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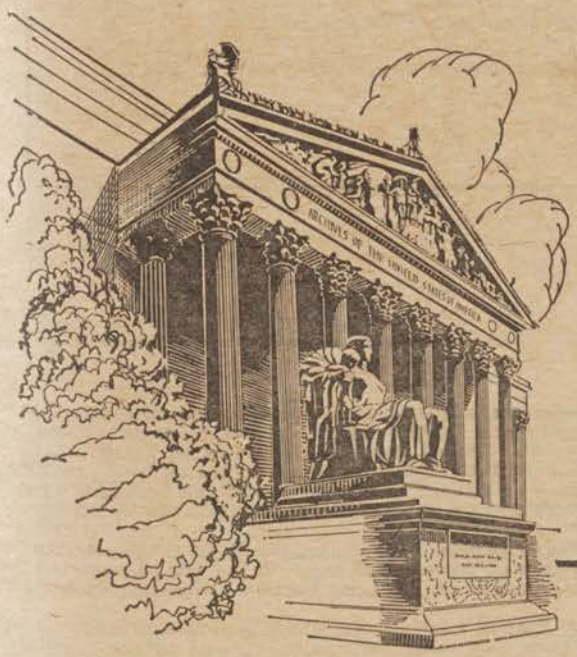

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How To Find U.S. Statutes and U.S. Code Citations

[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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Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 1]

PART 403—PEACH CROP INSURANCE

Subpart—Regulations for the 1965 and Succeeding Crop Years

APPLICATION AND POLICY

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1967 crop year in the following respects:

1. Section 7(b) of the Application and Policy shown in § 403.45 of this chapter is amended effective beginning with the 1967 crop year to read as follows:

§ 403.45 The application and the policy.

* * * * *

(b) The total annual premium for the insured crop on all units shall be reduced as follows for consecutive years of insurance, without a loss for which an indemnity was paid on any unit, immediately preceding the crop year for which the reduction is applicable (eliminating any year in which a premium was not earned):

Percent premium reduction and consecutive years with no loss

5 percent after 1 year.
5 percent after 2 years.
10 percent after 3 years.
10 percent after 4 years.
15 percent after 5 years.
20 percent after 6 years.
25 percent after 7 years or more.

If an insured has a loss on a crop for which an indemnity is paid, the number of such consecutive years of insurance on such crop without a loss for which an indemnity was paid shall be reduced by 3 years, except, that, where the insured has 7 or more such years, a reduction to 4 shall be made and where the insured has 3 or less such years, a reduction to zero shall be made. Any premium reduction earned hereunder shall upon death of the insured inure to the benefit of his estate or surviving spouse and, upon approval of the Corporation, shall inure to any person operating the same farm or farms as the deceased insured who the Corporation determines has been actively participating in the farming operations by assisting in the management or by furnishing labor for compensation. If the insured is a partnership (which for the purpose of this section shall be deemed to include any other joint enterprise), the premium reduction earned by such insured shall, upon dissolution of the partnership, inure to the benefit of each member who has a contract of insurance in force in the year immediately following the dissolution covering only a part or all of the land involved in the partnership operation. If the insured is a partnership each of whose members had a contract of insurance in force in the year immediately preceding the formation of the partnership covering a part of the land included in the partnership operation, the smallest premium reduction earned by any member, or none if any member has earned none, shall inure to the benefit of the insured. If the insured is a partnership only one of whose members had a contract of insurance in force in the year immediately preceding the formation of the partnership, the premium reduction earned by such member shall inure to the benefit of the insured only if the insured operates the same farm or farms formerly operated by such member and if the Corporation finds that the other member or members have been actively participating in the farming operations by assisting in the management or by furnishing labor for compensation. If the insured is a corporation operating only a farm or farms previously operated by one or more stockholders, each of whom had a contract of insurance in force in the year immediately preceding the formation of the corporation, the smallest premium reduction earned by any such stockholder, or none if any such stockholder has earned none, shall inure to the benefit of the insured. If the insured was a stockholder of a dissolved corporation, which had a contract of insurance in force in the year immediately preceding its dissolution covering only the same farm or farms being operated by the insured, the premium reduction earned by the corporation shall inure to the benefit of the insured.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on July 7, 1966.

[SEAL] EARLL H. NIKKEL,
Secretary, Federal Crop Insurance Corporation.

Approved on July 14, 1966.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 66-7800; Filed, July 18, 1966; 8:46 a.m.]

[Amdt. 3]

PART 404—APPLE CROP INSURANCE

Subpart—Regulations for the 1963 and Succeeding Crop Years

APPLICATION AND POLICY

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1967 crop year in the following respects:

1. Section 7(b) of the Application and Policy shown in § 404.6 of this chapter is amended effective beginning with the 1967 crop year to read as follows:

§ 404.6 The application and the policy (applicable in all States except North Carolina).

* * * * *

(b) The total annual premium for the insured crop on all units shall be reduced as follows for consecutive years of insurance, without a loss for which an indemnity was paid on any unit, immediately preceding the crop year for which the reduction is applicable (eliminating any year in which a premium was not earned):

Percent premium reduction and consecutive years with no loss

5 percent after 1 year.
5 percent after 2 years.
10 percent after 3 years.
10 percent after 4 years.
15 percent after 5 years.
20 percent after 6 years.
25 percent after 7 years or more.

If an insured has a loss on a crop for which an indemnity is paid, the number of such consecutive years of insurance on such crop without a loss for which an indemnity was paid shall be reduced by 3 years, except, that, where the insured has 7 or more such years, a reduction to 4 shall be made and where the insured has 3 or less such years, a reduction to zero shall be made. Any premium reduction earned hereunder shall upon death of the insured inure to the benefit of his estate or surviving spouse and, upon approval of the Corporation, shall inure to any person operating the same farm or farms as the deceased insured who the Corporation determines has been actively participating in the farming operations by assisting in the management or by furnishing labor for compensation. If the insured is a partnership (which for the purpose of this section shall be deemed to include any other joint enterprise), the premium reduction earned by such insured shall, upon dissolution of the partnership, inure to the benefit of each member who has a contract of insurance in force in the year immediately following the dissolution covering only a part or all of the land involved in the partnership operation. If the insured is a partnership each of whose members had a contract of insurance in force in the year immediately preceding the formation of the partnership covering a part of the land included in the partnership operation, the smallest premium reduction earned by any member, or none if any member has earned none, shall inure to the benefit of the insured. If the insured is a partnership only one of whose members had a contract of insurance in force in the year immediately preceding the formation of the partnership, the premium reduction earned by such member shall inure to the benefit of the insured only if the insured operates the same farm or farms formerly operated by such member and if the Corporation finds that the other member or members have been actively participating in the farming operations by assisting in the management or by furnishing labor for compensation. If the insured is a corporation operating only a farm or farms previously operated by one or more stockholders, each of whom had a contract of insurance in force in the year immediately preceding the formation of the

corporation, the smallest premium reduction earned by any such stockholder, or none if any such stockholder has earned none, shall inure to the benefit of the insured. If the insured was a stockholder of a dissolved corporation, which had a contract of insurance in force in the year immediately preceding its dissolution covering only the same farm or farms being operated by the insured, the premium reduction earned by the corporation shall inure to the benefit of the insured.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on July 7, 1966.

[SEAL] EARLL H. NIKKEL,
Secretary, Federal Crop Insurance Corporation.

Approved on July 14, 1966.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc., 66-7801; Filed, July 18, 1966; 8:46 a.m.]

[Amdt. 1]

PART 405—CHERRY CROP INSURANCE

Subpart—Regulations for Red Tart Cherries for the 1963 and Succeeding Crop Years

APPLICATION AND POLICY

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1967 crop year in the following respects:

1. Section 7(b) of the Application and Policy shown in § 405.6 of this chapter is amended effective beginning with the 1967 crop year to read as follows:

§ 405.6 The application and the policy.

* * * * *

(b) The total annual premium for the insured crop on all units shall be reduced as follows for consecutive years of insurance, without a loss for which an indemnity was paid on any unit, immediately preceding the crop year for which the reduction is applicable (eliminating any year in which a premium was not earned):

Percent premium reduction and consecutive years with no loss

5 percent after 1 year.
5 percent after 2 years.
10 percent after 3 years.
10 percent after 4 years.
15 percent after 5 years.
20 percent after 6 years.
25 percent after 7 years or more.

If an insured has a loss on a crop for which an indemnity is paid, the number of such consecutive years of insurance on such crop without a loss for which an indemnity was paid shall be reduced by 3 years, except, that, where the insured has 7 or more such years, a reduction to 4 shall be made and where the insured has 3 or less such years, a reduction to zero shall be made. Any premium reduction earned hereunder shall upon death of the insured inure to the benefit of his estate or surviving spouse and, upon approval of the Corporation, shall inure to any person operating the same farm or farms as the deceased insured who the Corporation determines has been actively participating in the farming operations by assisting in the management or by furnishing labor for compensation. If the insured is a partnership (which for the purpose of this section shall be deemed to include any other joint enterprise), the premium reduction earned by such insured shall, upon dissolution of the partnership, inure to the benefit of each member who has a contract of insurance in force in the year immediately following the dissolution covering only a part or all of the land involved in the partnership operation. If the insured is a partnership each of whose members had a contract of insurance in force in the year immediately preceding the formation of the partnership covering a part of the land included in the partnership operation, the smallest premium reduction earned by any member, or none if any member has earned none, shall inure to the benefit of the insured. If the insured is a partnership only one of whose members had a contract of insurance in force in the year immediately preceding the formation of the partnership, the premium reduction earned by such member shall inure to the benefit of the insured only if the insured operates the same farm or farms formerly operated by such member and if the Corporation finds that the other member or members have been actively participating in the farming operations by assisting in the management or by furnishing labor for compensation. If the insured is a corporation operating only a farm or farms previously operated by one or more stockholders, each of whom had a contract of insurance in force in the year immediately preceding the formation of the corporation, the smallest premium reduction earned by any such stockholder, or none if any such stockholder has earned none, shall inure to the benefit of the insured. If the insured was a stockholder of a dissolved corporation, which had a contract of insurance in force in the year immediately preceding its dissolution covering only the same farm or farms being operated by the insured, the premium reduction earned by the corporation shall inure to the benefit of the insured.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on July 7, 1966.

[SEAL] EARLL H. NIKKEL,
Secretary, Federal Crop Insurance Corporation.

Approved on July 14, 1966.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 66-7802; Filed, July 18, 1966; 8:46 a.m.]

[Amdt. 1]

PART 407—TUNG NUT CROP INSURANCE

Subpart—Regulations for the 1965 and Succeeding Crop Years

APPLICATION AND POLICY

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1967 crop year in the following respects:

1. Section 7(b) of the Application and Policy shown in § 407.6 of this chapter is amended effective beginning with the 1967 crop year to read as follows:

§ 407.6 The application and the policy.

* * * * *

(b) The total annual premium for the insured crop on all units shall be reduced as follows for consecutive years of insurance, without a loss for which an indemnity was paid on any unit, immediately preceding the crop year for which the reduction is applicable (eliminating any year in which a premium was not earned):

Percent premium reduction and consecutive years with no loss

5 percent after 1 year.
5 percent after 2 years.
10 percent after 3 years.
10 percent after 4 years.
15 percent after 5 years.
20 percent after 6 years.
25 percent after 7 years or more.

If an insured has a loss on a crop for which an indemnity is paid, the number of such consecutive years of insurance on such crop without a loss for which an indemnity was paid shall be reduced by 3 years, except, that, where the insured has 7 or more such years, a reduction to 4 shall be made and where the insured has 3 or less such years, a reduction to zero shall be made. Any premium reduction earned hereunder shall upon death of the insured inure to the benefit of his estate or surviving spouse and, upon approval of the Corporation, shall inure to any person operating the same farm or farms as the deceased insured who the Corporation determines has been actively participating in the farming operations by assisting in the management or by furnishing labor for compensation. If the insured is a partnership (which for the purpose of this section shall be deemed to include any other joint enterprise), the premium reduction earned by such insured shall, upon dissolution of the partnership, inure to the benefit of each member who has a contract of insurance in force in the year immediately following the dissolution covering only a part or all of the land involved in the partnership operation. If the insured is a partnership each of whose members had a contract of insurance in force in the year immediately preceding the formation of the partnership covering a part of the land included in the partnership operation, the smallest premium reduction earned by any member, or none if any member has earned none, shall inure to the benefit of the insured. If the insured is a partnership only one of whose members had a contract of insurance in force in the year immediately preceding the formation of the partnership, the premium reduction earned by such member shall inure to the benefit of the insured only if the insured operates the same farm or farms formerly operated by such member and if the Corporation finds that the other member or members have been actively participating in the farming operations by assisting in the management or by furnishing labor for compensation. If the insured is a corporation operating only a farm or farms previously operated by one or more stockholders, each of whom had a contract of insurance in force in the year immediately preceding the formation of the corporation, the smallest premium reduction earned by any such stockholder, or none if any such stockholder has earned none, shall inure to the benefit of the insured. If the insured was a stockholder of a dissolved corporation, which had a contract of insurance in force in the year immediately preceding its dissolution covering only the same farm or farms being operated by the insured, the premium

reduction earned by the corporation shall inure to the benefit of the insured.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on July 7, 1966.

[SEAL] EARLL H. NIKKEL,
Secretary, Federal Crop Insurance Corporation.

Approved on July 14, 1966.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 66-7803; Filed, July 18, 1966; 8:46 a.m.]

[Amdt. 2]

PART 408—NORTH CAROLINA APPLE CROP INSURANCE

Subpart—Regulations for the 1965 and Succeeding Crop Years

APPLICATION AND POLICY

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1967 crop year in the following respects:

1. Section 7(b) of the Application and Policy shown in § 408.6 of this chapter is amended effective beginning with the 1967 crop year to read as follows:

§ 408.6 The application and policy.

* * * * *

(b) The total annual premium for the insured crop on all units shall be reduced as follows for consecutive years of insurance, without a loss for which an indemnity was paid on any unit, immediately preceding the crop year for which the reduction is applicable (eliminating any year in which a premium was not earned):

Percent premium reduction and consecutive years with no loss

5 percent after 1 year.
5 percent after 2 years.
10 percent after 3 years.
10 percent after 4 years.
15 percent after 5 years.
20 percent after 6 years.
25 percent after 7 years or more.

If an insured has a loss on a crop for which an indemnity is paid, the number of such consecutive years of insurance on such crop without a loss for which an indemnity was paid shall be reduced by 3 years, except, that, where the insured has 7 or more such years, a reduction to 4 shall be made and where the insured has 3 or less such years, a reduction to zero shall be made. Any premium reduction earned hereunder shall upon death of the insured inure to the benefit of his estate or surviving spouse and, upon approval of the Corporation, shall inure to any person operating the same farm or farms as the deceased insured who the Corporation determines has been actively participating in the farming operations by assisting in the management or by furnishing labor for compensation. If the insured is a partnership (which for the purpose of this section shall be deemed to include any other joint enterprise), the premium reduction earned by such insured shall, upon dissolution of the partnership, inure to the benefit of each member who has a contract of insurance in force in the year immediately following the dissolution covering only a part or all of the land involved in the partnership operation. If the insured is a partnership each of whose members had a contract of insurance in force in the year immediately preceding the formation of the partnership covering a part of the land included in the partnership operation, the smallest premium reduction earned by any member, or none if any member has earned none, shall inure to the benefit of the insured. If the insured is a partnership only one of whose members had a contract of insurance in force in the year immediately preceding the formation of the partnership, the premium reduction earned by such member shall inure to the benefit of the insured only if the insured operates the same farm or farms formerly operated by such member and if the Corporation finds that the other member or members have been actively participating in the farming operations by assisting in the management or by furnishing labor for compensation. If the insured is a corporation operating only a farm or farms previously operated by one or more stockholders, each of whom had a contract of insurance in force in the year immediately preceding the formation of the corporation, the smallest premium reduction earned by any such stockholder, or none if any such stockholder has earned none, shall inure to the benefit of the insured. If the insured was a stockholder of a dissolved corporation, which had a contract of insurance in force in the year immediately preceding its dissolution covering only the same farm or farms being operated by the insured, the premium reduction earned by the corporation shall inure to the benefit of the insured.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on July 7, 1966.

[SEAL] EARLL H. NIKKEL,
Secretary, Federal Crop Insurance Corporation.

Approved on July 14, 1966.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 66-7804; Filed, July 18, 1966; 8:47 a.m.]

