 to 500 microseconds in unstabilized nitromethane and can be broken if the pressure is relieved within this time. This time can be contrasted with that which occurs in the card gap test where nitromethane is directly detonated by a heavy charge of an initiating explosive. In these latter tests the entire phenomena is complete within 5 to 10 microseconds.

D. CSC model tank car tests. In an effort to simulate the explosions at Niagara Falls and Mount Pulaski extensive container tests were conducted by petitioner. Eleven different types of containers were tested and the effect of varying container fills and varying temperatures were evaluated. High velocity bullets were shot into the containers at various locations and the effect of using a nitrogen blanket over the nitromethane was also evaluated. Small tank car tests were conducted. The tank cars were constructed from 24-inch lengths of 5-inch diameter pipes. One end was closed with a welded ¼-inch thick steel plate, the other end with two thicknesses of 2-mill polyethylene sheet. Domes were made from sections of 4-inch diameter pipe welded to the center of the body. Two dome heights or volumes were investigated. The large dome extended 2 inches above the car and the small dome 1 inch. In both cases the top of the dome was closed with a welded ¼-inch thick plate. To aid in identifying fragments from these containers, the domes were painted blue, the body immediately below the dome yellow, the end plate bright orange and the rest of the body maroon. These tests established that: (1) A high velocity projectile passing through nitromethane does not directly cause ignition, deflagration or detonation, (2) adiabatic compression of vapor or air in the container ignites the nitromethane which continues to burn as a monopropellant if pressure is not relieved, (3) where containers were 75–90 percent filled the nitromethane was more apt to detonate than when the containers were completely filled, whether air or nitrogen was in the unfilled space, (4) to produce detonation, critical pressure must be maintained long enough for the burning to proceed from ignition to detonation, (5) maintenance of critical pressure for the requisite time requires a heavy walled container or confinement by the mass of nitromethane, and (6) relatively small amounts of stabilizers were found to prevent detonation in these heavy container tests.

The 1958 Nitromethane Tank Car Explosions

Immediately following the Niagara Falls and Mount Pulaski tank car explosions petitioner made extensive on the spot investigations in an attempt to determine the cause of the explosions. CSC concludes that both explosions were triggered by high energy objects striking the tank cars with sufficient force to penetrate or crush in the tank car wall. The impact would produce extremely rapid compression of the air contained in the head space or dome of the car. Adiabatic compression would have produced extremely high temperatures. The rapid temperature increase within the confined space set in motion a burning of the nitromethane and need only to have been maintained for a few hundred microseconds to produce detonation of nitromethane. This conclusion was based on observations at the sites, the damage patterns, statements from people in the vicinity who were present at the time of the explosion and an attempt to reconstruct a possible explanation which would cover what actually had happened.

In the Mount Pulaski accident a tank car of ammonia had moved to Merna, Ill., was unloaded, and was returning to Coure, Ill., for reloading. This car was in the immediate vicinity of the nitromethane car. Because of the way the car was unloaded at Merna, Dr. Egly believed that some ammonia still remained in the car during the return movement. The engineer testified in the Commission's hearing August 20, 1958, that he observed a white vapor apparently being emitted from one of the cars of the cut containing the nitromethane car. CSC did not participate in the August 20, 1958, hearing. Dr. Egly testified in the instant proceeding that he had never seen nitromethane make a white vapor. Dr. Egly's reconstruction of the accident is as follows: (1) Ammonia escaped from the bottom of the thick-walled car EORX–1660, fast enough so as not to absorb the rain or mist present in the atmosphere, (2) ammonia vapor, mixed with air, exploded under car EORX–1660, hurling the tank and car-frame up and to the west, (3) the frame of car EORX–1660 came down and struck the nitromethane car GATX–29633, and (4) the nitromethane detonated while the tank of EORX–1660 was still in mid-air, shielded in the middle by another car. The IC in its brief describes the characteristics of ammonia and states that just the right amount of ammonia had to escape at that time and that the explosion would have blown a crater in the ground contrary to Dr. Egly's testimony. Dr. Egly claimed to have support for his conclusions as to a prior explosion from a conversation with an unidentified bystander who said that he had heard two explosions while riding in his car about a mile from the scene of the Mount Pulaski accident. The people closest to the accident, the train crew, described only one explosion and did not describe the ammonia car being lifted in the air prior to the nitromethane detonation. At the hearing on August 20, 1958, there was no description of two explosions by anyone.

Dr. Egly's reconstruction of the Niagara Falls accident is based largely on three pieces of evidence:

1. The tank car of nitromethane was between two cars of bulk lime in compartment cars, and a tank car of caustic. The day after the explosion Dr. Egly observed that lime had spilled on the ground, and that some projectiles had gone through one end of the lime car and out the other end. Also, the car was pushed together like an accordion. Dr. Egly stated his belief that a smaller gas explosion must have removed the contents of the lime first, and that a second explosion drove the projectiles through the empty car.

2. On the subject of two explosions, Dr. Egly testified: "We ran into a lot of people who reported hearing two sounds. The first one, a light sound like a tire bursting or a light charge of dynamite going off, a blasting that might be in construction work or described like a rumble, an airplane breaking the sound barrier. Most of them said a second or so later there was a very loud noise and a big flash." There were pieces of light metal and wood in the area, presumably from a missing boxcar. This car was supposed to have been switched past the nitromethane car prior to the nitromethane explosion. Dr. Egly reasoned that the boxcar was thrown in the air by the initial gas explosion, then blown apart by the nitromethane detonation.

3. To support the gas explosion theory, Dr. Egly made some tests of the surrounding soil, although conditions for these tests were adverse because of rain. The tests were made several days after the explosion. Two of the test samples from ground holes showed small amounts of methane.

The Bureau of Enforcement takes exception to Dr. Egly's statement that he heard stories of two explosions from other people because Dr. Egly did not produce names and/or affidavits from any such observer.

The IC contends that Dr. Egly's proposed reconstruction of the accident is subject to doubts because: (1) The explosion of the nitromethane car was powerful enough to blow steel car particles through the lime in the lime car. Dr. Egly testified that the lime car had to be empty or else the lime would stop the particle, (2) the first explosion, in addition to lifting a freight car in the air, would have blown a crater in the ground. Dr. Egly testified that no such crater existed, and (3) the gas tests conducted by CSC do not prove that gas was present or if present, that it was ignited.

The reconstruction of the two explosions is an area where no one can absolutely say just exactly what occurred. Dr. Egly's reconstruction of the accidents cannot be accepted as clear and convincing proof of what happened at Niagara Falls and Mount Pulaski to cause the nitromethane explosions. However, when consideration is given to Dr. Egly's long experience with nitromethane, his

detailed investigation of both explosions and his later tests simulating the condition surrounding the explosions on a small scale, the conclusion is easily reached that his explanation of the explosions is a distinct probability. In any event, what we are dealing with in this proceeding is bulk transportation of stabilized nitromethane and not commercial nitromethane such as was involved in the two explosions.

ADDITIONAL TESTS CONDUCTED BY CSC AFTER THE 1958 EXPLOSIONS

A. Card gap tests. After the 1958 explosions CSC conducted extensive card gap tests at Terre Haute, the purpose being to obtain information to supplement the earlier Bureau of Mines work in finding and evaluating additives which desensitize nitromethane and particularly to investigate additives which might desensitize nitromethane sufficiently to allow its shipment in bulk. The relative effectiveness of various diluents were obtained by comparing the amount required to give a zero card gap value. Those results are summarized in the following table and are part of the basis of CSC's recommendations as to the amount of various additives required to render nitromethane safe for bulk transportation:

AMOUNT OF ADDITIVE REQUIRED TO REDUCE NITROMETHANE SENSITIVITY TO ZERO CARD GAP

Additive	Percent by weight of additive	
	Bureau of Mines (25 degrees centigrade)	CSC (20 degrees centigrade)
Benzene	13	15
Toluene	14	15
Cyclohexanone	----------	20
1,4-Dioxane	----------	20
Butylene oxide	----------	30
1-Nitropropane	----------	30
2-Nitropropane	30	40
Methanol	30	40
Methyl chloroform	----------	45
Methylene chloride	----------	50
Nitromethane	52	60

The IC attempts to discredit this study by showing certain variances between CSC's results and the results obtained by the Bureau of Mines in its prior study. These variances result in part from the necessity of CSC to find a substitute for the military explosive tetryl, utilized as an initiating explosion by the Bureau of Mines and not commercially available. CSC substituted 35.6 grams of a more powerful explosive, 50 percent pentolite which was adjusted so that CSC obtained approximately the number of cards for commercial nitromethane as had been reported by other experimenters who had used tetryl. Another factor which caused the results to be slightly different was that the Bureau of Mines used 99 percent nitromethane and CSC used 95 percent nitromethane.

While results may vary with slight modification of the apparatus or test method, results with nitromethane have been so consistent that the American Rocket Society Committee on Rocket Propellant Test Methods recommended that commercial grade nitromethane be used as a calibration standard because of its predictability and uniformity. CSC has adequately evaluated the shock sensitivity of all of the proposed nitromethane mixtures through extensive card gap tests. The card gap test is the standard test for evaluating shock sensitivity, and within its physical limits, provides a reliable source of relative shock sensitivity. Dr. Damon of the Bureau of Mines described the card gap test, "It is not the final criteria by any means, but it is an excellent criteria, one of the best that we know."

B. Heavy confinement tests. The card gap test is limited in usefulness in measuring the effect of stabilizing diluents once a zero card value is obtained. Moreover, it depends on detonation and may not indicate hazardous thermal decompositions and ignitions. Because of this CSC used a heavy confinement cap test for measuring the stability of various chemicals and solutions when subjected to high temperatures and pressures which can be created by adiabatic compression and to determine the effectiveness of various additives in reducing the decomposition of nitromethane. Apparatus for this test consisted of a cylinder of cold rolled steel five inches in diameter and six inches long. A one inch diameter bore hole is bored through its axis to a depth of four inches, and the top face of the block is grooved by a single radical cut ⅛-inch wide and 1/16-inch deep. A sample of the material to be tested is placed in a test tube, an Atlas No. 8 dynamite cap is inserted in the test tube, and the test tube and cap are inserted in the steel block. A test weight of five pounds is placed on top of the block and the cap is detonated. By measuring the height to which the test weight is lifted on detonation it is possible to measure the energy release involved. It was established through experiments that commercial nitromethane produced an average height of 47.5 feet. This may be compared with a test height for two products commonly shipped in bulk, 90 percent hydrogen peroxide which produced a height of 39.1 feet and hydrazine which produced a height of 47.5 feet. Starting with the base date of commercial nitromethane of 47.5 feet, it then becomes possible to measure the effect of various additives on nitromethane as varying weight percentages were added. The following table measures the effectiveness of various desensitizers in terms of the amount of additive required to reduce the heavy confinement test height to 13 feet and to 19 feet:

Material	Percent additive required to reduce heavy confinement test to—	
	19 feet	13 feet
Toluene	15	21
Benzene	14	24
Butylene oxide	13	28
Cyclohexanone	17	23
Dioxane	19	26
1-Nitropropane	24	31
Methanol	23	35
2-Nitropropane	32	45
Methylene chloride	34	42
Methyl chloroform	31	50
Nitroethane	42	57

CSC concluded that the percentage by weight of the diluent must be sufficient to reduce the test height to 13 feet. Various calibration tests were run to eliminate variations attributable to the bore hole diameter, test tube diameter, temperature, cap position and cap type.

CSC has adequately evaluated the energy release of the proposed nitromethane mixtures under conditions of extreme pressure and temperatures by means of its heavy confinement cap test, and has established the relative safety of these mixtures in this respect as compared with other materials transported in bulk.