[Amdt. 1]

PART 410—FLORIDA CITRUS CROP INSURANCE

Subpart—Regulations for the 1966 and Succeeding Crop Years

APPLICATION AND POLICY

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1967 crop year in the following respects:

1. Section 7(b) of the Application and Policy shown in § 410.6 of this chapter is amended effective beginning with the 1967 crop year to read as follows:

§ 410.6 The application and the policy.

* * * * *

(b) The total annual premium for the insured crop on all units shall be reduced as follows for consecutive years of insurance, without a loss for which an indemnity was paid on any unit, immediately preceding the crop year for which the reduction is applicable (eliminating any year in which a premium was not earned):

Percent premium reduction and consecutive years with no loss

5 percent after 1 year.
5 percent after 2 years.
10 percent after 3 years.
10 percent after 4 years.
15 percent after 5 years.
20 percent after 6 years.
25 percent after 7 years or more.

If an insured has a loss on a crop for which an indemnity is paid, the number of such consecutive years of insurance on such crop without a loss for which an indemnity was paid shall be reduced by 3 years, except, that, where the insured has 7 or more such years, a reduction to 4 shall be made and where the insured has 3 or less such years, a reduction to zero shall be made. Any premium reduction earned hereunder shall upon death of the insured inure to the benefit of his estate or surviving spouse and, upon approval of the Corporation, shall inure to any person operating the same farm or farms as the deceased insured who the Corporation determines has been actively participating in the farming operations by assisting in the management or by furnishing labor for compensation. If the insured is a partnership (which for the purpose of this section shall be deemed to include any other joint enterprise), the premium reduction earned by such insured shall, upon dissolution of the partnership, inure to the benefit of each member who has a contract of insurance in force in the year immediately following the dissolution covering only a part or all of the land involved in the partnership operation. If the insured is a partnership each of whose members had a contract of insurance in force in the year immediately preceding the formation of the partnership covering a part of the land included in the partnership operation, the smallest premium reduction earned by any member, or none if any member has earned none, shall inure to the benefit of the insured. If the insured is a partnership only one of whose members had a contract of insurance in force in the year immediately preceding the formation of the partnership, the premium reduction earned by such member shall inure to the benefit of the insured only if the insured operates the same farm or farms formerly operated by such member and if the Corporation finds that the other member or members have been actively participating in the farming operations by assisting in the management or by furnishing labor for compensation. If the insured is a corporation operating only a farm or farms previously operated by one or more stockholders, each of whom had a contract of insurance in force in the year immediately preceding the formation of the corporation, the smallest premium reduction earned by any such stockholder, or none if any such stockholder has earned none, shall inure to the benefit of the insured. If the insured was a stockholder of a dissolved corporation, which had a contract of insurance in force in the year immediately preceding its dissolution covering only the same farm or farms being operated by the insured, the premium reduction earned by the corporation shall inure to the benefit of the insured.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Adopted by the Board of Directors on July 7, 1966.

[SEAL] EARLL H. NIKKEL,
Secretary, Federal Crop Insurance Corporation.

Approved on July 14, 1966.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 66-7805; Filed, July 18, 1966; 8:47 a.m.]

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

SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAMS

[ACP–1967]

PART 701—NATIONAL AGRICULTURAL CONSERVATION

Subpart—1967

MISCELLANEOUS AMENDMENTS

The provisions of §§ 701.1 to 701.97 (26 F.R. 6881), as amended, shall be effective for the 1967 National Agricultural Conservation Program for the period July 1, 1966, through December 31, 1967, except for the following changes and such other changes as may hereafter be made.

1. For the purposes of the 1967 program, references to the years 1965, 1966, and 1967 shall be construed as references to the years 1966, 1967, and 1968, respectively.

2. The allocation of funds among States for the 1967 program will be published at a later date in an amendment to § 701.2.

§ 701.17 [Amended]

3. The second sentence of § 701.17 is amended, effective beginning with the 1967 program, by deleting the words "under the 1954 or a subsequent program".

4. Section 701.32 is revised, effective beginning with the 1967 program, to read as follows:

§ 701.32 Appeals.

Any person may obtain reconsideration and review of determinations affecting his participation in the program in accordance with Part 780 of this chapter (29 F.R. 8200), as amended.

5. A new § 701.32A is added, effective beginning with the 1967 program, immediately following § 701.32, as follows:

§ 701.32A Performance based upon advice or action of county or State committee.

Cases involving performance rendered in good faith in reliance upon action or advice of an authorized representative of a county committee or State committee shall be handled in accordance with Part 790 of this chapter (30 F.R. 17154).

§ 701.34 [Amended]

6. Section 701.34 is amended, effective beginning with the 1967 program, by adding the following new sentence at the end thereof: If the State or county committee finds that there has not been compliance with this provision, with respect to any practice, the person with whom costs for the practice were shared shall be required to refund all of the Federal cost-share for the practice, or such part thereof as the State or county committee may determine.

7. Section 701.59 is revised, effective beginning with the 1967 program, to read as follows:

§ 701.59 Practice B–7: Constructing or sealing dams, pits, or ponds to provide water for agricultural uses.

Structures providing multiple benefits will be encouraged. However, those to be used solely for recreation are not eligible. No Federal cost-sharing will be allowed for structures, the primary purpose of which is to bring into agricultural production, through irrigation, land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture in the area during at least 2 of the last 5 years, excpt where the water will be used for the establishment or improvement of permanent vegetative cover for soil protection. Any land to be irrigated which was not normally used for row crops or small grain crops prior to performance of the practice shall not be used for row crops or small grain crops for 5 years following the completion of the practice.

8. A new § 701.63A is added, effective beginning with the 1967 program, immediately following § 701.63, as follows:

§ 701.63A Practice B–12: Controlling noxious weeds in order to protect soil or water resources.

This practice is limited to situations where control of weeds is necessary to the protection of the soil or water resource. Cost-sharing will be limited to control of perennial weeds (and also biennial weeds in permanent vegetative cover) designated as noxious by the State ACP Development Group with the approval of the Director, Farmer Programs Division, ASCS. The practice is applicable only in areas where weed control measures will be carried out on an organized basis which will minimize reinfestation.

§ 701.72 [Amended]

9. Section 701.72 is amended, effective beginning with the 1967 program, by revising the fifth sentence to read as follows: No Federal cost-sharing will be allowed for cleaning a ditch or for installing structures primarily for the convenience of the farm operator.

§ 701.75 [Amended]

10. Section 701.75 is amended, effective beginning with the 1967 program, by revising the second sentence to read as follows: No Federal cost-sharing will be allowed for cleaning a ditch or for installing structures primarily for the convenience of the farm operator or for portable pipe.

11. Section 701.77 is revised, effective beginning with the 1967 program to read as follows:

§ 701.77 Practice C–14: Constructing or lining dams, pits, or ponds for irrigation water.

(Beginning with the 1967 program, dams, pits, or ponds for irrigation water are included in § 701.59 (Practice B–7).)

(Sec. 4, 49 Stat. 164, secs. 7 to 17, 49 Stat. 1148, as amended; 71 Stat. 176, 71 Stat. 426, 72 Stat. 864; 16 U.S.C. 590d, 590g–590q)

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

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66–7797; Filed, July 18, 1966; 8:46 a.m.]

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

[Lemon Reg. 222, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

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 recommendation 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 amendment 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 amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 910.522 (Lemon Regulation 222, 31 F.R. 9413) are hereby amended to read as follows:

(ii) District 2: 465,000 cartons.

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

Dated: July 14, 1966.

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

[F.R. Doc. 66–7798; Filed, July 18, 1966; 8:46 a.m.]

PART 991—HOPS OF DOMESTIC PRODUCTION

Order Regulating Handling

AUTHORITY: The provisions of this Part 991 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 991.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure, as amended (7 CFR Part 900), a public hearing was held at Yakima, Wash., on March 1 through March 8, 1966, on a proposed marketing agreement and order (7 CFR Part 991), regulating the handling of hops of domestic production. On the basis of the evidence adduced at the hearing, and the record thereof, it is found that:

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

(2) The said order regulates the handling of hops produced in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which a hearing has been held;

(3) The said order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of hops in the production area covered by the order which require different terms applicable to different parts of such area; and

(5) All handling of hops produced in the production area is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* (1) It is hereby found that good cause exists for making the provisions of this order effective not later than the time hereinafter specified so that the Hop Administrative Committee, the administrative agency provided for in the order, can be selected and organized, and start to function as soon as possible. In this manner, it will be possible should the circumstances warrant, for regulations to be formulated and issued to effectuate the declared policy of the act so that producers may obtain the benefits of this program on their 1966–67 crop of hops. The order requires establishment of volume limitations prior to August 15, 1966, if such are to be applicable to the 1966–67 crop of hops.

(2) The provisions of the order are well known to handlers of hops grown in the production area by reason of the following:

(i) the public hearing, at which evidence was received from the industry and upon which this order is based, was held at Yakima, Wash., March 1–8, 1966; (ii) the recommended decision and the final decision were published in the FEDERAL REGISTER on May 21, 1966 (31 F.R. 7398), and July 2, 1966 (31 F.R. 9118), respectively; (iii) copies of the regulatory provisions of the order were made available, to all known parties who may be subject thereto, prior to the referendum which was held July 7, 1966, to determine whether producers of hops grown in the production area favor or approve issuance of this order; and (iv) all known handlers of hops grown in the production area were mailed a copy of the marketing agreement, the regulatory provisions of which are the same as those contained in this order. Compliance with the regulatory provisions of this order will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective date of regulations that may be issued thereunder. Therefore good cause exists for not delaying the effective date hereof beyond the date hereinafter set forth (5 U.S.C. 1003).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations specified in section 8c(9) of the act) of more than 50 percent of the volume of hops covered by this order, refused or failed to sign the aforesaid proposed marketing agreement; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this 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, of hops grown in the production area; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers of hops who participated in a referendum held July 7, 1966, on the question of its approval, and who, during the determined representative period (August 1, 1965, through May 31, 1966) were engaged within the production area, specified in the order, in the production of hops for market.

It is therefore ordered, That, on and after the effective date hereof, all handling of hops produced in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order which are as follows:

DEFINITIONS

§ 991.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the U.S. Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

§ 991.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 48 Stat. 31, as amended).

§ 991.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 991.4 Hops.

"Hops" means the green or dried pistillate cones of the vine Humulus lupulus or Humulus americanus grown in the production area and includes residues from the preparation of hops for market, whether or not such residues are in the form of whole hops, portions of hops or lupulin, which can be used for a purpose for which hops are used.

§ 991.5 Salable hops.

"Salable hops" means those hops released for handling, including commercial acquisition or use, by the allotment percentage pursuant to § 991.37 and which constitute the annual allotments of producers.

§ 991.6 Production area.

"Production area" means all States with commercial production of hops and shall be divided into the following districts:

(a) District 1—Washington.
(b) District 2—Oregon.
(c) District 3—Idaho.
(d) District 4—California.

§ 991.7 Producer.

"Producer" is synonymous with "grower" and means any person engaged in a proprietary capacity in the commercial production of hops, including "cooperative" producers who are members of a cooperative hop marketing association and "independent" producers who are not.

§ 991.8 Handler.

"Handler" means any person who handles hops.

§ 991.9 Handle.

"Handle" means to prepare hops for market, acquire hops, use hops commercially of own production, or sell, transport or ship (except as a common or contract carrier of hops owned by another) or otherwise place hops into the current of commerce within the production area or from the area to points outside thereof, except that the preparation for market of salable hops by producers not dealers or brewers, or the sale, transportation or shipment of such hops by a producer to a handler of record, shall not be construed as handling.

§ 991.10 Marketing year.

"Marketing year" means the 12 months from August 1 to the following July 31, inclusive.

§ 991.11 Part and subpart.

"Part" means the order regulating the handling of hops grown in the production area and all rules, regulations and supplemental orders issued thereunder, and the aforesaid order shall be a "subpart" of such part.

HOP ADMINISTRATIVE COMMITTEE

§ 991.15 Establishment and membership.

A Hop Administrative Committee (hereinafter referred to as "committee") consisting of 13 members, each of whom shall have an alternate, is hereby established to administer the terms and provisions of this part. Positions 1 and 2 shall be for cooperative producers in District 1. Positions 3 through 7 shall be for independent producers in District 1, and shall be as follows: Positions 3 through 5 each representing one of three subdistricts of District 1; positions 6 and 7 representing independent producers-at-large in District 1. Positions 8 and 9 shall be for District 2 producers, 10 and 11 for District 3 producers, and 12 and 13 for District 4 producers. The subdistricts in District 1 shall be as follows: Subdistrict 1 shall be all that portion of the State of Washington lying north of the south line of Township 12 N., Subdistrict 2, shall be all that portion of the State of Washington lying south of the south line of Township 12 N., and west of the east line of Range 20 E. Subdistrict 3 shall be the rest of the State of Washington. The committee, with the approval of the Secretary, may change subdistrict boundaries to reflect significant changes in numbers of producers.

§ 991.16 Eligibility.

Each member and alternate of the committee shall be at the time of his selection and during his term of office, a producer, or an officer or employee of a producer, in the district or subdistrict for which selected and shall not be a full-time employee of a cooperative hop marketing association.

§ 991.17 Nominations.

(a) *General.* Producers in each district or subdistrict shall nominate persons for each committee member and each alternate position prescribed in § 991.15. Nominations shall be certified by the committee and submitted to the Secretary by December 1 of each year, together with information deemed by the committee to be pertinent or requested by the Secretary. If nominations for any position are not submitted in the specified manner by such date, the Secretary may select the representative for that position without nomination. For the purpose of obtaining the initial nominations, the Secretary shall perform the functions of the committee.

(b) *Committee members.* Nominations, other than for positions 1 and 2, shall be submitted to the Secretary on the basis of nomination meetings held by producers in each district or subdistrict. The committee shall hold and shall give reasonable publicity to nomination meetings and may use the principal grower organizations in each district or subdistrict to convene meetings of producers; and the nominees for positions 1 and 2 shall be submitted directly to the committee for certification to the Secretary by the cooperative associations. The eligible person receiving the highest number of votes for a member or alternate position shall be the nominee for that position. Only producers eligible to serve on the committee from the district or subdistrict in which the nominations are being conducted shall be eligible to vote, and each producer shall have one vote for each position to be filled. No producer shall participate in the election of nominees in more than one district. In case he is a producer in more than one district or subdistrict, he shall select in which of such district or subdistrict he will vote and notify the committee as to his choice. If the Secretary concludes, on the basis of a recommendation of the committee, that this procedure is unsatisfactory, or should be changed for any reason, he may change this procedure through formulation and issuance of superseding regulations.

§ 991.18 Procedure.

At an assembled meeting, all votes shall be cast in person and 10 members of the committee shall constitute a quorum. Decisions of the committee shall require the concurring vote of at least nine members. If both a committee member and his alternate are unable to attend a committee meeting, any other alternate from the same district, if not acting, may act in the place of the absent member and alternate. The committee may vote by mail, telephone, telegraph, or other means of communications: *Provided,* That each proposition is explained accurately, fully and reasonably identical to each member. All votes shall be confirmed in writing. A reasonable time limit may be set by the committee for receipt of written confirmation. Ten concurring votes and no dissenting vote shall be required for approval of a committee action by such method.

§ 991.19 Powers.

The committee shall have the following powers:

(a) To administer this subpart in accordance with its terms and provisions;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of this part;

(d) To recommend to the Secretary amendments to this subpart.

§ 991.20 Duties.

The committee shall have, among others, the following duties:

(a) To select from among its membership such officers and adopt such rules or bylaws for the conduct of its operations as it deems necessary;

(b) To appoint such employees as it may deem necessary, and to determine the compensation and to define the duties of each employee;

(c) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(d) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to producers and handlers for examination at the office of the committee;

(e) To cause the books of the committee to be audited by a certified public accountant at least once each marketing year and at such other times as the committee may deem necessary, or as the Secretary may request, to submit two copies of each such audit report to the Secretary, and to make available a copy which does not contain confidential data for inspection at the offices of the committee by producers and handlers;

(f) To act as intermediary between the Secretary and any producer or handler;

(g) To investigate and assemble data on the growing, handling and marketing conditions with respect to hops;

(h) To submit to the Secretary such available information as he may request or the committee may deem desirable and pertinent;

(i) To notify producers and handlers of all meetings of the committee to consider recommendations for regulations and of all regulatory actions taken affecting producers and handlers;

(j) To give the Secretary the same notice of meetings of the committee and its subcommittees as is given to its members; and

(k) To investigate compliance and use means available to prevent violations of the provisions of this part.

HOP MARKETING ADVISORY BOARD

§ 991.22 Establishment and membership.

A Hop Marketing Advisory Board (hereinafter referred to as "board") consisting of five members, each of whom shall have an alternate, is hereby established to advise and assist the committee. Positions 1, 2, and 3 shall be one position each for each of the three handlers who handled the largest quantity of hops during the preceding marketing year. Position 4 shall be for all other handlers, other than extractors. Position 5 shall be for extractors of hops. Each member or alternate shall be a handler, or an officer or employee of a handler, in the position or group represented. For the purposes of this section, an extractor means a person primarily engaged in extracting from hops their commercially important components.

§ 991.23 Nomination.

Nominations for the respective positions shall be made by the handler or handlers involved and shall be submitted to the committee for certification and transmission to the Secretary, by December 1 of even numbered years, together with information deemed to be pertinent or requested by the Secretary. For member and alternate representation for positions 4 and 5, the nominees shall be selected at a meeting or by mail ballot, each eligible handler shall have one vote for each position and the person receiving the highest number of votes shall be the nominee.

§ 991.24 Duties.

The duties of the board shall consist of selecting officers from its members, establishing such bylaws as it deems necessary for performing its functions, making recommendations with respect to marketing policies, and the consideration of such other matters as it may deem advisable or the committee may request. It shall accept from any brewer or consumer of hops such information pertinent to marketing policy as may be offered and consider the same in making recommendations to the committee.

COMMITTEE AND BOARD

§ 991.25 Selection and term of office.

(a) *Selection.* Committee and board members shall be selected by the Secretary from nominees submitted by the committee or from among other eligible persons. Each person so selected shall qualify by filing a written acceptance with the Secretary prior to assuming the duties of the position.

(b) *Term of office.* The term of office of committee members shall be for a period of 2 calendar years except that the term of office of committee members holding odd numbered positions shall end on December 31 of odd numbered years, and committee members holding even numbered positions as set forth in § 991.15, shall end on December 31 of even numbered years. The terms of office of board members shall be 2 calendar years ending on December 31 of even numbered years. However, the initial sition on the committee and of each position on the board shall end on December 31, 1968. Committee and board members shall serve for the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

§ 991.26 Alternate members.

An alternate for a member shall act in the place of such member (a) in his absence, or (b) in the event of his death, removal, resignation, or disqualification, until a successor for his unexpired term has been selected and has qualified.

§ 991.27 Vacancy.

Any vacancy occasioned by the death, removal, resignation, or disqualification of any committee or board member shall, be recognized by the committee certifying to the Secretary a successor for the unexpired term, unless selection is deemed unnecessary by the Secretary.

§ 991.28 Expenses.

Members and alternates of the committee, and of the board, shall serve without compensation but shall receive such allowances for necessary expenses incurred in connection with their duties as may be approved by the committee.

RESEARCH

§ 991.30 Marketing research and development projects.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of hops. The expense of such projects shall be paid from funds collected pursuant to § 991.56, but the expenses of any projects involving reserve hops shall be allocated, as appropriate, in whole or in part, to funds obtained from the disposition of reserve hops. The handling of hops grown or used for research purposes may be exempted from regulation pursuant to such rules and regulations as the committee, with the approval of the Secretary, may adopt.

QUALITY REGULATION, INSPECTION, AND IDENTIFICATION

§ 991.31 Quality regulation.

Upon recommendation of the committee, the Secretary shall establish such minimum quality standards for hops in terms of their leaf and stem content and other quality factors as will tend to effectuate the objectives of this part and the declared policy of the act; and no handler shall acquire or use hops which fail to meet such standards. Hops failing to meet such standards shall be considered "substandard" hops and, except for disposition within his own farming operations, shall not be disposed of to persons other than the committee or its designees.

§ 991.32 Inspection and identification.

No handler shall handle, nor the committee receive for reserve pooling, hops which have not been inspected and certified for leaf and stem content and identified as prescribed by the committee. When minimum quality standards are established pursuant to § 991.31, only hops inspected and certified as meeting such requirements shall be eligible to be salable or reserve hops. Inspection and certification shall be by a Federal-State inspection service and the cost borne by the applicant. Inspection and identification shall be completed prior to November 15 or other date established pursuant to § 991.39. Such identification shall not be altered or removed by any

handler while in his control except when incidental to their disposition.

§ 991.33 Hops baled prior to effective date of this subpart.

Any producer holding hops baled prior to the effective date of this subpart is entitled, upon application made by the producer to the committee within 30 days after its establishment, to have such hops exempted from regulation under this part. Upon the committee determining the eligible poundage, it shall issue a release permitting any handler to handle such hops. Hops held by handlers on the effective date of this subpart but acquired prior thereto are also exempt from regulation under this part.

VOLUME LIMITATIONS

§ 991.36 Marketing policy.

Except as otherwise provided by the Secretary, but no later than March 1, or such earlier date as the committee, with the approval of the Secretary, may establish, the committee and the board shall hold such joint meetings as will enable the committee to adopt a marketing policy for the ensuing marketing year. The committee shall consider the recommendations of the board, the quantity of hops that should be made available for marketing to meet market requirements and to establish orderly marketing conditions, the prospective carryin of producers, handlers, and brewers, the desirable carryout, the prospective imports, and other factors affecting marketing conditions. If these considerations indicate a need for limiting the quantity of hops marketed, the committee shall recommend to the Secretary, a salable quantity and allotment percentage for the ensuing marketing year. Prior to August 1 of each year, the committee shall review its marketing policy and, if conditions warrant, recommend to the Secretary an appropriate increase in the salable quantity and allotment percentage for the ensuing crop as may be warranted. Notice of the marketing policy recommendations for a marketing year and any later changes shall be submitted promptly to the Secretary and all producers and handlers.

§ 991.37 Establishment.

(a) *Action by the Secretary.* If for any marketing year the Secretary finds, on the basis of the committee's recommendation or other information, that limiting the quantity of hops that may be freely marketed from any crop would tend to effectuate the declared policy of the act, he shall determine the salable quantity for such crop which handlers may handle. The salable quantity shall be prorated among producers by applying an allotment percentage to each producer's allotment base. The allotment percentage shall be established by the Secretary and shall be equal to the salable quantity divided by the total of all producer allotment bases established pursuant to § 991.38. Except as provided in this part, no handler may handle hops other than salable hops, except that a producer-handler may prepare hops for market.

(b) *Limitations on allotment percentage.* The respective allotment percentages applicable to the 1966 and 1967 crops shall be not less than 93 percent each. However, unless such is established prior to August 15, 1966, there shall be no allotment percentage applicable to the 1966 crop. No allotment percentage applicable to the 1968 and subsequent crops shall be less than 85 percent.

§ 991.38 Allotment of salable quantity.

(a) *Allotment bases.* (1) Except as otherwise provided in this section, the allotment base for each producer shall be the higher of:

(i) The highest average amount per acre sold from any three of his 1962, 1963, 1964, or 1965 harvested acreage multiplied by his 1965 acreage on which a bona fide effort was made to produce and harvest hops, or

(ii) 95 percent of the highest average amount per acre sold from either his 1962, 1963, 1964, or 1965 harvested acreage multiplied by his 1965 acreage on which a bona fide effort was made to produce and harvest hops.

(2) Where a producer's hop acreage is expanding as a result of new plantings, and where a bona fide effort was made to produce and harvest more hops, his allotment base shall include the volume, beginning with the 1966 or 1967 marketing year, whichever is the normal first year of harvest for such hops, obtained by multiplying the new harvested acreage of the producer planted to the same variety by his allotment base average sales per acre. Where such expansion arises from transfer of acreage, upon which hops were produced in 1965, and subsequent to 1965 harvest but prior to the effective date of this subpart, the allotment base shall be computed and determined in the same manner as though such acreage had not been transferred, but no such allotment base shall be granted unless the producer makes a bona fide effort to produce and harvest a 1966 crop from such acreage.

(3) If a producer has no applicable sales history for the reasons listed in this subparagraph, his allotment base, beginning with the first year of harvest, shall be the acreage multiplied by the average amount per acre sold for the like variety in the allotment bases of other producers in the state or locality, whichever is applicable, in which the acreage is located. The reasons are as follows:

(i) All his 1965 acreage was unharvested,

(ii) Part of his acreage was unharvested and planted to a variety with yields per acre substantially different from his harvested acreage, or

(iii) All of his acreage was planted and harvested in 1965, or part of his acreage was planted to a new variety and harvested in 1965, where first year harvesting is not the normal practice for the variety.

(4) However, new harvested acreage of subparagraphs (2) and (3) of this paragraph must have been planted to hops no later than 1966 and been committed to the production of hops by February 8, 1966, by either having entered into a bona fide contract calling for delivery of a specified quantity of hops at a specified price from such new acreage, by completing planting of hops, by completing construction of trellis or by meeting such other indications of commitment as the committee, with the approval of the Secretary, may prescribe.

(5) In accordance with this paragraph (a) and based on reports of handlers, producer certification and other information, the committee shall establish each producer's allotment base, and shall assign such allotment base to such producer. The right of each producer receiving an allotment base, or his legal successor in interest, to retain all or part of an allotment base shall be dependent on his continuing to make a bona fide effort to produce the annual allotment referable thereto and failing in any year to do so, such allotment base shall be reduced by an amount equivalent to such unproduced proportion: *Provided,* That the committee, with the approval of the Secretary, may waive such requirement and, upon application to the committee and receipt of acknowledgment of such, such requirement shall be waived for the 1966 crop for all producers except those whose hop acreage is expanding by reason of additional plantings or transfer of acreage and shall be waived for the 1967 crop for all producers.

(b) *Additional allotment bases.* Each marketing season the committee shall consider the need for granting, and if appropriate, grant, with the approval of the Secretary, additional allotment bases, to either a new producer or an existing producer, for such purposes as satisfying the demand for one or more varieties, providing more equitable allotment bases where allotment bases reflect below normal sales as a result of heptachlor damage to plants, or adjusting the total of all allotment bases to the trade demand. Administration of this provision shall be in accordance with such rules and regulations as the committee may prescribe, with the approval of the Secretary.

(c) *Issuance of annual allotments to producers.* As early as possible in each year, and subsequent to the committee's marketing policy meeting, the committee shall furnish each producer a form on which he may qualify for his annual allotment. Such form shall contain space for the producer to show changes in the locations, if any, where he intends to produce his annual allotment, and an agreement by the producer to report his production to the committee, and such other information as is necessary to carry out the provisions of this part. The committee, using such form, shall qualify and issue to each producer his appropriate annual allotment which shall be the allotment percentage times his effective allotment base: *Provided,* That where a producer chooses not to grow and harvest hops from all or part of his acreage, and he notifies the committee thereof prior to allotment issuance, it shall reduce the annual allotment consistent with such producer's ac-

tion: *And provided further*, That a handler may acquire from a producer who, except for this part, is legally obligated to deliver to said handler at a specific price a specific quantity of hops, from specified acreage of his own production, pursuant to the terms of a written contract entered into prior to, and effective by February 8, 1966, and calling for delivery of hops produced prior to 1971, and said handler shall be permitted through 1970 to acquire hops of the producer's own production to fulfill such contract terms, but the total so acquired by all handlers from the producer during any marketing year shall not exceed 100 percent of the producer's then effective allotment base.

(d) *Filling deficiencies in salable quantity.* (1) A producer who produced less than his annual allotment under conditions where he had sufficient hops under trellis to produce his allotment, taking into consideration his previous average yields and who according to normal commercial practice, made a bona fide effort to grow and harvest such hops may, prior to the date excess hops become reserve hops pursuant to § 991.39, fill any deficit in his annual allotment by acquiring hops from another producer that are in excess of such other producer's annual allotment. The committee shall be furnished a full report by such producers of the transaction, including the names of both parties, the quantity and such other information as will enable the committee to administer this provision. These requirements with respect to filling deficits may be modified by the committee with the approval of the Secretary.

(2) Any such producer who did not exercise his option to fill the deficit in his allotment prior to the date excess hops become reserve hops pursuant to § 991.39 or who fails to meet all of the requirements of subparagraph (1) of this paragraph shall be ineligible to acquire any such excess hops. Administration of this provision shall be in accordance with such rules and regulations as the committee may prescribe with the approval of the Secretary.

(e) *Information.* As a service to growers and handlers, the committee shall act as a clearing house of information on producers with deficits in production and the availability of hops in excess of salable. Such information shall be available at the committee office to any producer or handler upon request.

POOLING

§ 991.39 **Reserve hops.**

Hops baled, packaged, processed, or otherwise prepared for market that are in excess of an effective individual producer annual allotment or the total of such allotments to members of a cooperative marketing association and are held by any producer-handler or association on November 1, or such other date as the committee may prescribe, shall be reserve hops. No handler shall handle reserve hops; and no producer-handler or association shall deliver reserve hops to other than the committee or its designees. Only reserve hops so delivered to the committee or its designees shall be included in the reserve pool and the terms and conditions of delivery shall be made known, by the committee, prior to the date such excess hops become reserve hops. Any producer-handler not delivering his reserve hops by the closing date for pooling shall report the quantity, quality and variety held and may dispose of such hops only at the direction of the committee and only in nonnormal outlets.

§ 991.40 **Reserve pool requirements.**

(a) *General.* The committee shall pool reserve hops in a manner to accurately account for their receipt, storage and disposition. The committee shall establish categories in terms of quality and varieties and a schedule of relative values for settlement of pool accounts. Reserve hops from each crop shall be pooled separately. The committee shall designate a committee employee as reserve pool manager. Administration of the provisions in this section shall be in accordance with such rules and regulations as the committee may prescribe with the approval of the Secretary.

(b) *Disposition.* The committee shall endeavor to dispose of pooled reserve hops as soon as practicable following the date established in § 991.39 for delivery of reserve hops to the committee, or its designees, for the purpose of filling domestic and export trade requirements, taking into consideration the current supply and demand conditions at the time such disposition of reserve hops is being considered. Pooled reserve hops may be disposed of as follows:

(1) *Normal market outlets.* The committee shall offer pooled reserve hops for purchase by handlers for use in normal market outlets when necessary to meet domestic and export trade demand requirements not satisfied by salable hops. Offers to sell such hops to handlers, extension of offer periods, and withdrawal of offers before an offer period has expired, shall be subject to the disapproval of the Secretary. The committee may establish, with the approval of the Secretary, rules and regulations governing offers to handlers.

(2) *Marketing development.* Pooled reserve hops may be used by the committee in marketing development projects approved by the Secretary and such projects may be conducted by the committee directly or through handlers.

(3) *Nonnormal outlets, exchanges and closing of pools.* The committee shall, at any time, with the approval of the Secretary dispose of pooled reserve hops determined to be in excess of foreseeable needs in mulch, fertilizer or other nonnormal outlets. Prior to such disposition, the committee shall offer such reserve hops in exchange for salable hops held by producers which are damaged or otherwise unsuitable. After the completion of the exchange period, all remaining hops in such pool shall be disposed of in mulch, fertilizer or other nonnormal outlets. All such exchanges and dispositions in nonnormal outlets shall be subject to such terms and conditions as the committee, with the approval of the Secretary, may establish. A pool shall be considered closed when all receipts of hops have been disposed of.

(c) *Distribution of pool proceeds.* The proceeds from the disposition of reserve hops from each pool after deduction of any expense incurred by the committee in receiving, handling, holding, or disposing of hops in such pool, shall be distributed on a pro rata basis to the respective equity holders or their successors in interest on the basis of the quality, variety and the number of pounds credited to each account in the pool, with priority to those hops in the first division of ten percent in excess of the individual producer's annual allotment, except that distribution of the proceeds to members of cooperative hop marketing associations shall be made to such association. The committee may make payments to equity holders, or their successors in interest whenever sufficient monies are received from the sale or other disposition of pooled reserve hops in excess of estimated total pool expenses. A full accounting to each equity holder, or successor in interest, in each reserve pool shall be made by the committee annually on or before December 1 or such other date as the committee, with the approval of the Secretary, may prescribe. The committee may, with the approval of the Secretary, require advances by equity holders of anticipated expenses at the time hops are pooled.

§ 991.41 **Substandard hops.**

The committee may establish pools to assist in the disposition of substandard hops and the net proceeds from such disposition shall be distributed to the equity holders on the basis of the number of pounds credited to their account.