EVALUATION OF RELATIVE SAFETY OF STABILIZED NITROMETHANE

In this proceeding, three witnesses testified concerning the relative safety of transporting stabilized nitromethane in bulk. Two of these witnesses, Dr. Egly of CSC and Dr. Damon of the Bureau of Mines gave their opinion that stabilized nitromethane can be transported in bulk with relatively much less susceptibility to accidental explosion than a number of other materials now transported in bulk. Both Dr. Egly and Dr. Damon have spent many years studying the characteristics of nitromethane. They have participated in or supervised all the tests discussed in this report and have written articles on nitromethane. Dr. Smith, testifying for the IC, gave his opinion that not enough is known about the chemical and physical properties of nitromethane to allow a decision to be made on the explosive hazards of nitromethane. Dr. Smith has never participated in any tests with either commercial nitromethane or stabilized nitromethane. His observations were based solely on knowledge gained from textbooks.

Some of Dr. Egly's observations:

1. On the basis of our experiments and general knowledge of nitromethane I would expect that the stabilization of these mixtures in the way we propose would have prevented the explosion at either Mount Pulaski or Niagara Falls had stabilized mixtures instead of commercial nitromethane been subjected to the same hypothetical forces I have described. I would expect nothing other

than a projectile going into the car and nitrogen leaking out of the hole. I feel our rifle tests and our heavy confinement cap tests support this.

2. In view of all of the experiments we have conducted, it is my opinion that a stabilized nitromethane mixture woud not have exploded at Mount Pulaski or at Niagara Falls. I can't categorically say it wouldn't, but I certainly would not be afraid to be there. I am confident it wouldn't.

Some of Dr. Damon's observations:

1. I have no information that would indicate that this stabilized nitromethane is not of equivalent safety to many other hazardous chemicals now being transported.

2. The transportation of stabilized nitromethane in bulk would probably be no more hazardous than transporting gasoline and ammonium nitrate.

Some of Dr. Smith's observations:

1. It is true that certain additives appear to lower the shock sensitivity of nitromethane; however, shock sensitiveness may not be the whole story because shock was not a factor in the Mount Pulaski explosion. Until the causes of the tank car explosions are known, it must be assumed that some unknown chemical factors are involved. Until other unknown factors are identified and resolved, nitromethane must be considered as unpredictable.

2. Nitromethane is a tricky substance that is not fully understood.

Effectiveness of 1- and 2-Nitropropane as Stabilizers

As stated supra, the New York Central states that it will not transport nitromethane mixed with 1 and 2 nitropropanes. This decision was based on a statement by Dr. Damon that nitropropane was the only additive that he had any questions about. Dr. Damon admitted that his statement was based on his feelings and not on any tests he had made. In fact he stated that the Bureau of Mines ran nitropropane tests and their data was consistent with CSC data. Dr. Damon further stated: "I have no objection if the Commission desires to allow this." Dr. Egly testified that he had never heard of anybody detonating nitropropane at temperatures likely to be encountered. CSC currently stores for its own use a 50–50 mixture of nitromethane and nitropropane.

Evaluation of Other Possible Transportation Hazards—Stabilized Nitromethane Mixtures

A. Sensitizers of unstabilized nitromethane—generally. The most effective sensitizer for nitromethane which does not itself contain available energy is ethylene diamine which in quantities of 1 or 2 percent by weight greatly increases the sensitivity of nitromethane. Generally any of the organic amines are sensitizers to nitromethane. Mixture of nitromethane with anhydrous bases, such as hydroxide should be avoided because they can react vigorously enough and with enough release of heat that they set the nitromethane on fire. The nitronic acid salts are more sensitive than nitromethane. Mixtures of nitromethane and hydroxides may be maintained in aqueous or alcohol solution with little or no sensitizing effect and these mixtures have been safely employed in such solutions for many years with no untoward results. Most acids are weak sensitizers for nitromethane but in most cases quantities as high as 15 percent by weight are required in order to get any significant sensitizing effect. Soluble metal organic compounds such as tetraethyl lead are sensitizers. Nitromethane has been shipped regularly in ordinary steel drums. After several years storage the drums are still shiny and the nitromethane is low in iron oxide (rust).

B. Effect on sensitization hazard of stabilizing nitromethane. In all instances the recommended stabilizing diluents desensitize nitromethane in such a way as to tend to overcome the sensitizing effect of the aforementioned sensitizers. When ethylene diamine equivalent to 5 percent of the weight of nitromethane was added to each of the proposed mixtures the sensitivity of the mixtures showed very little change, all were still zero card and less than 13 feet in height in the heavy confinement test. CSC has never discovered an additive which significantly affects the sensitivity or rate of decomposition of nitromethane when added in trace or catalytic quantities. A relative high percentage of the sensitizing material must be present to cause a significant decrease in the stability of nitromethane.

C. Precautions against accidental contamination. The blending and loading procedure for stabilized nitromethane rules out any possibility of accidental contamination from any foreign or sensitizing material which would create any hazard in connection with the bulk shipments of stabilized nitromethane mixtures either by rail tank car or tank truck. For blending nitromethane with other stabilizing compounds CSC has a 20,000 gallon mixing tank designated G–43 equipped with an agitator and circulating pump. A specified volume of the stabilizing compound to be mixed with nitromethane is first pumped into the mixing tank and the stabilizing compound is circulated and agitated. A specified amount of nitromethane is then transferred from an underground storage tank where it is stored. There are four tanks designated G–16A, G–16B, G–18A, and G–18B. These tanks are for finished nitromethane and are protected by an earth covering. The amount of stabilizing compound and of nitromethane introduced into mixing tank G–43 is determined by tank measurement. Circulation and agitation of the stabilizing compound and the nitromethane continues for at least an hour after the nitromethane addition has been completed. At the end of this period, a representative sample of the mixture is taken from tank G–43 by a technician from CSC's central laboratory. The sample is analyzed in the laboratory by use of gas chromatography. In accordance with the test results, adjustments would be made as needed in the specified mixture of nitromethane and the stabilizing compound. After the mixture is finally approved it is drummed out in the nitroparaffin warehouses. The drums are nitrogen blanketed and shipped. The drums are filled at a loading station designated for nitroparaffin only. No other product can be filled in this area. Mixing tank G–43 is then water washed by hose and steamed, and the tank is dried out and made ready for another blending operation.