TRANSFERS

§ 991.45 **Transfer of locations.**

Nothing contained in this subpart shall prevent a producer from transferring from the location(s) where he produces his annual allotment to other land which he owns or leases. The committee shall, by such means as are provided in § 991.38(c), obtain information as to the location(s) where each producer intends to produce each annual allotment.

§ 991.46 **Transfer to another producer.**

A producer may transfer all or part of an allotment base from himself to another producer. Such a transfer shall be recognized, and annual allotments granted thereunder, upon the transferor and transferee so notifying the committee in writing and the transferee submitting evidence of capability to produce and harvest the annual allotment referable thereto in the first marketing year unless waiver is granted pursuant to § 991.38(a)(5). For any purchase of hop acreage occuring subsequent to the 1965 harvest, but prior to the effective date of this subpart, such purchase shall be recognized as a transfer of such portion of the allotment base as is applicable to the acreage purchased and in production in 1965.

EXPENSES AND ASSESSMENTS

§ 991.55 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each marketing year for such purposes as the Secretary may, pursuant to the provisions of this subpart, determine to be appropriate and for the maintenance and functioning of the committee. The committee shall submit to the Secretary a budget for each marketing year, including an explanation of the items appearing therein, and a recommendation as to the rate of assessment for such year.

§ 991.56 Assessments.

(a) *Requirements for payment.* Each handler shall pay to the committee upon demand, his pro rata share of the expenses authorized by the Secretary for each marketing year. Each handler's pro rata share shall be the rate of assessment per pound fixed by the Secretary times the quantity of salable hops which he handles as the first handler thereof. At any time during or after a marketing year, the Secretary may increase the rate of assessment as necessary to cover authorized expenses. The payment of expenses for the maintenance and functioning of the committee may be required during periods when no regulations are in effect.

(b) *Excess funds.* At the end of a marketing year, funds in excess of the year's expenses shall be placed in an operating reserve not to exceed approximately one marketing year's operational expenses or such lower limits as the committee, with the approval of the Secretary, may establish. Funds in such reserve shall be available for use by the committee for expenses authorized pursuant to § 991.55. Funds in excess of those placed in the operating reserve shall be refunded to handlers. Each handler's share of such excess shall be the amount of assessments he paid in excess of his pro rata share of the actual expenses of the committee and the addition, if any, to the operating reserve.

(c) *Accounting of funds upon termination of order.* Any money collected as assessments pursuant to this subpart and remaining unexpended in the possession of the committee after termination of this part shall be distributed in such manner as the Secretary may direct: *Provided,* That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

REPORTS AND RECORDS

§ 991.60 Reports.

(a) *Inventory.* Each handler shall file with the committee a certified report showing such information as the committee may specify with respect to any hops which were held by him on January 1 and June 1 and such other dates as the committee may designate.

(b) *Receipts.* Each handler shall, upon request of the committee, file with the committee a certified report showing for each lot of hops received, the identifying marks, variety, weight, place of production, and the producer's name and address on December 31, and such other dates as the committee may designate.

(c) *Other reports.* Upon the request of the committee, with the approval of the Secretary, each handler shall furnish to the committee such other information as may be necessary to enable it to exercise its powers and perform its duties under this part.

§ 991.61 Records.

Each handler shall maintain such records pertaining to all hops handled as will substantiate the required reports. All such records shall be maintained for not less than 2 years after the termination of the marketing year to which such records relate.

§ 991.62 Verification of reports and records.

For the purpose of assuring compliance with record keeping requirements and verifying reports filed by producers and handlers, the Secretary and the committee through its duly authorized employees, shall have access to any premises where applicable records are maintained, where hops are received or held, and at any time during reasonable business hours shall be permitted to inspect such handler premises, and any and all records of such handlers with respect to matters within the purview of this part.

§ 991.63 Confidential information.

All reports and records furnished or submitted by handlers to, or obtained by the employees of, the committee which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handler from whom received, shall be treated as confidential and the reports and all information obtained from records shall at all times be kept in the custody and under the control of one or more employees of the committee who shall disclose such information to no person other than the Secretary.

MISCELLANEOUS PROVISIONS

§ 991.70 Compliance.

No person shall handle hops except in conformity with the provisions of this part.

§ 991.71 Rights of the Secretary.

Members of the committee and of the board, and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every decision, determination, and other act of the committee shall be subject to the continuing right of disapproval by the Secretary at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 991.72 Derogation.

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 991.73 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 991.74 Personal liability.

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 991.75 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 991.76 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance or thing is held invalid, the validity of the remainder of this part of the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 991.77 Effective time.

The provisions of this subpart, and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature and shall continue in force until terminated in one of the ways specified in § 991.78.

§ 991.78 Termination.

(a) *Failure to effectuate.* The Secretary shall terminate or suspend the operation of any or all of the provisions of this part whenever he finds that such provisions obstruct or do not tend to effectuate the declared policy of the act.

(b) *Referendum.* The Secretary shall terminate the provisions of this subpart at the end of any marketing year whenever he finds that such termination is favored by a majority of the producers who during the preceding marketing year produced for market more than 50 percent of the volume of hops so produced: *Provided,* That any referendum pursuant to an order issued by the Secretary to determine whether or not producers favor termination of this subpart shall be held during the first 15 days of October, but such termination shall be effective only if announced on or before November 15 of the then current marketing year.

(c) *Termination of act.* The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 991.79 **Proceedings after termination.**

Upon termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination. The said trustees shall (a) continue in such capacity until discharged by the Secretary; (b) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (c) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto. Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 991.80 **Effect of termination or amendment.**

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provisions of this subpart or any regulation issued hereunder, or (b) release or extinguish any violation of this subpart or any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or any other person with respect to any such violation.

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

Issued at Washington, D.C., this 14th day of July 1966, to become effective July 22, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66–7829; Filed, July 18, 1966; 8:49 a.m.]

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

[Milk Order No. 64]

PART 1064—MILK IN GREATER KANSAS CITY MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Greater Kansas City marketing area (7 CFR Part 1064), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act for the months of July and August 1966.

In § 1064.62 the provision "and from which the disposition of Class I milk in the other Federal marketing area exceeds that in the Greater Kansas City marketing area."

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This action, which is supported by the handler affected and by cooperative associations representing all producers on the St. Joseph, Mo., market and more than 80 percent of producers on the Greater Kansas City market, will permit a plant to remain pooled under the St. Joseph order during July and August 1966, if it continued to meet the pool plant requirements of that order, without regard to its proportion of Class I disposition in the Greater Kansas City marketing area.

Beginning in July 1966 a pool plant now under the St. Joseph order, by virtue of increased Class I sales into the Greater Kansas City marketing area, will have a majority of its Class I disposition there and is expected to become regulated by the Greater Kansas City order. Because of this shift of a plant with relatively high Class I utilization, the blend price to producers remaining on the St. Joseph market is expected to be significantly lowered in relation to the Kansas City blend price.

Also, producers delivering to the plant shifted to the Kansas City market pool would have their payments distributed according to the base-excess payment plan which is effective under the Kansas City order. These changes in the blend price relationship and payment method would disrupt orderly marketing and threaten the maintenance of an adequate supply of milk for these two markets.

On June 30, 1966 (31 F.R. 9279), the Associate Administrator, Consumer and Marketing Service issued a recommended decision which proposed among other things that the St. Joseph and Greater Kansas City orders be merged. One of the reasons for the proposed merger of these orders into a single order, as stated in that decision, would be the prevention of sharp changes in the relative level of prices paid producers supplying St. Joseph versus Kansas City. Due to the time necessary to complete amendment procedures, it is not possible to deal with this emergency development by that method. Hence, this suspension action is needed to be effective for the months of July and August 1966.

(4) Interested parties were afforded opportunity to file written data, views, or arguments concerning this suspension (31 F.R. 9396). None were filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective July 1, 1966.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the period July 1, 1966, through August 31, 1966.

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

Effective date. July 1, 1966.

Signed at Washington, D.C., on July 14, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66–7830; Filed, July 18, 1966; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs., 1966 and Subsequent Crops Wheat Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1966 and Subsequent Crops Wheat Loan and Purchase Program

Correction

In F.R. Doc. 66–7502, appearing at page 9414 of the issue for Saturday, July 9, 1966, the words "county warehouse" in the heading of § 1421.2172(d) and in the text of § 1421.2172(d)(1) should read "country warehouse".

SUBCHAPTER C—EXPORT PROGRAMS

[Rev. 3, Amdt. 2]

PART 1483—WHEAT AND FLOUR

Subpart—Wheat Export Program—Payment in Kind (GR–345) Terms and Conditions

The terms and conditions of the Wheat Export Program—Payment in Kind (GR–345) (27 F.R. 6415), as amended (27 F.R. 10741, 28 F.R. 7120, 29 F.R. 4077, 9431, 12067, 15115, 30 F.R. 532, 4531, 8898, 31 F.R. 4728) are further amended as follows:

§ 1483.115 [Amended]

Section 1483.115 Exportation Requirements paragraph (c) is amended by changing the next to the last sentence to read as follows: "For the purposes of assessing liquidated damages, an exportation which has not been made within 60 calendar days after the expiration date of the export period provided in the exporter's offer and accepted by CCC, shall be deemed not to have been made at all."

Section 1483.125 *Notice of sale* is amended by changing paragraphs (b) (4) and (8) to read as follows:

§ 1483.125 **Notice of sale.**

* * * * *

(b) *Information required.*

* * * * *

(4) *Coast of export* (i.e., Gulf coast (including Puerto Rico), East coast (including St. Lawrence and Great Lakes ports), West coast (including Hawaii)).

* * * * *

(8) Class and grade of wheat, protein content and any additional commodity specification in the contract.

§ 1483.126 **[Amended]**

Section 1483.126 *Notice of Registration* is amended by adding after the first sentence of paragraph (a) the following: "If a Notice of Sale is received by CCC which provides more than one coast of export or more than one class of wheat with the exporter or foreign buyer having the option to select the coast of export or class of wheat, a Notice of Registration will not be issued unless, because of special circumstances, it is determined by the Contracting Officer to be in the best interest of CCC," and by adding in the second sentence of paragraph (b) after the words, "The Notice of Sale may be issued," the words "subject to the provisions of paragraph (a) of this section," and by amending paragraph (c) to read as follows:

(c) Each Notice of Registration will include a registration number which shall be shown on the Declaration of Sale, in all correspondence with reference to the transaction, and on the Report of Wheat Exported, Form CCC–521.

Section 1483.127 *Declaration of sale and evidence of sale* paragraphs (b) (6), (9), and (10) are amended to read as follows:

§ 1483.127 **Declaration of sale and evidence of sale.**

* * * * *

(b) Information required.

* * * * *

(6) Class and grade of wheat, protein content and any additional commodity specification in the contract.

* * * * *

(9) Coast of export (i.e. Gulf coast (including Puerto Rico), East coast (including St. Lawrence and Great Lakes ports), West coast (including Hawaii)).

(10) Export payment rate per bushel of wheat as determined under these regulations.

§ 1483.158 **[Amended]**

Section 1483.158 *Payment terms and financial arrangements* paragraph (b) (3) (ii) is amended by changing the next to the last sentence to read as follows: "The rate of interest will be the rate announced in the CCC monthly sales list for U.S. bank obligations."

A new § 1483.188a is added to read as follows:

§ 1483.188a **Contracting officer.**

"Contracting Officer" means a Contracting Officer, CCC, to whom the Director has delegated the function for which a Contracting Officer has responsibility under this regulation.

(Secs. 4 and 5, Stat. 1070 and 1072, sec. 2, 63 Stat. 945, as amended, 15 U.S.C. 714 b and c, 7 U.S.C. 1641)

Effective date. This amendment shall be effective on the date of filing this amendment with the Director, Office of the Federal Register.

Signed at Washington, D.C., on July 15, 1966.

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

[F.R. Doc. 66–7844; Filed, July 15, 1966; 1:32 p.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 20 (Rev. 3)]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Financial Reports

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85–699, 72 Stat. 694, as amended, there is amended, as set forth below, Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations, as revised in 29 F.R. 16946–16961, and amended in 30 F.R. 534, 1187, 2652, 2653, 2654, 3635, 3856, 7597, 7651, 8775, 8900, 11960, 13005, 14095, 14850, 14850–14851, and 31 F.R. 2815, 4954, and 4954–4955, by amending § 107.802.

Information and effective date. On May 28, 1966, notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 7710) concerning amendment of the SBIC Regulation to: (1) Provide notice of the revision of the Financial Report, SBA Form 468, and the Instructions for Preparation of the Financial Report (SBA Form 468); and (2) delete and substitute for the Financial Report, SBA Form 468 (3–65), and the Instructions for Preparation of the Financial Report (SBA Form 468) (3–65), the amended Financial Report, SBA Form 468 (9–66), and Instructions for Preparation of the Financial Report (SBA Form 468) (9–66).

After careful consideration of the comments and suggestions received, the Administration has determined to adopt the formal amendment, set forth below, as being in furtherance of the best interests of the SBIC program. The formal amendment published herewith incorporates the provisions of the May 28, 1966, proposal except for two textual changes.

The first textual change expands the definition of "borrowing companies" in subdivision (i) of paragraph (d) (1) of § 107.802 to include Licensees which contemplate making application for SBA financing within the twelve months immediately following the close of the period to be covered in the Financial Report. The second textual change adds a fifth subdivision to paragraph (d) (2) of § 107.802 to provide notice that Licensees shall file, for any regular reporting period, any part, parts, or portions thereof of SBA Form 468 as may be specifically required by SBA in the particular instance, in addition to the part or parts of SBA Form 468 regularly required.

The following changes have been made in the Financial Report, SBA Form 468 (9–66), and the Instructions for Preparation of the Financial Report (SBA Form 468) (9–66) as made available for review in connection with the May 28, 1966, proposal:

(1) A footnote (f) has been added to Schedule 2, referring to an additional instruction similarly designated in the instructions concerning this schedule. Instruction (f) requires Licensees filing only Part I of SBA Form 468 for any period to provide on Schedule 2 information regarding delinquencies of portfolio companies in paying principal and/or interest, and regarding any rescheduling, refinancing, or refunding of principal and/or interest, or any conversion of a delinquent item.

(2) The statement concerning criminal penalties provided for under 18 U.S.C. 1001 (false statements, entries or representations to SBA, concealment of material facts, etc.) and 15 U.S.C. 645(a) (false statements, willful overvaluation of securities, etc., for the purpose of obtaining loans, extensions thereof, or action regarding security thereunder, or influencing SBA action in any way, or obtaining money or anything of value) follows the provisions for verification of Part I and Part II, as well as Part III. This change necessitated the inclusion of an additional page in the report, making a total of 20 pages.

(3) A paragraph has been added to the instructions for preparation of Schedule 12 to require the furnishing, in connection with that schedule, of information on any rescheduling, refinancing, or refunding of principal and/or interest on loans or debt securities, or any conversion of a delinquent item.

The present amendment shall become effective September 1, 1966.

The Regulations Governing Small Business Investment Companies are hereby amended as follows:

1. By deleting paragraphs (d) and (e) of § 107.802 in their entirety and substituting in lieu thereof new paragraphs (d) and (e). As amended paragraphs (d) and (e) of § 107.802 read as follows:

§ 107.802 **Reports.**

* * * * *

(d) *Forms for financial reports.* The financial reports required by this section to be submitted to SBA by Licensees shall be on the prescribed form constituting the Financial Report, SBA Form 468 (9–66),[1] which is designed for submission in part or in its entirety. Part I requires statement of financial condition,

[1] Filed as part of the original document.

statement of statutory capital and surplus, statement of realized gain or loss on investments, statement of income and expense, and supporting schedules 1 through 6; Part II requires supporting schedules 7 through 13; and Part III requires supporting schedules 14 and 15.

(1) The determination as to what part or parts of the report shall be filed by a particular Licensee for a particular reporting period is based on the classification of the Licensee with regard to the following categories:

(i) Borrowing Companies—Licensees which are or become indebted to SBA on account of section 302 or section 303 funds (including SBA guarantees or commitments with respect thereto), or which contemplate making application for such SBA financing within the 12 months immediately following the close of the period to be covered in the Financial Report.

(ii) 1940 Act Companies—Licensees which are registered investment companies subject to the regulatory jurisdiction of the Securities and Exchange Commission under the Investment Company Act of 1940.

(2) With respect to the regular reporting periods ending September 30 and March 31, Licensees shall file the various parts of the Financial Report, SBA Form 468, as follows:

(i) All nonborrowing, non-1940 Act companies file only Part I with SBA as of September 30 and March 31.

(ii) All nonborrowing, 1940 Act companies file only Part I with SBA as of September 30 and only Parts I and II with both SBA and SEC as of March 31.

(iii) All borrowing, non-1940 Act companies file only Parts I and III with SBA as of September 30 and March 31.

(iv) All borrowing, 1940 Act companies file only Parts I and III with SBA as of September 30; file Parts I, II, and III with SBA as of March 31; and file only Parts I and II with SEC as of March 31.

(v) Any or all Licensees file, in addition to the part or parts regularly required, any part, parts, or portions thereof as may be specifically required by SBA in the particular instance.

(3) With respect to interim financial reports, SBA may specifically require any or all Licensees to file with SBA any part or parts of the Financial Report, SBA Form 468, for any period of 1 month or more.

(4) The Financial Report, SBA Form 468, shall be submitted in triplicate to the Investment Division, Small Business Administration, Washington, D.C. 20416, on or before the last day of the month immediately following the close of the period covered by the report (in the case of an unaudited report), and on or before the last day of the third month following the close of the period covered by the report (in the case of an audited report).

(5) Licensees which are 1940 Act companies should refer to the rules promulgated by the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, for the official requirements as to financial reports to be filed with SEC and the time allowed for filing.

(6) When the Licensee has one or more branch offices, the data contained in the basic financial statements and all supporting schedules shall comprise a combination of the figures for the principal office and all branches. All money amounts required to be shown in the financial statements and schedules may be expressed in even dollars, at the option of the Licensee. If the financial data are expressed in even dollars, appropriate adjustments of individual amounts shall be made for the fractional part of a dollar so that the items will add to the totals shown. The Financial Report prepared by each Licensee shall present fairly the financial position of the Licensee as of the close of the period covered by the report and the results of the Licensee's operations for such period, and shall be prepared in accordance with the detailed instructions accompanying SBA Form 468.

(e) *Verification of reports.* The verification of the Financial Report, SBA Form 468, shall bear the signature of the chief financial officer of the Licensee, or other officer authorized by the board of directors to sign in the event the chief financial officer is unavailable. A Licensee filing with SBA only Part I of the Financial Report shall execute the verification provided in Part I. A Licensee filing with SBA both Part I and Part II shall execute the verification provided in Part II and need not execute that contained in Part I. A Licensee filing with SBA Parts I, II, and III shall execute the verification provided in Part III and need not execute that contained in either Part I or Part II. A secretarial officer of the Licensee shall attest by signature to the fact that the minutes of a meeting of the Licensee's board of directors show that the relevant part or parts of the Financial Report, SBA Form 468, have been reviewed and determined as true and correct by the board of directors. The date on which each signature is affixed shall be shown. All three copies of the Financial Report to be furnished to SBA shall bear the original signatures of the verifying officers in ink.

2. By deleting the Financial Report, SBA Form 468 (3–65), and Instructions for Preparation of the Financial Report (SBA Form 468) (3–65) referred to in paragraphs (g) and (h) of sec. 107.802, and substituting therefor amended Financial Report, SBA Form 468 (9–66), and Instructions for Preparation of the Financial Report (SBA Form 468) (9–66). Said amended Financial Report, SBA Form 468 (9–66), and Instructions for Preparation of the Financial Report (SBA Form 468) (9–66) will henceforth constitute the documents referred to in paragraphs (g) and (h) of § 107.802.

Dated: July 11, 1966.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 66–7806; Filed, July 18, 1966; 8:47 a.m.]

[Rev. 6]

PART 121—SMALL BUSINESS SIZE STANDARDS

The Small Business Size Standards (Revision 5) (30 F.R. 2247), as amended, (30 F.R. 4252, 6778, 15323, 8825, 12640, 9055, 15323, 31 F.R. 4340, 31 F.R. 7375), is hereby rescinded in its entirety and the following compilation of Small Business Size Standards (Revision 5) and Amendments 1 through 9 thereto are substituted in lieu thereof:

Sec.

AUTHORITY: The provisions of this Part 121 issued under Public Law 85–536, sec. 5(b)6, 72 Stat. 385; § 121.3–13 issued under Public Law 87–846, sec. 213(a), 72 Stat. 384.

§ 121.3 Statutory provisions.

(a) *Small Business Act, as amended.*

SEC. 3. For the purpose of this Act, a small business concern shall be deemed to be one which is independently owned and operated and which is not dominant in its field of operation. In addition to the foregoing criteria the Administrator, in making a detailed definition, may use these criteria, among others: Number of employees and dollar volume of business. Where the number of employees is used as one of the criteria in making such definition for any of the purposes of this Act, the maximum number of employees which a small business concern may have under the definition shall vary from industry to industry to the extent necessary to reflect differing characteristics of such industries and to take proper account of other relevant factors.

* * * * *

SEC. 8(b). It shall also be the duty of the Administration and it is hereby empowered, whenever it determines such action is necessary—

(6) To determine within any industry the concerns, firms, persons, corporations, partnerships, cooperatives, or other business enterprises which are to be designated "small business concerns" for the purpose of effectuating the provisions of this Act. To carry out this purpose the Administrator, when requested to do so, shall issue in response to each such request an appropriate certificate certifying an individual concern as a "small business concern" in accordance with the criteria expressed in this Act. Any such certificate shall be subject to revocation when the concern covered thereby ceases to be a "small business concern." Offices of the Government having procurement or

lending powers, or engaging in the disposal of Federal property or allocating materials or supplies, or promulgating regulations affecting the distribution of materials or supplies, shall accept as conclusive the Administration's determination as to which enterprises are to be designated "small business concerns," as authorized and directed under this paragraph.

(b) *Small Business Investment Act of 1958, as amended.*

SEC. 103. As used in this Act—

* * * * *

(5) The term "small business concern" shall have the same meaning as in the "Small Business Act" * * *

(c) *War Claims Act of 1948, as amended.*

SEC. 213(a). The Secretary of the Treasury shall pay out of the War Claims Fund on account of awards certified by the Commission pursuant to this title as follows and in the following order of priority:

(1) Payment in full of awards made pursuant to section 202(d) (1) and (2) and thereafter of any award made pursuant to section 202(a) to any claimant certified to the Commission by the Small Business Administration as having been, on the date of loss, damage, or destruction, a small business concern within the meaning now set forth in the Small Business Act, as amended * * *.

§ 121.3–1 Purpose and method of establishing size standards.

(a) *Purpose.* This part defines "small business concerns" and establishes standards, criteria, and procedures to determine which concerns are "small business concerns" within the meaning of the Small Business Act, as amended (hereinafter referred to as the "Act"); the Small Business Investment Act of 1958, as amended (hereinafter referred to as the "Investment Act"); and the War Claims Act of 1948, as amended (hereinafter referred to as the "War Claims Act").

(b) *Method of establishing size standards*—(1) *Use of Standard Industrial Classification Manual.* The Standard Industrial Classification Manual, as amended, prepared and published by the Bureau of the Budget, Executive Office of the President, shall be used by SBA in defining industries.

(i) *Exception.* Whenever SBA determines that within an industry, as defined in the SIC Manual, there is a group of establishments manufacturing a class of products which has been given a five-digit code by the Bureau of the Census and such groups of establishments would be recognized as a separate industry except for the fact that it fails to meet the Bureau of the Budget's size of industry criterion for SIC Manual recognition and SBA further determines that the financial assistance size standard for such class of products should be 500 employees rather than 250 employees, SBA shall thereupon adopt a separate size standard for such class of products and shall list it in Schedule A of this Part 121.

(2) *Factors in formulating size standards.* The following factors shall be considered in formulating industry size standards:

(i) Concentration of output;

(ii) Coverage ratio;

(iii) Primary product specialization ratio;

(iv) Absolute number of concerns;

(v) Size of industry (dollar volume);

(vi) Employment size of industry leaders; and

(vii) The SBA program for which the size standard is established.

In formulating industry size standards for the purpose of Government procurement, the additional factor of Government procurement history shall be used. The use of this additional factor may cause the size standards for the purpose of Government procurement and the size standards for the purpose of financial assistance to differ for the same industry.

(3) *Product classification.* For size standards purposes, a product shall be classified into only one industry, even though, for other purposes, it could be classified into more than one industry. In determining the SIC industry into which particular products shall be classified for size standard purposes, consideration shall be given to all appropriate factors, including:

(i) Alphabetic indices published by the Bureau of the Budget, Bureau of the Census and the Business and Defense Services Administration.

(ii) Description of the product under consideration.

(iii) Previous Government procurements for the same or similar products, and

(iv) Published information concerning the nature of companies which manufacture such product.

(4) *Product classification decision.* The SBA Regional Director or his delegates of the SBA Region in which the applicant's principal office is located shall determine the appropriate SIC classification except that for procurement purposes the determination shall be made by the official specified in § 121.3–8. Such determination shall be subject to appeal in the manner provided in § 121.3–6.

§ 121.3–2 Definition of terms used in this part.

(a) *"Affiliates."* Concerns are affiliates of each other when either directly or indirectly (1) one concern (other than an investment company licensed under the Small Business Investment Act of 1958 or registered under the Investment Company Act of 1940, as amended), controls or has the power to control the other, or (2) a third party or parties (other than an investment company licensed under the Small Business Investment Act of 1958 or registered under the Investment Company Act of 1940, as amended), controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration shall be given to all appropriate factors, including common ownership, common management, and contractual relationships.

(b) "Annual sales or annual receipts" means the annual sales or annual receipts, less returns and allowances, of a concern and its affiliates during its most recently completed fiscal year.

(c) "Appeal" means a written communication addressed to the Size Appeals Board requesting it to review a determination relating to a size matter made by a Regional Director or his delegatee, or by a Contracting Officer.

(d) "Area of Substantial Unemployment" for the purpose of small business size determinations means a geographical area within the United States which:

(1) Is classified by the Department of Labor either as an "Area of Substantial Unemployment" or an "Area of Substantial and Persistent Unemployment," and such classification has been listed in that Department's publication "Area Labor Market Trends" continuously from September 15, 1961, until a size determination is made; or

(2) Is individually certified by the Department of Labor as an "Area of Substantial Unemployment" and has been eligible for such certification continuously since September 15, 1961.

If an area has been removed from the publication "Area Labor Market Trends" or if an area becomes ineligible for certification at any time, such area is excluded from the above definition and cannot be reinstated for the purpose of size determinations unless it is designated as a Redevelopment Area by the Department of Commerce. (See § 121.3–2(s).)

"Base maintenance" means furnishing at an installation within the several States, Commonwealth of Puerto Rico, Virgin Islands, or the District of Columbia, three or more of the following services: janitorial and custodial services, protective guard services, commissary services, fire prevention services, refuse collection services, safety engineering services, messenger services, grounds maintenance and landscaping services, and air conditioning and refrigeration maintenance; provided, however, that whenever the contracting officer determines prior to the issuance of bids that the estimated value of one of the foregoing services constitutes more than 50 percent of the estimated value of the entire contract, the contract shall not be classified as base maintenance but in the industry in which such service is classified.

(e) "Crude-oil capacity" means the maximum daily average crude throughput of a refinery in complete operation, with allowance for necessary shutdown time for routine maintenance, repairs, etc. It approximates the maximum daily average crude runs to stills that can be maintained for an extended period.

(f) "Certificate of Competency" means a certificate issued by SBA pursuant to the authority contained in section 8(b)(7) of the Act stating that the holder of the certificate is competent as to capacity and credit, to perform a specific

Government procurement or sales contract.

(g) "Concern" except for § 121.3–13, means any business entity organized for profit with a place of business located in the United States, including, but not limited to, an individual, partnership, corporation, joint venture, association, or cooperative. For the purpose of making size determinations, any business entity, whether organized for profit or not, and any foreign business entity shall be included. For the purpose of § 121.3–13 a concern need not have a place of business located in the United States.

(h) "Contracting Officer" means the person executing a particular contract on behalf of the Government, and any other employee who is properly designated contracting officer; the term includes the authorized representative of a contracting officer acting within the limits of his authority.

(i) "Convalescent or nursing home" means those facilities for the accommodation of convalescents or other persons who are not acutely ill or not in need of hospital care but who may require nursing care and related medical services, which facility is privately owned and operated for the purpose of obtaining profits which shall inure to the benefit of its owners, stockholders, or members.

(j) "Department store" means a concern employing twenty-five (25) or more persons engaged in the retail sale of some items in each of the following merchandise lines: (1) Furniture, home furnishings, appliances, radio and television sets; (2) a general line of apparel for the family; and (3) household linens and dry goods, provided, however, that sales within any one of the preceding merchandise lines do not exceed eighty percent (80%) of the concern's total sales and the aggregate of such merchandise lines accounts for at least fifty percent (50%) of the concern's total sales.

(k) "Gross leasable area" means the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet measured from the center line of a joint partition and from outside wall faces.

(l) "Hospital" means a health facility duly licensed as a hospital providing inpatient medical or surgical care of the sick or injured, including obstetrics, which facility is privately owned and operated for the purpose of obtaining profits which shall inure to the benefits of its owners, stockholders, or members.

(m) "Industry" means a grouping of establishments primarily engaged in similar lines of activity as listed and described in the Standard Industrial Classification Manual, as amended (SIC Manual), prepared and published by the Bureau of the Budget, Executive Office of the President.

(n) "Medical and dental laboratory" means those facilities which provide services to doctors, dentists, hospitals, and similar health facilities, which facilities are privately owned and operated for the purpose of obtaining profits which shall inure to the benefit of its owners, stockholders, or members.

(o) "Nonmanufacturer" means any concern which in connection with a specific Government procurement contract, other than a construction or service contract, does not manufacture or produce the products required to be furnished by such procurement. Nonmanufacturer includes a concern which can manufacture or produce the products referred to in the specific procurement but does not do so in connection with that procurement.

(p) A concern is "not dominant in its field of operation" when it does not exercise a controlling or major influence on a national basis in a kind of business activity in which a number of business concerns are primarily engaged. In determining whether dominance exists, consideration shall be given to all appropriate factors, including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents, license agreements, facilities, sales territory, and nature of business activity.

(q) "Number of employees" means the average employment of any concern, including the employees of its domestic and foreign affiliates, based on the number of persons employed on a full-time, part-time, temporary, or other basis during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding four quarters. If a concern has not been in existence for four full calendar quarters, "number of employees" means the average employment of such concern and its affiliates during the period such concern has been in existence based on the number of persons employed during the pay period ending nearest the last day of each month.

(r) "Protest" means a statement in writing from any bidder or offerer having a valid interest in whether or not another bidder or offerer on the same Government procurement or Government disposal contract is a small business within the meaning of this Part 121. Such statement shall contain the basis for the protest, together with specific detailed evidence supporting the protestant's claim that such bidder or offerer is not a small business. A protest received after the time limits set forth in § 121.3–5(a) shall not be considered not acted upon.

(s) "Redevelopment Area" for the purpose of small business size determinations means a geographical area within the United States which has been designated as a "Redevelopment Area" in accordance with the Public Works and Economic Development Act of 1965 (Public Law 89–136, sec. 401, 75 Stat. 48).

(t) "Shopping center" means a group of commercial establishments planned, developed, owned, and managed as a unit with offstreet parking provided on the property.

(u) "Size determination" means a ruling by SBA that a concern is or is not, or was or was not a small business within the meaning of this part.

(v) "United States" as used in this regulation includes the several States, the territories and possessions of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

§ 121.3–3 Organization—size functions.

The Deputy Administrator for Procurement and Management Assistance shall:

(a) Develop and recommend small business size standards to the Administrator of SBA for promulgation;

(b) Conduct industry hearings pertaining to size matters;

(c) In concert with the Office of General Counsel, issue interpretations of the Size Standards Regulation;

(d) Consider and take appropriate action on written petitions objecting to or requesting amendments or rescission of a published size standard;

(e) Establish procedures for the implementation of all size programs; and

(f) Perform such other related functions as may be appropriate to administer the SBA size program.

§ 121.3–4 Application for size determination.

Size determinations shall be made by the Regional Director, or his delegatee, of the Region in which the applicant's principal office is located. The Regional Director, or his delegatee, promptly shall notify, in writing, the applicant and other interested persons of his decision. Such determination shall be final unless appealed in the manner provided in § 121.3–6. Applications for size determinations shall be submitted on SBA Form 355, Application for Small Business Size Determination, in duplicate, to any SBA Field Office. The SBA Field Office receiving the application shall forward the application to the Regional Office serving the area in which the applicant's principal office is located. SBA Form 355 shall be completed and supporting materials shall be attached thereto. Applications for size determinations made by either a small business investment company or an applicant for assistance from such an investment company shall be submitted on SBA Form 480, together with SBA Form 355. Detailed instructions for completing SBA Form 355 and SBA Form 480 are attached thereto. Copies of such forms may be obtained from any SBA Field Office or from the Small Business Administration, Washington, D.C. 20416.