Tank car shipments of stabilized nitromethane mixtures will be loaded in the same manner as drums and CSC will require tank cars to be of all welded construction without a bottom outlet. CSC will also require that certain tank cars be set aside for service on stabilized nitromethane mixtures only. Before loading these tank cars will be steamed and dried out, each car swept clean so that there would be no loose material in the tank car. Both before and after the tank car is filled a sample is taken from the tank car itself and analyzed. A trained technical personnel of CSC will enter each tank car before loading and inspect the car with PH indicating paper. This paper is used to detect the presence of a trace of acidic or alkaline substance. The PH of the walls of the tank cars must be between 6.5 and 7.5 PH which assures freedom from acidic or akaline substances. When stabilized nitromethane mixtures are shipped in tank motor vehicles the same cleaning procedures will be followed. CSC's traffic department will be provided with a list of materials that might contaminate or sensitize nitromethane and no truck will be accepted for loading that has carried any such materials in its last two trips.

Stability of Nitromethane Mixtures

The IC argues that one of the most important questions in this proceeding is under what circumstances does nitromethane decompose over a period of time and what changes are there in its composition that might affect transportation and storage in bulk.

The evidence shows that all of the stabilizing diluents are readily miscible[3] with nitromethane and remain so for an indefinite period of time under the extreme ranges of pressure and temperature which would be encountered in transportation. CSC has compared samples of the stabilized nitromethane mixtures with samples stored for 9 months or longer and found no evidence of decomposition or reaction between nitromethane and the stabilizers. In 30 years experience in working with nitromethane CSC has encountered no chemical reactions which might occur at or near normal temperatures and pressures over a period of time. Many tests and analyses were run on nitromethane samples which have been stored in steel drums or steel storage tanks for extended periods, frequently for a year or longer. CSC has never found evidence

[3] Nitromethane and diluents are readily mixed and are completely soluble, one in the other, in all proportions.

of any decomposition of nitromethane under storage conditions whether testing by chemical analyses or by more sensitive analytical procedures such as infrared visible or ultra violet spectroscopy, gas chromatography, and mass spectroscopy. Test samples of nitromethane from CSC and other sources were sent in 1958 by the Bureau of Explosives of the AAR to an outside consulting laboratory for analytical study and they reported finding nothing except the normal constituents of commercial nitromethane. Samples of all of the mixtures used for card gap and heavy confinement tests were checked approximately 9 months after they were mixed and their chemical contents were unchanged.

Nitrogen Blanketing

CSC presently puts a nitrogen blanket on top of its 55-gallon drum shipments of nitromethane. It does not propose to do so in bulk shipments of stabilized nitromethane mixtures and both the IC and the Bureau of Enforcement contend that the absence of a nitrogen blanket will detract from safety. CSC can very easily put a nitrogen blanket over the stabilized nitromethane in a tank car. The difficulty is that in so large an area and with so many valves the nitrogen would probably leak out. The same reasoning applies to tank trucks. More important, many tests by CSC show that there is a very slight difference between nitrogen and oxygen as a safety precaution measure.

Stabilized Nitromethane Mixtures as a Fire Hazard

Nitromethane presents much less a fire hazard than most solvents. It has a relatively high flash point and ignition temperature. The lower flammable limit of nitromethane vapors in air has been found to be 7.3 percent by volume. This is one of the highest limits of any organic liquid. This value had to be determined at temperatures about 91 degrees fahrenheit since at lower temperatures (at atmospheric pressure) this amount of nitromethane cannot be maintained in the vapor phase and flammable mixtures in air are not formed. While nitromethane can utilize its own oxygen so that it does not require a very high rate of air or oxygen to burn completely, it will not at ordinary pressures burn in the absence of air or oxygen, and a flame is readily smothered. Its heat or combustion per unit weight is only a fraction of that of hydrocarbon fuel so that a nitromethane fire generates less heat and spreads more slowly than most fires. Moreover, a nitromethane fire is readily extinguished by water. Considerable water will dissolve in hot nitromethane reducing its temperature and combustibility. When larger amounts of water are added the water will float and form a film over the denser nitromethane, thus effectively smothering out the fire. Nitromethane fires are also easily extinguished with carbon dioxide and dry chemical agents.

The behavior of nitromethane during the fire that followed an accident at Monticello, Ark., definitely established that the fire hazards involved in the transportation of stabilized nitromethane mixtures are less than those encountered with most other solvents or with gasoline. On March 22, 1962, a tractor-trailer unit containing 60 drums of unstabilized nitromethane and one drum of a 70–30 mixture of nitromethane and methanol, collided with a train. Some of the drums were squashed and cut up. A fire broke out and burned for some time and many of the drums were in the hotter part of the fire. There was no decomposition of the nitromethane and there were no detonations. The drums involved in the collision and in the fire ruptured and some of the contents were spilled. The contents of 27 drums still were intact and were sent back to CSC's plant at Sterlington for salvage. The conclusion is easily reached that the fire hazards involved in the transportation of stabilized nitromethane mixtures are less than those encountered with most other solvents or with gasoline.

Past Transporation Volume—Nitromethane

Prior to the 1958 embargo CSC was shipping nitromethane in bulk by rail tank car and by tank truck from both Peoria, Ill., and Sterlington. The approximate volume of all nitromethane shipped in 1957 is as follows:

	Pounds
From Sterlington:	
In tank cars, rail	1,652,000
In tank trucks	100,000
In drums, rail	300,000
In drums, truck	75,000
	2,127,000
From Peoria:	
In tank cars, rail	75,000
In tank trucks	100,000
In drums, rail	75,000
In drums, truck	125,000
	375,000

In 1964 all shipments of nitromethane were by truck in 55-gallon drums from Sterlington in amounts somewhat greater than the totals moved by both truck and rail in 1957. The range of size of shipments is from a single drum of 500 pounds up to a truckload of drums aggregating 25–35,000 pounds. Seventy-five percent of the shipments were in truckload lots. In 1965 CSC shipped approximately 500,000 to 1,000,000 pounds more than it did in 1957. This is spread between 75 and 100 customers.