§ 121.3–5 Protest of small business status.

(a) *How to protest.* Any bidder or offerer on a Government procurement or disposal may challenge the small business status of any other bidder or offerer on the same procurement or disposal. Such challenge shall be made by delivering a protest to the Contracting Officer responsible for the particular procurement or disposal prior to the close of business on the fifth day, exclusive of Saturdays, Sundays, and legal holidays, after bid or proposal opening: *Provided, however,* That a protest received after such time shall be deemed to be timely and shall be considered if, in the case of

mailed protests, such protest is sent by registered or certified mail and the postmark thereon indicates that the protest would have been delivered within this time limit but for delays beyond the control of the protestant or, in the case of telegraphed protests, the telegram date and time line indicates that the protest would have been delivered within this time limit but for delays beyond the control of the protestant. Any Contracting Officer who receives such timely protest shall promptly forward such protest to the SBA Regional Office serving the area in which the principal office of the protested concern is located. A Contracting Officer may question the small business status of any bidder or offerer by filing a protest with the SBA Regional Office serving the area in which the principal office of the protested concern is located. Failure to make a timely protest shall not prejudice the right to challenge the small business status of the same or any other concern in the future.

(b) *Notification of protest.* Upon receipt of such protest, the SBA Regional Director or his delegatee shall immediately notify the Contracting Officer and the protestant of the date such protest has been received and that the size of the concern being protested is being considered by SBA. The Regional Director or his delegatee shall also advise the protested bidder or offerer of the receipt of the protest and shall forward to the protested bidder or offerer a copy of the protest and a blank SBA Form 355, Application for Small Business Size Determination, by Certified Mail, Return Receipt Requested. The bidder or offerer shall be advised, in writing, that: (1) It must, within three (3) days after receipt of the copy of the protest and SBA Form 355, file the completed form as directed by SBA, (2) it must attach thereto a statement in answer to the allegations of the letter of protest, together with evidence to support such position, and (3) if it does not submit the completed SBA Form 355, SBA will rule that the protested concern is other than a small business.

(c) *Notification of determination.* After receipt of a protest and responses thereto, SBA shall determine the small business status of the protested bidder or offerer and notify the Contracting Officer, the protestant, and the protested bidder or offerer of its decision within 10 working days, if possible.

§ 121.3–6 Appeals.

(a) *Appeals organization.* (1) The Size Appeals Board is the representative of the Administrator for reviewing size appeals.

(2) The Size Appeals Board shall consist of at least three members designated by the Administrator, one of whom shall be designated as Chairman. Alternate members shall also be designated by the Administrator. The Size Appeals Board is authorized to conduct such proceedings as it determines appropriate to enable it to consider appeals and recommend to the Administrator decisions thereon.

(b) *Method of appeal*—(1) *Who may appeal.* An appeal may be taken by any concern or other interested party which has:

(i) Protested the small business status of another concern pursuant to § 121.3–5 and whose protest has been denied by a Regional Director.

(ii) Been adversely affected by a decision of a Regional Director pursuant to § 121.3–4 and § 121.3–5; or

(iii) Been adversely affected by a decision of a Contracting Officer regarding product classification pursuant to § 121.3–8.

(2) *Where to appeal.* Written Notices of Appeal shall be addressed to the Chairman, Size Appeals Board, Small Business Administration, Washington, D.C. 20416.

(3) *Time for appeal.* (i) An appeal from a size determination or product classification by a Regional Director, or his delegatee, may be taken at any time, except that, because of the urgency of pending procurements, appeals concerning the small business status of a bidder or offerer in a pending procurement may be taken within 5 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a decision by a Regional Director, or his delegatee. Unless written notice of such appeal is received by the Size Appeals Board before the close of business on this fifth day, the appellant will be deemed to have waived its rights of appeal insofar as the pending procurement is concerned.

(ii) An appeal from a product classification determination by a Contracting Officer may be taken (*a*) not less than 10 days, exclusive of Saturdays, Sundays, and legal holidays, before bid opening day or deadline for submitting proposals or quotations, in cases wherein the bid opening date or last date to submit proposals or quotations is more than 30 days after the issuance of the Invitation for Bids or Request for Proposals or Quotations, or (*b*) not less than 5 days, exclusive of Saturdays, Sundays, and legal holidays, before the bid opening day or deadline for submitting proposals or quotations, in cases wherein the bid opening date or last date to submit proposals or quotations is 30 or less days after the issuance of the Invitation for Bids or Request for Proposals or Quotations, and

(iii) The timeliness of an appeal under subdivisions (i) and (ii) of this subparagraph shall be determined by the time of receipt of the appeal by the Size Appeals Board; provided, however, that an appeal received after such time limits have expired shall be deemed to be timely and shall be considered if, in the case of mailed appeals, such appeal is sent by registered or certified mail and the postmark thereon indicates that the appeal would have been received within the requisite time limit but for delays beyond the control of the appellant, or, in the case of telegraphed appeals, the telegram date and time line indicates that the appeal would have been received within the requisite time limit but for delays beyond the control of the appellant.

(4) *Notice of appeal.* No particular form is prescribed for the Notice of Appeal. However, to avoid time consuming delays and necessity for further correspondence, the following information should be included:

(i) Name and address of concern on which the size determination was made;

(ii) The character of the determination from which appeal is taken and its date;

(iii) If applicable, the IFB or contract number and date, and the name and address of the contracting officer;

(iv) A concise and direct statement of the reasons why the decision of a Regional Director is alleged to be erroneous;

(v) Documentary evidence in support of such allegations; and

(vi) Action sought by the appellant.

(c) *Notice to interested parties.* The Size Appeals Board shall promptly acknowledge receipt of the Notice of Appeal and shall send a copy of such Notice of Appeal to the appropriate Regional Director, the Contracting Officer, if a pending procurement is involved, and other interested parties.

(d) *Statement of interested parties.* After receipt of a copy of appellant's Notice of Appeal, interested parties may file in duplicate with the Board, a statement as to why the appeal should or should not be denied. Such statement shall be accompanied by appropriate evidence. Copies of such statements and appropriate evidence will be furnished to the appellant. Such statements and supporting evidence shall be mailed or delivered to the Chairman, Size Appeals Board, Small Business Administration, Washington, D.C. 20416, within five (5) days of the receipt of the copy of Notice of Appeal unless an extension is for cause granted by the Chairman of the Size Appeals Board.

(e) *Consideration by the Size Appeals Board.* The Size Appeals Board shall consider the appeal on the written submission of the appellant, or may, in its discretion, permit oral presentations by interested parties. The Board shall promptly recommend in writing to the Administrator a proposed decision which shall state the reasons for the recommendation.

(f) *Decision of the Administrator.* The Administrator's decision shall be predicated upon the entire record after giving such weight to the recommendation of the Size Appeals Board as he shall deem appropriate provided, however, that should he not concur with the recommendation of the Size Appeals Board, he shall state in writing the basis for his findings and conclusions.

(g) *Notification of final decision.* The Chairman shall promptly notify, in writing, the appellant and the other interested parties of the Administrator's decision, together with the reasons therefor.

§ 121.3–7 Differentials.

(a) *Alaska.* If an applicant for a size determination is a concern which has fifty percent (50%) or more of its annual

sales or receipts attributable to business activity within Alaska then, whenever "annual sales or annual receipts" are used in any size definition contained in this part, said dollar limitation is increased by twenty-five percent (25%) of the amount set forth therein.

(b) *Substantial unemployment and redevelopment areas*—(1) *Business loans under the Small Business Act.* Notwithstanding any other provision of this part, the applicable size standards for the purpose of financial assistance under section 7(a) of the Act are increased by twenty-five percent (25%) whenever the concern maintains or operates a plant, facility, or other business establishment within an Area of Substantial Unemployment or Redevelopment Area and agrees to use the financial assistance within such area or, if it does not maintain or operate a plant, facility, or other business establishment within an Area of Substantial Unemployment or Redevelopment Area, agrees to utilize the financial assistance for the establishment and/or operation of a plant, facility, or other business establishment within such area.

(2) *Small business investment companies and development companies.* Notwithstanding any other provision of this part, the size standard for a small business concern receiving assistance from a small business investment company or receiving assistance from a development company in connection with a section 501 or section 502 loan are increased by twenty-five percent (25%) whenever such concern maintains or operates a plant, facility, or other business establishment within an Area of Substantial Unemployment or Redevelopment Area and agrees to use such assistance within such area or, if it does not maintain or operate a plant, facility, or other business establishment within an Area of Substantial Unemployment or Redevelopment Area, agrees to utilize such assistance in connection with the establishment and/or operation of a plant, facility, or other business establishment in such area.

(3) *Government procurement assistance, sales of Government property, and Government subcontracting.* This paragraph is not applicable to size determinations for the purpose of Government procurement assistance, sales of Government property, or Government subcontracting.

§ 121.3–8 Definition of small business for Government procurement.

A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts and can further qualify under the criteria set forth in this section. When computing the size status of a bidder or offerer, the number of employees, annual sales or receipts, or other applicable standards of the bidder or offerer and all of its affiliates shall be included. In the submission of a bid or proposal on a Government procurement, a concern which meets the criteria provided in this section may represent that it is a small business. In the absence of a written protest or other information which would cause him to question the veracity of the self-certification, the contracting officer shall accept the self-certification at face value for the particular procurement involved. If a procurement calls for more than one item the bidder must meet the size standard for each item for which it submits a bid. The determination of the appropriate classification of a product shall be made by the contracting officer and his determination shall be final unless appealed in the manner provided in § 121.3–6. If no standard for an industry, field of operation, or activity; e.g., animal specialties, fin fish, anthracite mining, management-logistics support (outside of the several States, Commonwealth of Puerto Rico, Virgin Islands, or the District of Columbia) has been set forth in this section, a concern bidding on a Government contract is a small business if, including its affiliates, it is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and has 500 employees or less.

(a) *Construction.* Any concern bidding on a contract for work which is classified in Division C, Contract Construction of the Standard Industrial Classification Manual, as amended, prepared and published by the Bureau of the Budget, Executive Office of the President, is:

(1) Small if its average annual receipts for its preceding 3 fiscal years do not exceed $7½ million.

(2) Small if it is bidding on a contract for dredging and its average annual receipts for its preceding 3 fiscal years do not exceed $5 million.

(b) *Manufacturing.* Any concern bidding on a contract for a product it manufactured is classified:

(1) As small if it is bidding on a contract for food canning and preserving and its number of employees does not exceed 500 persons, exclusive of agricultural labor as defined in section (k) of the Federal Unemployment Tax Act, 68A Stat. 454, 26 U.S.C. (I.R.C. 1954) 3306.

(2) As small if it is bidding on a contract for petroleum, other than lubricants and miscellaneous petroleum products, and its number of employees does not exceed 1,000 persons and it does not have more than 30,000 barrels-per-day crude-oil capacity from owned or leased facilities.

(3) As small if it is bidding on a contract for a product classified within an industry set forth in Schedule B of this part and its number of employees does not exceed the size standard established for that industry.

(4) As small if it is bidding on a contract for a product classified within an industry not set forth in Schedule B of this part and its number of employees does not exceed 500 persons.

(c) *Nonmanufacturing.* [Reserved]

NOTE: On April 5, 1963, there was published in the FEDERAL REGISTER (28 F.R. 3358) a proposed new definition of a small business nonmanufacturer. Interested persons were requested to file written comments. The comments filed suggested the need for further study of the proposal. Until such time as a new definition of a small business nonmanufacturer is adopted, the following definition shall be applicable:

Any concern which submits a bid or offer in its own name, other than on a construction or service contract, but which proposes to furnish a product not manufactured by said bidder or offerer, is deemed to be a small business concern when:

(1) It is a small business concern within the meaning of paragraph (a) of this section (its number of employees does not exceed 500 persons), and

(2) In the case of Government procurement reserved for or involving the preferential treatment of small businesses, such nonmanufacturer shall furnish in the performance of the contract the products of a small business manufacturer or producer which products are manufactured or produced in the United States; provided, however, if the goods to be furnished are woolen, worsted, knitwear, duck, and webbing, dealers and converters shall furnish such products which have been manufactured or produced by a small weaver (small knitter for knitwear), and, if finishing is required, by a small finisher. If the procurement is for thread, dealers and converters shall furnish such products which have been finished by a small finisher. (Finishing of thread is defined as all "dyeing, bleaching, glazing, mildew proofing, coating, waxing, and other applications required by the pertinent specifications, but excluding mercerizing, spinning, throwing, or twisting operations.") If the procurement is for a refined petroleum product, other than a lubricant or miscellaneous petroleum product, a small petroleum refining concern (Standard Industrial Classification Industry No. 2911) may furnish the product of a refinery not qualified as small business if such product is obtained pursuant to a bona fide exchange agreement, in effect on the date of the bid or offer, between the bidder or offerer and the refiner of the product to be delivered, provided that the exchange agreement requires exchanges in a stated ratio on a refined petroleum product for a refined petroleum product basis, and precludes any monetary settlement, and provided, further, that the products exchanged for the products offered and to be delivered to the Government are manufactured by the bidder or offerer.

(d) *Research, development, and testing.* Any concern bidding on a contract for research, development, and/or testing is classified:

(1) As small if it is bidding on a contract for research and/or development which requires delivery of a manufactured product and (i) it qualifies as a small business manufacturer within the meaning of § 121.3–8(b) for the industry into which the product is classified, or (ii) it qualifies as a small business nonmanufacturer within the meaning of § 121.3–8(c).

(2) As small if it is bidding on a contract for research and/or development which does not require delivery of a manufactured product or on a contract for testing and its number of employees does not exceed 500 persons.

(e) *Services.* Any concern bidding on a contract for services, not elsewhere defined in this section, is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $1 million.

(1) Any concern bidding on a contract for engineering services or naval architectural services is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $5 million.

(2) Any concern bidding on a contract for motion picture production or motion picture services is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $5 million.

(3) Any concern bidding on a contract for janitorial and custodial services is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $3 million.

(4) Any concern bidding on a contract for base maintenance is classified as small if its average annual sales or receipts for its preceding 3 fiscal years do not exceed $5 million.

(f) *Transportation.* Any concern bidding on a contract for passenger or freight transportation, not elsewhere defined in this section, is classified:

(1) As small if its number of employees does not exceed 500 persons.

(2) As small if it is bidding on a contract for air transportation and its number of employees does not exceed 1,000 persons.

(3) As small if it is bidding on a contract for trucking (local and long distance), warehousing, packing and crating, and/or freight forwarding, and its annual receipts do not exceed $3 million.

NOTE: Under present SBA policy, no concern will be denied small business status for the purpose of Government procurement solely because of its contractual relationship with a large interstate van line: *Provided,* That its annual receipts have not exceeded $3 million during the concern's most recently completed fiscal year: *And provided further,* No more than 50 percent of such annual receipts are directly attributable to the applicant's relationship with an interstate van line. When applying for a small business size determination, the applicant, at the time of filing its application, shall submit therewith documentary evidence showing the percentage of its annual receipts attributable to its relationship with an interstate van line.

§ 121.3–9 Definition of small business for sales of Government property.

In the submission of a bid or proposal for the purchase of Government-owned property, a concern which meets the criteria provided in this section may represent that it is a small business. In the absence of a written protest or other information which would cause him to question the veracity of the self-certification, the contracting officer shall accept the self-certification at face value for the particular sale involved.

(a) *Sales of Government-owned property other than timber.* A small business concern for the purpose of the sale of Government-owned property, other than timber, is a concern, including its affiliates, which is independently owned and operated, is not dominant in its field of operation, and can further qualify under the following criteria:

(1) *Manufacturers.* Any concern which is primarily engaged in manufacturing is small if its number of employees does not exceed 500 persons: *Provided, however,* That a concern primarily engaged in SIC Industry 2911, petroleum refining, is small if its number of employees does not exceed 1,000 persons and it does not have more than 30,000 barrels-per-day crude-oil capacity from owned or leased facilities.