CSC estimates that at least 50 percent of its nitromethane shipments will move in bulk if the embargo is modified to permit bulk shipments of the proposed stabilized mixtures. The longer hauls will be by rail and the shorter by truck. The principal advantage of bulk movements will be the more economic distribution of nitromethane. Nitromethane is sold on a delivered basis and reflects the added cost of plant handling and containers where drum shipments are made, in addition to the differentials in freight costs. On other nitroparaffins the differential in drum prices and bulk prices are as follows:

	In cents per pound
Rail:	
Tank car	0
Carload (drums)	2.5
Less carload (drums)	4.0
Truck:	
Tank truck	0
Truckload (drums)	2.5
Less truckload (drums)	4.0

If bulk shipments were available for stabilized nitromethane mixtures these mixtures would have a lower delivered cost per pound. While the 2½ cent differential would to some extent be offset by the minor costs of the mixing operations there would still be substantial savings through bulk shipments. In the eastern part of the United States, nitromethane sales for 31 cents a pound delivered. The 2½ cents per pound savings bulk over drum represents something less than 10 percent of the delivered price.

CSC believes that if it were permitted to ship stabilized nitromethane mixtures in bulk, a market of approximately 1.5 million pounds annually could be developed very quickly. The expansion of the entire market for all nitroparaffins is dependent in part on CSC's ability to market nitromethane which is a coproduct in the manufacture of nitroparaffins. All of the other nitroparaffins move without restriction in bulk shipments and all are important commercial chemicals. For example, 2-nitropropane is used as a solvent for vinyl, epoxy, and acrylic resins in protective coatings. Derivatives of nitroethane and 1-nitropropane are used in the drug and the rubber industry. If the embargo were lifted on bulk shipments of stabilized nitromethane mixtures it would aid CSC in developing a full market for the entire nitroparaffin group.

Dow Chemical Co. supports CSC's proposed amendment. In 1964 Dow received approximately 60,000 gallons of commercial grade nitromethane and during the first 6 months of 1965, approximately 33,000 gallons. The financial savings in the price of material and the cost of handling the bulk versus the drummed materials are Dow's primary interests. Dow has been using nitromethane for the past 6 years and has not experienced any accidents.

Protection of Users and Public Generally

Liberty Mutual Insurance Co., Boston, Mass., presently insures CSC for $1,000,000 applicable to the transportation of nitromethane in barrels or drums. Prior to the 1958 embargo the insurance limits were $300,000 per person, $3,000,000 for a single accident and $1,000,000 per policy year on property damage. No adjustments were made in the policy after the Niagara Falls explosion but after the Mount Pulaski explosion the policy was reduced to $1,000,000 for both bodily and property damage and nitromethane being transported was excluded. This exclusion continued until 1959 when the Commission approved drum shipments of nitromethane. In 1964 after a review of the available information relating to the relative safety of stabilized nitromethane

mixtures for bulk shipments Liberty Mutual issued an endorsement to CSC policy covering stabilized nitromethane mixtures for bulk shipment as outlined in the September 16, 1963, report of Nitromethane Committee of CSC, all subject to ICC approval of bulk shipments. The September 16, 1963 report lists the proposed diluents. The policy limits are at a single aggregate of $1,000,000.

In addition to Liberty Mutual policy, CSC has $20,000,000 excess insurance to cover third party liability. It is carried by Lloyds of London and follows Liberty Mutual's policy in all details. They are both three year policies. If in the second month of the policies there is an accident or some disaster that causes the two insurance companies to pay out $21,000,000, the policies are exhausted.

The IC argues that CSC should include the railroads in the insurance policies. The policies already provide third party protection when it can be proven that stabilized nitromethane explosions caused damages.

The evidence shows that CSC distributes to its customers technical data sheets which describe nitromethane and methods to assure safe storage and handling of this chemical.

DISCUSSION AND FINDINGS

The exhaustive tests conducted by CSC and for CSC by others together with the opinions of the two experts who have spent many years working with nitromethane is clear and convincing proof that the mixtures of nitromethane with stabilizing diluents in the proportions recommended by CSC can be transported in bulk in railroad tank cars and in tank trucks without significant hazard from accidental explosions. The stabilizing diluents slow down the burning rate of the mixture so that even if adiabatic pressure ignites the mixture there is time for pressure relief through relief devices or rupture of the container thereby preventing detonation. Nitromethane is a useful and important industrial chemical, usage of which would be facilitated and increased if bulk shipments of stabilized mixtures were permitted with attendant economies and added plant safety. CSC's blending and loading procedures rules out any possibility of accidental contamination from any foreign or sensitizing material which would create any hazard in connection with the bulk shipment of stabilized nitromethane mixtures either by rail tank car or by tank trucks.

The remaining arguments of the Bureau of Enforcement and the IC are not convincing. Both parties contend that the tests conducted by and for CSC cover only CSC's reconstruction of the 1958 explosions, that a high energy object struck the tank cars and adiabatic compression caused the explosions. On the contrary, CSC tests and the Bureau of Mines tests covered all three ways in which nitromethane can be detonated. The Bureau of Enforcement contends that it is strange that CSC waited 7 years to bring its version of the 1958 explosion to the Commission. As with most petitioners, CSC waited until all of its tests were completed before coming to the Commission. CSC's heavy confinement test for measuring stability of nitromethane mixtures was not completed until 1963 and its card gap test for determining shock sensitiveness was not completed until 1962. The Bureau of Enforcement asks why CSC's tests were not shown to the Bureau of Explosives of the AAR. As stated supra, the Bureau of Explosives not only reviewed the tests made by CSC but made tests of its own. The Bureau of Enforcement argues at great length that the majority of CSC's tests were conducted after the 1958 explosions. The evidence shows that the Bureau of Mines tests were started in 1955. In addition, prior to 1958 commercial nitromethane had been transported in bulk for many years without exploding.

Based on all the evidence in this proceeding the examiner finds that the relative safety of stabilized nitromethane mixtures transported in bulk by railroad tank cars and by tank trucks has been established.

The examiner agrees with the Bureau of Explosives of the AAR that the words, "when approved for transportation by the Bureau of Explosives" should be omitted from the Commission's new regulations.

The request of the New York Central that the petitioner be required to furnish samples of the stabilized nitromethane mixtures to the railroads or to a third party is a matter to be resolved by CSC and the New York Central.

Order. It is the order of the examiner that the Commission's order of September 10, 1958 (23 F.R. 7278), governing the transportation of nitromethane, be and it is hereby, amended to permit the following stabilized nitromethane mixtures to be transported in bulk in railroad tank cars and tank trucks constructed of carbon or other steel:

1.

	Minimum amount of stabilizing liquid in mixture (percentage of weight)
Cyclohexane	25
Toluene	30
Benzene	30
1,2-Butylene Oxide	30
1,4-Dioxane	35
Methanol	40
1-Nitropropane	45
2-Nitropropane	45

Rail tank cars used for transportation of stabilized nitromethane should be of welded construction with provision for top unloading and sealing off of bottom outlets, and should be confined to nitroparaffin service.

2. Transportation of other stabilized nitromethane mixtures which are:

(a) Completely miscible at temperatures likely to be encountered in transportation,

(b) Exhibit zero card gap by the CSC tests,

(c) Exhibit an average height of 13 feet or less under the CSC heavy confinement test, and

(d) Exhibit no properties which might contraindicate manufacture, shipments, or use.

will be permitted upon demonstration to the appropriate Commission staff personnel that the foregoing conditions are met in the case of each such mixture.

It is the further order of the examiner that in the absence of a stay or postponement by the Commission or the timely filing of exceptions, the effective date of this order shall be 60 days from the date of service thereof.

By the Commission, Albert E. Luttrell, Hearing Examiner.

Dated at Washington, D.C., this 31st day of March A.D. 1966.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-4153; Filed, Apr. 15, 1966; 8:45 a.m.]

[Notice 165]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 13, 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 24280 (Sub-No. 2 TA), filed April 8, 1966. Applicant: H. PORTER LANGE AND ROBERT A. LANGE, doing business as LANGE TRANSFER & STORAGE COMPANY, 615 West Dale Street, Muskegon, Mich. Applicant's representative: Wilhelmina Boersma, 1001 Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cosmetics and toilet preparations and advertising and sales materials moving in connection therewith*, restricted to deliveries of not in excess of 500

pounds to any one destination, from Muskegon, Mich., to points in that part of Michigan on, north, and west of a line commencing at Muskegon and extending along Michigan Highway 46 to its junction with M57; thence over M57 to its junction with M15; thence over M15 to Bay City, and also points in Kent, Allegan and Ottawa Counties, Mich., with return of *damaged and rejected shipments*, for 180 days. Supporting shipper: Avon Products, Inc., 175 Progress Place, Springdale, Ohio, 45201. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich., 48933.

No. MC 98154 (Sub-No. 4 TA), filed April 8, 1966. Applicant: BRUCE CARTAGE, INCORPORATED, 3460 East Washington Road, Saginaw, Mich., 48601. Applicant's representative: William Parsley, Union Savings & Loan Building, Lansing, Mich., 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cosmetics and toilet preparations and advertising sales materials moving in connection therewith* for Avon Products, Inc., from Grand Rapids and Lansing, Mich., to points in Michigan, for 180 days. Supporting shippers: Avon Products, Inc., 175 Progress Place, Springdale, Ohio, 45201. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich., 48933.

No. MC 102616 (Sub-No. 795 TA), filed April 11, 1966. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa., 17405. Applicant's representative: S. E. Smith (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank type vehicles, from the Flexi-Flo terminal facilities of the New York Central System at North Bergen, N.J., to points in New Jersey, New York, N.Y., and points in Suffolk, Nassau, Westchester, and Rockland Counties, N.Y., and Fairfield County, Conn., for 180 days. Supporting shipper: Lone Star Cement Corp., 100 Park Avenue, New York, N.Y., 10017. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 218 Central Industrial Building, 100 North Cameron Street, Harrisburg, Pa., 17101.

No. MC 107496 (Sub-No. 466 TA), filed April 8, 1966. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third Street, Post Office Box 855, Des Moines, Iowa, 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer slurry mix*, in bulk, from plantsite of Walnut Grove Products in Fonda and Shell Rock, Iowa, to points in Minnesota, for 180 days. Supporting shipper: Walnut Grove Products, division of W. R. Grace & Co., Second and Linn Streets, Atlanta, Iowa. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa, 50309.

No. MC 107496 (Sub-No. 467 TA), filed April 8, 1966. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third Street, Post Office Box 855, Des Moines, Iowa, 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Crystal City, Mo., to points in Illinois, Indiana, Iowa, Kansas, Oklahoma, Kentucky, Tennessee, Ohio, and Arkansas, for 150 days. Supporting shipper: Armour Agricultural Chemical Co., Box 1685, Atlanta, Ga., 30301. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa, 50309.

No. MC 108207 (Sub-No. 187 TA), filed April 8, 1966. Applicant: FROZEN FOOD EXPRESS, Post Office Box 5888, 318 Cadiz Street, Dallas, Tex., 75222. Applicant's representative: J. E. McClellan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese spreads and dips*, from Fort Worth, Tex., to points in Indiana, for 150 days. Supporting shipper: Lyle Searcey Brokerage Co., 318 Cadiz Street, Room 107A, Dallas, Tex., 75207. Send protests to: E. K. Willis, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 513 Thomas Building, 1314 Wood Street, Dallas, Tex., 75202.