(2) *Other than manufacturers.* Any concern which is primarily not a manufacturer (except as specified in subparagraph (3) of this paragraph) is small if its annual sales or annual receipts for its preceding 3 fiscal years do not exceed $5 million.

(3) *Stockpile purchasers.* Any concern primarily engaged in the purchase of materials which are not domestic products is small if its average annual sales or annual receipts for its preceding 3 fiscal years do not exceed $25 million.

(b) *Sales of Government-owned timber.* (1) In connection with the sale of Government-owned timber a small business is a concern that:

(i) Is primarily engaged in the logging or forest products industry;

(ii) Is independently owned and operated;

(iii) Is not dominant in its field of operation; and

(iv) Together with its affiliates, its number of employees does not exceed 500 persons.

(2) In the case of Government sales of timber reserved for or involving preferential treatment of small businesses, when the Government timber being purchased is to be resold, a concern is a small business when:

(i) It is a small business within the meaning of subparagraph (1) of this paragraph, and

(ii) It agrees that it will not sell more than thirty percent (30%) of such timber to a concern which does not qualify under subparagraph (1) of this paragraph as a small business, unless an exemption is granted on sales of mixed stumpage of hardwood and softwood species.

(3) In the case of Government sales reserved for or involving preferential treatment of small businesses, when the Government timber purchased is not to be resold in the form of saw logs to be manufactured into lumber and timbers, a concern is a small business when:

(i) It meets the criteria contained in subparagraph (1) of this paragraph, and

(ii) It agrees that in manufacturing lumber or timbers from such saw logs cut from the Government timber, it will do so only with its own facilities or those of concerns that qualify under subparagraph (1) of this paragraph as a small business.

§ 121.3–10 Definition of small business for SBA loans.

A small business concern for the purpose of receiving an SBA loan is a concern, including its affiliates, which is independently owned and operated, is not dominant in its field of operation, and can further qualify under the criteria set forth below. A concern which is a small business under § 121.3–8 which has applied for or received a Certificate of Competency is a small business eligible for an SBA loan to finance the contract covered by the Certificate of Competency. If no standard for an industry, field of operation, or activity has been set forth in this section, a concern seeking a size determination shall submit SBA Form 355 to the Deputy Administrator for Procurement and Management Assistance, Washington, D.C. 20416.

If an applicant for an SBA loan is engaged in the production of a number of products or the providing of a variety of services or other activities which are classified into different industries, the appropriate standard to be used is that which has been established for the industry in which it is primarily engaged. An applicant's primary industry is that which produced the greatest percentage of gross sales or receipts for the past fiscal year. When computing the size status of an applicant, its affiliates' number of employees, annual sales or receipts, or other applicable standards shall be included.

(a) *Construction.* Any construction concern is small if its average annual receipts do not exceed $5 million for the preceding 3 fiscal years.

(b) *Manufacturing.* Any manufacturing concern is classified:

(1) As small if its number of employees does not exceed 250 persons;

(2) As large if its number of employees exceeds 1,000 persons;

(3) Either as small or large depending on its industry and in accordance with the employment size standards set forth in Schedule "A" of this part, if its number of employees exceeds 250 persons, but not more than 1,000 persons;

(4) As small if it is primarily engaged in the food canning and preserving industry and its number of employees does not exceed 500 persons exclusive of agricultural labor as defined in subsection (k) of the Federal Unemployment Tax Act, 68A Stat. 454, 26 U.S.C. (I.R.C. 1954) 3306.

(c) *Retail.* Any retailing concern is classified:

(1) As small if its annual sales do not exceed $1 million;

(2) As small if it is primarily engaged in making retail sales of groceries and fresh meats and its annual sales do not exceed $2 million;

(3) As small if it is primarily engaged in making retail sales of new or used motor vehicles and its anual sales do not exceed $3 million;

(4) As small if it is primarily engaged in the operation of a department store and its annual sales do not exceed $2 million;

(5) As small if it is primarily engaged in making retail sales of aircraft and its annual sales do not exceed $3 million.

(d) *Services.* Any service concern is classified:

(1) As small if its annual receipts do not exceed $1 million;

(2) As small if it is primarily engaged in the hotel and motel industry and its annual receipts do not exceed $2 million;

(3) As small if it is primarily engaged in the power laundry industry and its annual receipts do not exceed $2 million;

(4) As small if it is primarily engaged in the trailer court and parks industry and its annual receipts do not exceed $100,000: *Provided,* That a minimum of fifty percent (50%) of the annual receipts is derived from the rental of space to tourist trailers for periods not in excess of thirty (30) days;

(5) As small if it is primarily engaged in owning and operating a hospital and its capacity does not exceed 100 beds (excluding cribs and bassinets);

(6) As small if it is primarily engaged in owning and operating a convalescent or nursing home and its annual receipts do not exceed $1 million;

(7) As small if it is primarily engaged in owning and operating a medical or dental laboratory and (i) it is operated in connection with an eligible proprietary hospital or (ii) it is not operated in connection with an eligible proprietary hospital and its annual receipts do not exceed $1 million;

(8) As small if it is primarily engaged in the motion picture production industry and its annual receipts do not exceed $5 million;

(9) As small if it is primarily engaged in the motion picture services industry and its annual receipts do not exceed $5 million.

(e) *Shopping centers.* (1) Any concern primarily engaged in operating shopping centers is small if (i) it does not have assets exceeding $5 million, (ii) it does not have net worth in excess of $2½ million, (iii) it does not have an average net income, after Federal income taxes, for the preceding 2 fiscal years in excess of $250,000 (average net income to be computed without benefit of any carryover loss), and (iv) it does not lease more than twenty-five percent (25%) of the gross leasable area to concerns which do not meet the small business definitions contained in this section.

(2) For the purpose of size determinations, shopping center operators will not be considered affiliated with their tenants merely because of lease agreements.

(f) *Transportation and warehousing.* Any concern primarily engaged in passenger and freight transportation or warehousing is classified:

(1) As small if its annual receipts do not exceed $1 million;

(2) As small if it is primarily engaged in the air transportation industry and its number of employees does not exceed 1,000 persons;

(3) As small if it is primarily engaged in the storage of grain, it does not have more than 1 million bushels capacity in owned and leased facilities, and its annual receipts do not exceed $1 million;

(4) As small if it is primarily engaged in trucking, warehousing, packing and crating and/or freight forwarding and its annual receipts do not exceed $3 million.

NOTE: Under present SBA policy, no concern will be denied small business status for the purpose of SBA financial assistance solely because of its contractual relationship with a large interstate van line: *Provided,* That its annual receipts have not exceeded $3 million during the concern's most recently completed fiscal year. When applying for a small business loan, the applicant, at the time of filing its application, shall submit therewith documentary evidence showing the amount of its annual receipts attributable to its relationship with an interstate van line.

(g) *Wholesale.* Any wholesaling concern is small if its annual sales do not exceed $5 million. Any wholesaling concern also engaged in manufacturing is not a "small business concern" unless it so qualifies under both the manufacturing and wholesaling standards.

§ 121.3–11 Definition of small business for assistance by small business investment companies.

A small business concern for the purpose of receiving financial or other assistance from small business investment companies is a concern which:

(a) Together with its affiliates, is independently owned and operated, is not dominant in its field of operation, does not have assets exceeding $5 million, does not have net worth in excess of $2½ million, and does not have an average net income, after Federal income taxes, for the preceding 2 years in excess of $250,000 (average net income to be computed without benefit of any carryover loss); or

(b) Qualifies as a small business concern under § 121.3–10.

§ 121.3–12 Definition of small business Government subcontractors.

(a) Any concern in connection with subcontracts of $2,500 or less which relate to Government procurements will be considered a small business concern if, including its affiliates, its number of employees does not exceed 500 persons.

(b) Any concern in connection with subcontracts exceeding $2,500 which relate to Government procurements will be considered a small business concern if it qualifies as such under § 121.3–8: *Provided, however,* Until a definition of a small business nonmanufacturer is adopted under § 121.3–8(c), a nonmanufacturer will be considered as small business for the purpose of Government subcontracting if, including its affiliates, its number of employees does not exceed 500 persons.

§ 121.13 Definition of small business for receiving priority payment under section 213(a) of the War Claims Act of 1948, as amended.

(a) *Small Business Claimant.* A small business claimant for the purpose of receiving priority payment from the Secretary of the Treasury under section 213 (a) of the War Claims Act of 1948, as amended, is a concern which on the date of loss, damage, or destruction was a small business concern within the meaning of § 121.3–10 in effect on October 22, 1962 (27 F.R. 9757).

(b) *Request for size determination.* Requests for size determinations may be received only from the Foreign Claims Settlement Commission of the United States and determinations of the size status of a claimant shall be made by the SBA Regional Director for the region in which the claimant resides, or, in the case of claimants residing in foreign countries, by the SBA Regional Director at Washington, D.C.

§ 121.3–14 Interpretations.

(a) Section 121.3–2(b) of Part 121, "Annual Sales or Annual Receipts." When computing annual sales or annual receipts, intercompany transactions between affiliated concerns are excluded. To include such intercompany transactions, in effect, would mean that the receipts of a concern, including its affiliates, would be counted more than once.

(b) Section 121.3–9(b) of Part 121 "Sales of Government-owned Timber." Any concern which self-certifies as a small business concern for the purpose of the sale of Government-owned timber is expected to maintain sufficient documentary evidence to show that it did so in good faith. This means that a concern which sells more than 30 percent (30%) of the purchased timber will have to maintain the names and addresses of the concerns to whom the timber is sold and the size status of such concerns, unless an exemption has been granted on sales of mixed stumpage of hardwood and softwood species. Further, if the timber purchased is not to be resold in the form of saw logs, but is to be manufactured into lumber and timber by a concern other than the bidder, the bidder must maintain records to show the name, address and size status of the concern manufacturing the timber into lumber or timbers.

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

Dated: July 6, 1966.

BERNARD L. BOUTIN,
Administrator.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING

(The following size standards are to be used when determining the size status of SBA business loan applicants, and as alternate standards for sections 501 and 502 loans, and SBIC assistance)

Census classification code	Industry or class of products	Employment size standard (number of employees)[1]
	Major group 23—Apparel and related products	250
	Major group 28—Chemicals and Allied Products:	
2812	Alkalies and chlorine	1,000
2979	Agricultural chemicals, n.e.c.	500
2873	Agricultural pesticides	500
2831	Biological products	250
2895	Carbon, black	500
2823	Cellulose man-made fibers	1,000
2899	Chemicals and chemical preparations, n.e.c.	250
2814	Cyclic (coal tar) crudes	500
2815	Dyes, dye (cyclic) intermediates, and organic pigments (lakes and toners)	750
2892	Explosives	750
2894	Fatty acids	500
2871	Fertilizers	500
2872	Fertilizers, mixing only	500
2891	Glue and gelatin	250
2861	Gum and wood chemicals	500

See footnotes at end of table.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Con.

Census classification code	Industry or class of products	Employment size standard (number of employees)[1]
	Major group 28—Chemicals and Allied Products—Continued	
2813	Industrial gases	1,000
2819	Industrial inorganic chemicals, n.e.c	750
2818	Industrial organic chemicals, n.e.c	1,000
2816	Inorganic pigments	1,000
2833	Medicinal chemicals and botanical products	750
2851	Paints, varnishes, lacquers, and enamels	250
2844	Perfumes, cosmetics and other toilet preparations	500
2834	Pharmaceutical preparations	750
2821	Plastics materials, synthetic resins, and nonvulcanizable elastomers	750
2893	Printing ink	250
2852	Putty, calking compounds, and allied products	250
2841	Soap and other detergents, except specialty cleaners	750
2842	Speciality cleaning, polishing, and sanitation preparations, except soap and detergents	500
2843	Surface active agents, finishing agents, sulfonated oils and assistants	250
2824	Synthetic organic fibers, except cellulosic	1,000
2822	Synthetic rubber (vulcanizable elastomers)	1,000
	Major Group 36—Electrical Machinery, Equipment and Supplies:	
3624	Carbon and graphite products	750
3672	Cathode ray picture tubes	750
3643	Current-carrying wiring devices	500
3634	Electric housewares and fans	750
3641	Electric lamps	1,000
3611	Electric measuring instruments and test equipment	500
3619	Electric transmission and distribution equipment, n.e.c	500
3694	Electrical equipment for internal combustion engines	750
3629	Electrical industrial apparatus, n.e.c	500
3699	Electrical machinery, equipment and supplies, n.e.c	500
3679	Electronic components and accessories, n.e.c	500
3639	Household appliances, n.e.c	500
3631	Household cooking equipment	75
3633	Household laundry equipment	1,00
3632	Household refrigerators and home and farm freezers	1,000
3635	Household vacuum cleaners	750
3622	Industrial controls	750
3642	Lighting fixtures	250
3621	Motors and generators	1,000
3644	Noncurrent-carrying wiring devices	500
3652	Phonograph records	750
3612	Power, distribution and specialty transformers	750
3692	Primary batteries, dry and wet	1,000
3651	Radio and television receiving sets, except communication types	750
3671	Radio and television receiving type electron tubes, except cathode ray	1,000
3662	Radio and television transmitting—signaling, and detection equipment, and apparatus	750
3693	Radiographic X-ray, Fluoroscopic X-ray, therapeutic X ray, and other X-ray apparatus and tubes	500
3636	Sewing machines	750
3691	Storage batteries	500
3613	Switchgear and switchboard apparatus	750
3661	Telephone and telegraph apparatus	1,000
3673	Transmitting, industrial, and special purpose electron tubes	750
3623	Welding apparatus	250
	Major Group 34—Fabricated Metal Products, Except Ordnance, Machinery, and Transportation Equipment:	
3449	Architectural and miscellaneous metal work	250
3452	Bolts, nuts, screws, rivets and washers	500
3479	Coating, engraving, and allied services, n.e.c	250
3496	Collapsible tubes	250
3421	Cutlery	500
3471	Electroplating, plating, polishing, anodizing and coloring	250
3431	Enameled iron and metal sanitary ware	750
3499	Fabricated metal products, n.e.c	250
3498	Fabricated pipe and fabricated pipe fittings	250
3443	Fabricated plate work (boiler shops)	250
3441	Fabricated structural steel	250
3423	Hand and edge tools, except machine tools and hand saws	250
3425	Hand saws and saw blades	250
3429	Hardware, n.e.c	250
3433	Heating equipment, except electric	500
3411	Metal cans	1,000
3442	Metal doors, sash, frames, molding, and trim	250
3497	Metal foil and leaf	500
3491	Metal shipping barrels, drums, kegs and pails	500
3461	Metal stampings	250
3481	Miscellaneous fabricated wire products	250
3432	Plumbing fixture fittings and trim (brass goods)	500
3492	Safes and vaults	500
3451	Screw machine products	250
3444	Sheet metal work	250
3493	Steel springs	500
3494	Valves and pipe fittings, except plumbers' brass goods	500
	Major Group 20—Food and Kindred Products:	
2095	Animal and marine fats and oils, except grease and tallow	250
2063	Beet sugar	750
2052	Biscuit, crackers, and pretzels	750
2045	Blended and prepared flour	500
2086	Bottled and canned soft drinks and carbonated waters	250
2051	Bread and other bakery products, except biscuit, crackers, and pretzels	250
2071	Candy and other confectionery products	250
2061	Cane sugar, except refining only	250
2062	Cane sugar refining	750
2031	Canned and cured sea foods	250
2033	Canned fruits, vegetables, preserves, jams and jellies	500
2032	Canned specialities	1,000
2043	Cereal preparations	1,000
2073	Chewing gum	500
2072	Chocolate and cocoa products	500
2023	Condensed and evaporated milk	500
2091	Cottonseed oil mills	250
2021	Creamery butter	250
2085	Distilled, rectified, and blended liquors	750
2034	Dried and dehydrated fruits and vegetables	500
2087	Flavoring extracts and flavoring sirups, n.e.c	500
2041	Flour and other grain mill products	500
2026	Fluid milk	500
2099	Food preparations, n.e.c	250
20991	Desserts (ready-to-mix)	500
20994	Baking powder and yeast	500
2036	Fresh or frozen packaged fish	250
2037	Frozen fruits, fruit juices, vegetables, and specialities	500
2094	Grease and tallow	250
2024	Ice cream and frozen desserts	500
2098	Macaroni, spaghetti, vermicelli, and noodles	250
2083	Malt	250
2082	Malt liquors	500
2097	Manufactured ice	250
2011	Meat packing plants	500
2022	Natural cheese	250
2035	Pickled fruits and vegetables; vegetable sauces and seasonings; salad dressings	250
2015	Poultry and small game dressing and packing, wholesale	250
2042	Prepared feeds for animals and fowls	250
2044	Rice milling	250
2013	Sausage and other prepared meat products	500
2096	Shortening, table oils, margarine and other edible fats and oils, n.e.c	750
2092	Soybean oil mills	500
2025	Special dairy products	250
2093	Vegetable oil mills, except cottonseed and soybean	1,000
2046	Wet born milling	750
2084	Wines, brandy, and brandy spirits	250
	Major Group 25—Furniture and Fixtures:	
2599	Furniture and fixtures, n.e.c	250
2519	Household furniture, n.e.c	250
2515	Mattresses and bedsprings	250
2514	Metal household furniture	250
2522	Metal office furniture	500
2542	Metal partitions, shelving, lockers and office and store fixtures	250
2531	Public building and related furniture	250
2591	Venetian blinds and shades	250
2511	Wood household furniture, except upholstered	250
2512	Wood household furniture, upholstered	250
2521	Wood office furniture	250
2541	Wood partitions, shelving, lockers, and office and store fixtures	250
	Major Group 31—Leather and Leather Products:	
3131	Boot and shoe cut stock and findings	250
3141	Footwear, except house slippers and rubber footwear	500
3142	House slippers	250
3121	Industrial leather belting and packing	250
3151	Leather dress, semidress, and work gloves	250
3199	Leather goods, n.e.c	250
3111	Leather tanning and finishing	250
3161	Luggage	250
3172	Personal leather goods, except handbags and purses	250
3171	Women's handbags and purses	250
	Major Group 24—Lumber and Products, Except Furniture	250
	Major Group 35—Machinery, Except Electrical:	
3581	Automatic merchandising machines	250
3562	Ball and roller bearings	750
3564	Blowers, exhaust and ventilating fans	250
3582	Commercial laundry, dry cleaning, and pressing machines	250
3571	Computing and accounting machines, including cash registers	1,000
3531	Construction machinery and equipment	750
3535	Conveyors and conveying equipment	250
3534	Elevators and moving stairways	500
3522	Farm machinery and equipment	500
3551	Food products machinery	250
3569	General industrial machinery and equipment, n.e.c	250
3536	Hoists, industrial cranes, and monorail systems	500
3565	Industrial patterns	250
3567	Industrial process furnaces and ovens	250
3537	Industrial trucks, tractors, trailers, and stackers	250
3519	Internal combustion engines, n.e.c	1,000
3591	Machine shops, jobbing and repair	250
3545	Machine tool accessories and measuring devices	250
35452	Precision-measuring tools	500
3541	Machine tools, metal cutting types	500
3542	Machine tools, metal forming types	500
3599	Machinery and parts, except electrical, n.e.c	250