No. MC 112617 (Sub-No. 227 TA), filed April 8, 1966. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville, Ky., 40205. Applicant's representative: K. G. Helfrich (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, syrups or blends thereof*, in tank vehicles, from the loading site of the Bryant Co., a broker for Godchaux Sugar Co., in Louisville, Ky., to points in Illinois, Indiana, Kentucky, Ohio, Tennessee, and West Virginia, for 180 days. Supporting shipper: C. O. Perez, Jr., traffic manager, Godchaux Sugar Refining Co., Post Office Box 308, Reserve, La., 70084. 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 124328 (Sub-No. 22 TA), filed April 8, 1966. Applicant: BRINK'S, INCORPORATED, 234 East 24th Street, Chicago, Ill., 60616. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Federal reserve notes* (new, unfit, and those in circulation), between Seattle, Wash.; Portland, Oreg.; San Francisco and Los Angeles, Calif.; Helena, Mont.; Salt Lake City, Utah; Denver, Colo.; El Paso, San Antonio, Houston, and Dallas, Tex.; Oklahoma City, Okla.; Omaha, Nebr.; Minneapolis, Minn.; Chicago, Ill.; St. Louis and Kansas City, Mo.; Little Rock, Ark.; New Orleans, La.; Memphis and Nashville, Tenn.; Louisville, Ky.; Birmingham, Ala.; Atlanta, Ga.; Jacksonville, Fla.; Charlotte, N.C.; Richmond, Va.; Baltimore, Md.; Cincinnati and Cleveland, Ohio; Pittsburgh and Philadelphia, Pa.; Detroit, Mich.; Buffalo and New York, N.Y.; Boston, Mass.; and Washington, D.C., for 180 days. Supporting shipper: Board of Governors of the Federal Reserve System, Washington, D.C., 20551. Send protests to: Raymond E. Mauk, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1086 U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill., 60604.

No. MC 128036 TA (Amendment), filed March 24, 1966, published FEDERAL REGISTER, issue of March 31, 1966, and republished as amended this issue. Applicant: COR-O-VAN CORPORATION, 144 B Avenue, Coronado, Calif. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commisison, (1) between points in San Diego, Orange, and Riverside Counties, Calif., within a 75-mile radius of San Diego Harbor, Calif., and (2) between points in San Diego County, Calif., on the one hand, and, on the other, points in Los Angeles Harbor, Calif., restricted to shipments having a prior or subsequent movement in containers beyond said counties, and further restricted to pick-up and delivery service incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments, for 180 days. Supporting shippers: Home-Pack Transport, Inc., 57-48 49th Street, Maspeth, N.Y., 11378; Smyth Worldwide Movers, Inc., 11616 Aurora Avenue North, Seattle, Wash., 98133. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif., 90012. This amendment adds (2) above, not included in previous publication.

No. MC 128091 TA, filed April 8, 1966. Applicant: JOHN DOUGLAS ARNOLD, doing business as INTERPLANT CARTAGE, 19 Thorndale Avenue, St. Catharines, Ontario, Canada. Applicant's representative: Robert D. Gunderman, 400 Erie County Savings Bank Building, Buffalo, N.Y., 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Front end loader and lift truck parts; lock hardware*, between the ports of entry on the international boundary line between the United States and Canada, located at the Niagara River crossings and Buffalo, N.Y., for 150 days. Supporting shipper: Eaton, Yale & Towne, Yale Crescent, St. Catharines, Ontario. Send protests to: George M.

Parker, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 324 Federal Office Building, Buffalo, N.Y., 14203.

By the Commisssion.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-4164; Filed, Apr. 15, 1966; 8:46 a.m.]

[Notice 1328-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 13, 1966.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 179:

No. MC-FC-68739. Application filed April 11, 1966, by AMY TRANSPORTATION CORP., 100 East Old Country Road, Mineola, N.Y., for temporary authority to lease the operating rights of P.A.L. TRANSPORTATION CO., INC. (Debtor in possession), 202 Plymouth Street, Brooklyn, N.Y. The transfer to AMY TRANSPORTATION CORP., of the operating rights of P.A.L. TRANSPORTATION CO., INC. (Debtor in possession), is still pending.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-4165; Filed, Apr. 15, 1966; 8:46 a.m.]

[Notice 1328]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 13, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68521. By order of April 11, 1966, the Transfer Board approved the transfer to Abel's Transfer Service, Inc., Belle, Mo., of certificates in Nos. MC-77368 and MC-77368 (Sub-No. 1), issued October 30, 1956, and February 20, 1957, respectively, to Zetta L. Branson, doing business as Abel's Transfer Service, Belle, Mo., authorizing the transportation of general commodities, except those of unusual value, dangerous explosives, household goods, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from Belle, Mo., to St. Louis, Mo.; general commodities except those of unusual value, classes A and B explosives, and household goods, from Belle, Mo., and a plantsite approximately 6 miles southwest of Belle, Mo.; fresh meat and packinghouse products from East St. Louis, Ill., and Meta, Mo.; livestock between Belle, Mo., and points and places within 15 miles of Belle, on the one hand, and, on the other, National Stock Yards, Ill., and mixed feed and fertilizer from East St. Louis, Ill., to Belle, Mo., and points and places within 15 miles of Belle, with no transportation on return except as otherwise authorized. Thomas P. Rose, Jefferson Building, Jefferson City, Mo., attorney for applicants.

No. MC-F-68522. By order of April 11, 1966, the Transfer Board approved the transfer to Frank T. Taber, Inc., North Scituate, R.I., of certificate in No. MC-98169 (Sub-No. 1), issued December 31, 1963, to Frank T. Taber, North Scituate, R.I., authorizing the right to engage in transportation in interstate or foreign commerce as a common carrier corresponding in scope to certificate of public convenience and necessity No. MC-304, dated June 23, 1948, issued by the public utility administrator of the State of Rhode Island. Russell B. Curnett, 36 Circuit Drive, Edgewood Station, R.I., attorney for applicants.

No. MC-FC-68568. By order of April 11, 1966, the Transfer Board approved the transfer to M. L. Stephenson, doing business as M. L. Stephenson Trucking, Cleveland, Tenn., of the operating rights in permit No. MC-126031 (Sub-No. 1), issued September 29, 1965, to Hubert L. Murray, Ooltewah, Tenn., pursuant to No. MC-FC-67845, authorizing the transportation, over irregular routes, of dry fertilizer from Tyner, Tenn., and creosoted posts from Sweetwater, Tenn., to points in specified areas in Georgia and Alabama, and fertilizer and fertilizer materials from Hanceville, Ala., and Carrollton, Ga., to points in specified counties in Tennessee and Georgia, with certain restrictions. Robert E. Born, 1600 First Federal Building, Atlanta, Ga., ?0303, attorney for applicants.

No. MC-FC-68575. By order of April 11, 1966, the Transfer Board approved the transfer to Mid State Transports, Inc., Idaho Falls, Idaho, of the certificate of registration in No. MC-121148 (Sub-No. 1), issued October 27, 1965, to Robert A. Collins, Idaho Falls, Idaho, evidencing the right to engage in transportation in interstate or foreign commerce corresponding to IPUC Permit No. 1677, First Amended, dated September 23, 1954, issued by the Idaho Public Utilities Commission. Kenneth G. Bergquist, 1110 Bank of Idaho Building, Boise, Idaho, 83702, attorney for applicants.

No. MC-FC-68597. By order of April 11, 1966, the Transfer Board approved the Transfer to Shanahan Motor Lines, Inc., Philadelphia, Pa., of certificates Nos. MC-77649, issued August 24, 1962, MC-77649 (Sub-No. 3), issued April 22, 1963, and MC-77649 (Sub-No. 5), issued June 3, 1965, to Timothy J. Shanahan, III, doing business as Shanahan Transportation Co., Philadelphia, Pa., authorizing the transportation of, among other things, floor coverings, and materials, supplies and equipment used or useful in the installation, manufacture and shipping of floor coverings, between Philadelphia, Pa., on the one hand, and, on the other, Baltimore, Md., Washington, D.C., and points in the New York, N.Y. commercial zone, as defined by the Commission. Jacob J. Siegel, 1529 Walnut Street, Philadelphia, Pa., 19102, attorney for applicants.

No. MC-FC-68598. By order of April 11, 1966, the Transfer Board approved the transfer to Middlesex Transportation Co., a corporation, Iselin, N.J., of certificate No. MC-119237, issued January 22, 1960, to Frederick M. Greasheimer, Iselin, N.J., authorizing the transportation of, among other things, liquors, from Philadelphia, Pa., to Jersey City and Perth Amboy, N.J., and from Peekskill, N.Y., to Perth Amboy, N.J. Donald E. Freeman, 172 East Green Street, Post Office Box 880, Westminster, Md., 21157, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-4166; Filed, Apr. 15, 1966; 8:46 a.m.]

[No. 34667]

MIDDLEWEST, CENTRAL AND SOUTHWEST STATES

Per-Shipment and Minimum Charges

It appearing, that by order dated January 4, 1966, respondents were notified and required, in the discharge of their burden of proof, to submit certain evidence and supporting data as specified therein;

And it further appearing, that upon consideration of the petition filed with the Commission on March 4, 1966, the Middlewest Motor Freight Bureau on behalf of respondents herein, seeking modification of the Commission's order dated January 4, 1966, and of the reply thereto filed on March 16, 1966, by The National Industrial Traffic League; and for good cause appearing therefor:

It is ordered, That the order of January 4, 1966, insofar as it requires all respondents in this proceeding to report to the Commission the carrier-affiliate relationships and transactions to reflect the most recent annual reporting period, be, and it is hereby, modified to require that detailed data regarding carrier-affiliate financial and operating relationships and transactions be reported only by the Class I and II motor carriers participating in the four tariffs of the Middlewest Motor Freight Bureau here under investigation when such transaction individually, or in the aggregate, amount to $2,500 or more during the year 1965.

It is further ordered, That insofar as the January 4, 1966, order herein referred the instant proceeding to Hearing Examiner Richard S. Ries for hearing on June 14, 1966, be, and it is hereby, vacated and set aside.

It is further ordered, That the above-entitled proceeding be, and it is hereby, referred to Hearing Examiner Robert C. Bamford for hearing commencing on June 14, 1966, at 9:30 o'clock a.m. U.S. standard time (or 9:30 o'clock a.m. l.d.s.t., if that time is observed), at the Pickwick Motor Inn, McGee and 10th Streets, Kansas City, Mo., for the purpose of receipt in evidence of the verified statements, cross-examination thereon, if requested, and the introduction of rebuttal evidence, and to permit the hearing examiner to close the record.

It is further ordered, That except to the extent modified herein, the order of January 4, 1966, shall remain in full force and effect.

It is further ordered, That a copy of this order be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested parties.

And it is further ordered, That, to avoid future unnecessary service upon those respondents who, although participating carriers in the tariff schedules which are the subject of investigation herein, are not actively interested in the outcome of such investigation, subsequent service on respondents herein of notices and orders of the Commission will be limited to those respondents who:

(1) Have been identified by name in the order or orders of investigation herein,

(2) Specifically make written request to the Secretary of the Commission to be included on the service list, or

(3) Have appeared at a hearing.

Dated at Washington, D.C., this 29th day of March, A.D. 1966.

By the Commission, Commissioner Freas.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-4167; Filed, Apr. 15, 1966; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 13, 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. 40416—*Iron or steel articles to points in Texas.* Filed by Southwestern Freight Bureau, agent (No. B-8837), for interested rail carriers. Rates on iron or steel articles, in carloads, from points in Delaware, Maryland, New Jersey, New York, and Pennsylvania, to Clarkwood, Corpus Christi, Flour Bluff, Gregory, and Ingleside, Tex.

Grounds for relief—Market competition.

Tariff—Supplement 184 to Southwestern Freight Bureau, agent, tariff ICC 4503.

FSA No. 40417—*Joint motor-rail rates—Middlewest Motor Freight.* Filed by Middlewest Motor Freight Bureau, agent (No. 368), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middlewest territory; between points in middlewest territory, on the one hand, and points in Central States, southwestern and Canadian territories, on the other; between points in Central States territory, on the one hand, and points in southwestern and Canadian territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 66 to Middlewest Motor Freight Bureau, agent, tariff MF-ICC 417.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-4168; Filed, Apr. 15, 1966; 8:46 a.m.]

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