See footnotes at end of table.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Con.

Census classification code	Industry or class of products	Employment size standard (number of employees)[1]
	Major Group 35—Machinery, Except Electrical—Con.	
3586	Measuring and dispensing pumps	500
3566	Mechanical power transmission equipment, except ball and roller bearings	500
3548	Metalworking machinery, except machine tools	500
3532	Mining machinery and equipment, except oil field machinery and equipment	500
3570	Office machines, n.e.c.	500
3533	Oil field machinery an equipment	500
3554	Paper industries machinery	250
3555	Printing trades machinery and equipment	500
3561	Pumps, air and gas compressors, and pumping equipment	500
3585	Refrigerators; refrigeration machinery, except household; and complete air conditioning units	750
3576	Scales and balances, except laboratory	250
3589	Service industry machines, n.e.c.	250
3544	Special dies and tools, die sets, jigs and fixtures	250
3559	Special industry machinery, n.e.c.	250
3511	Steam engines; steam, gas and hydraulic turbines; and steam, gas, and hydraulic turbine generator set units	1,000
3552	Textile machinery	250
3572	Typewriters	1,000
3584	Vacuum cleaners, industrial	250
3553	Woodworking machinery	250
	Major Group 39—Miscellaneous Manufacturing Industries:	
3991	Brooms and brushes	250
3963	Buttons	250
3984	Candles	250
3955	Carbon paper and inked ribbons	250
3943	Children's vehicles, except bicycles	250
3961	Costume jewelry and costume novelties, except precious metal	250
3942	Dolls	250
3962	Feathers, plumes, and artificial flowers	250
3992	Furs, dressed and dyed	250
3941	Games and toys, except dolls and children's vehicles	250
3912	Jewelers' findings and material	250
3911	Jewelry, precious metal	250
3987	Lamp shades	250
3913	Lapidary work and cutting and polishing diamonds	250
3952	Lead pencils, crayons, and artists' materials	250
3982	Linoleum, asphalted-felt base, and other hard surface floor coverings, n.e.c.	750
3999	Manufacturing industries n.e.c.	250
3953	Marking devices	250
3983	Matches	500
3988	Morticians' goods	250
3931	Musical instruments and parts	500
3964	Needles, pins, hooks and eyes, and similar notions	250
3951	Pens, pen points, fountain pens, ball point pens, mechanical pencils and parts	500
3993	Signs and advertising displays	250
3914	Silverware and plated ware	500
3949	Sporting and athletic goods, n.e.c.	250
3995	Umbrellas, parasols, and canes	250
	Major Group 19—Ordnance and Accessories:	
1922	Ammunition loading and assembling	250
1929	Ammunition, n.e.c.	250
1921	Artillery ammunition	250
1911	Guns, howitzers, mortars, and related equipment	250
1999	Ordnance and accessories, n.e.c.	250
1941	Sighting and fire control equipment	250
1951	Small arms	1,000
1961	Small arms ammunition	1,000
1931	Tanks and takn components	1,000

See footnotes at end of table.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Con.

Census classification code	Industry or class of products	Employment size standard (number of employees)[1]
	Major Group 26—Paper and Allied Products:	
2643	Bags, except textile bags	500
2661	Building paper and building board mills	750
2649	Converted paper and paperboard products, n.e.c.	500
2653	Corrugated and solid fiber boxes	250
2645	Die cut paper and paperboard; and cardboard	250
2642	Envelopes	250
2655	Fiber cans, tubes, drums, and similar products	250
2651	Folding paperboard boxes	250
2641	Paper coating and glazing	500
2621	Paper mills, except building paper mills	750
2631	Paperboard mills	750
2646	Pressed and molded pulp goods	750
2611	Pulp mills	750
2654	Sanitary food containers	750
2652	Set-up paperboard boxes	250
2644	Wallpaper	250
	Major Group 29—Petroleum Refining and Related Industries:	
2952	Asphalt felts and coatings	750
2992	Lubricating oils and greases	500
2951	Paving mixtures and blocks	250
2911	Petroleum refining [2]	1,000
2999	Products of petroleum and coal, n.e.c.	250
	Major Group 33—Primary Metal Industries:	
3361	Aluminum castings	250
3312	Blast furnaces (including coke ovens), steel works, and rolling mills	1,000
3362	Brass, bronze, copper, copper base alloy castings	250
3316	Cold rolled sheet, strip and bars	1,000
3357	Drawing and insulating of nonferrous wire	1,000
3313	Electrometallurgical products	750
3321	Gray iron foundries	500
3391	Iron and steel forgings	500
3322	Malleable iron foundries	500
3369	Nonferrous castings, n.e.c.	250
3392	Nonferrous forgings	250
3399	Primary metal industries, n.e.c.	750
3334	Primary production of aluminum	1,000
3331	Primary smelting and refining of copper	1,000
3332	Primary smelting and refining of lead	1,000
3339	Primary smelting and refining of nonferrous metals, n.e.c.	750
3333	Primary smelting and refining of zinc	750
3352	Rolling, drawing, and extruding of aluminum	750
3351	Rolling, drawing, and extruding of copper	750
3356	Rolling, drawing, and extruding of nonferrous metals, except copper and aluminum	750
3341	Secondary smelting, refining, and alloying of nonferrous metals and alloys	250
3323	Steel foundries	500
3317	Steel pipe and tubes	1,000
3315	Steel wire drawing and steel nails and spikes	1,000
	Major Group 27—Printing and Publishing Industries	250
	Major Group 38—Professional, Scientific and Controlling Instruments; Photographic and Optical Goods; Watches and Clocks:	
3822	Automatic temperature controls	500
3843	Dental equipment and supplies	250
3811	Engineering, laboratory, and scientific and research instruments and associated equipment	500
3821	Mechanical measuring and controlling instruments, except automatic temperature controls	500
3851	Opthalmic goods	250
3831	Optical instruments and lenses	250
3842	Orthopedic, prosthetic, and surgical appliances and supplies	250

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Con.

Census classification code	Industry or class of products	Employment size standard (number of employees)[1]
	Major Group 38—Professional, Scientific and Controlling Instruments: Photographic and Optical Goods: Watches and Clocks—Continued	
3861	Photographic equipment and supplies	500
3841	Surgical and medical instruments and apparatus	250
3872	Watchcases	250
3871	Watches, clocks, and parts except watchcases	500
	Major Group 30—Rubber and Miscellaneous Plastics Products:	
3069	Fabricated rubber products, n.e.c.	500
3079	Miscellaneous plastics products	250
3031	Reclaimed rubber	750
3021	Rubber footwear	1,000
3011	Tires and inner tubes	1,000
	Major Group 32—Stone, Clay, and Glass Products:	
3291	Abrasive products	250
3292	Asbestos products	750
3251	Brick and structural clay tile	250
3241	Cement, hydraulic	750
3253	Ceramic wall and floor tile	500
3255	Clay refractories	250
3271	Concrete brick and block	250
3272	Concrete products, except block and brick	250
3281	Cut stone and stone products	250
3263	Fine earthenware (whiteware) table and kitchen articles	500
3211	Flat glass	1,000
3221	Glass containers	750
3231	Glass products, made of purchased glass	250
3275	Gypsum products	1,000
3274	Lime	500
3296	Mineral wool	750
3295	Minerals and earths, ground or otherwise treated	250
3297	Nonclay refractories	750
3299	Nonmetallic mineral products, n.e.c.	250
3264	Porcelain electrical supplies	500
3269	Pottery products, n.e.c.	250
3229	Pressed and blown glass and glassware, n.e.c.	750
3273	Ready mixed concrete	250
3293	Steam and other packing, and pipe and boiler covering	500
3259	Structural clay products, n.e.c.	250
3261	Vitreous china plumbing fixtures and china and earthenware fittings and bathroom accessories	750
3262	Vitreous china table and kitchen articles	500
	Major Group 22—Textile Mill Products:	
2295	Artificial leather, oilcloth, and other impregnated and coated fabrics except rubberized	250
2211	Broad woven fabric mills, cotton	1,000
2221	Broad woven fabric mills, man-made fiber and silk	500
2231	Broad woven fabric mills, wool: including dyeing and finishing	250
2279	Carpets, rugs, and mats, n.e.c.	500
2298	Cordage and twine	250
2269	Dyeing and finishing textiles, n.e.c.	250
2291	Felt goods, except woven felts and hats	250
2261	Finishers of broad woven fabrics of cotton	500
2262	Finishers of broad woven fabrics of man-made fiber and silk	500
2251	Full fashioned hosiery mills	250
2256	Knit fabric mills	250
2253	Knit outerwear mills	250
2254	Knit underwear mills	250
2259	Knitting mills, n.e.c.	250
2292	Lace goods	250
2241	Narrow fabrics and other small-wares mills: cotton, wool, silk, and man-made fiber	250
2293	Paddings and upholstery filling	250
2294	Processed waste and recovered fibers and floek	250

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Con.

Census classification code	Industry or class of products	Employment size standard (number of employees)[1]
	Major Group 22—Textile Mill Products—Continued	
2252	Seamless hosiery mills	250
2299	Textile goods, n.e.c.	250
2284	Thread mills	500
2296	Tire cord and fabric	1,000
2272	Tufted carpets and rugs	500
2297	Wool scouring, worsted combing and tow to top mills	250
2271	Woven carpets and rugs	750
2283	Yarn mills, wool, including carpet and rug yarn	250
2281	Yarn spinning mills, cotton, man-made fibers and silk	500
2282	Yarn throwing, twisting, and winding mills, cotton, man-made fibers and silk	250
	Major Group 21—Tobacco Manufacturers:	
2111	Cigarettes	1,000
2121	Cigars	500
2131	Tobacco (chewing and smoking) and snuff	500
2141	Tobacco stemming and redrying	500
	Major Group 37—Transportation Equipment:	
3721	Aircraft	1,000
3722	Aircraft engines and engine parts	1,000
3729	Aircraft parts and auxiliary equipment, n.e.c.	1,000
3723	Aircraft propellers and propeller parts	1,000
3732	Boat building and repairing	250
3741	Locomotives and parts	1,000
3717	Motor vehicles and parts [3]	1,000
3751	Motorcycles, bicycles, and parts	500
3742	Railroad and street cars	750
3731	Ship building and repairing	1,000
3791	Trailer coaches	250
3799	Transportation equipment, n.e.c.	250
3713	Truck and bus bodies	250
3715	Truck trailers	500

[1] The "number of employees" means the average employment of any concern and its affiliates based on the number of persons employed during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding four quarters.

[2] Together with its affiliates does not employ more than 1,000 persons and does not have more than 30,000 barrels-per-day capacity from owned and leased facilities.

[3] The three Standard Industrial Classification industries (3711, 3712, and 3714) have been combined because of a major problem of defining the reporting unit in terms of these industries. This difficulty arises from the fact that many large establishments have integrated operations which include the production of parts or bodies and the assembly of complete vehicles at the same location.

SCHEDULE B—INDUSTRY EMPLOYMENT SIZE STANDARDS FOR THE PURPOSE OF GOVERNMENT PROCUREMENT

MANUFACTURING

Census classification code	Industry	Employment size standard (number of employees)[1]
	Major Group 19—Ordnance and Accessories:	
1925	Guided missiles and space vehicles, completely assembled	1,000
1931	Tanks and tank components	1,000
1951	Small arms	1,000
1961	Small arms ammunition	1,000
	Major Group 20—Food and Kindred Products:	
2026	Fluid milk	750
2032	Canned specialties	1,000
2043	Cereal preparations	1,000
2046	Wet corn milling	750
2052	Biscuit, crackers, and pretzels	750
2062	Cane sugar refining	750
2063	Beet sugar	750
2085	Distilled, rectified, and blended liquors	750
2093	Vegetable oil mills, except cottonseed and soybean	1,000

SCHEDULE B—INDUSTRY EMPLOYMENT SIZE STANDARD FOR THE PURPOSE OF GOVERNMENT PROCUREMENT—Continued

MANUFACTURING—Continued

Census classification code	Industry	Employment size standard (number of employees)[1]
	Major Group 20—Food and Kindred Products—Con.	
2096	Shortening, table oils, margarine and other edible fats and oils, n.e.c.	750
	Major Group 21—Tobacco Manufactures:	
2111	Cigarettes	1,000
	Major Group 22—Textile Mill Products:	
2211	Broad woven fabric mills, cotton	1,000
2261	Finishers of broad woven fabrics of cotton	1,000
2271	Woven carpets and rugs	750
2295	Artificial leather, oilcloth, and other impregnated and coated fabrics, except rubberized	1,000
2296	Tire cord and fabric	1,000
	Major Group 26—Paper and Allied Products.	
2611	Pulp mills	750
2621	Paper mills, except building paper mills	750
2631	Paperboard mills	750
2646	Pressed and molded pulp goods	750
2654	Sanitary food containers	750
2661	Building paper and building board mills	750
	Major Group 28—Chemicals and Allied Products:	
2812	Alkalies and chlorine	1,000
2813	Industrial gases	1,000
2815	Dyes, dye (cyclic) intermediates and organic pigments (lakes and toners)	750
2816	Inorganic pigments	1,000
2818	Industrial organic chemicals, n.e.c.	1,000
2819	Industrial inorganic chemicals, n.e.c.	750
2821	Plastics materials, synthetic resins, and nonvulcanizable elastomers	750
2822	Synthetic rubber (vulcanizable elastomers)	1,000
2823	Cellulose man-made fibers	1,000
2824	Synthetic organic fibers, except cellulosic	1,000
2833	Medicinal chemicals and botanical products	750
2834	Pharmaceutical preparations	750
2841	Soap and other detergents, except specialty cleaners	750
2892	Explosives	750
	Major Group 29—Petroleum Refining and Related Industries:	
2911	Petroleum refining [2]	1,000
2952	Asphalt felts and coatings	750
	Major Group 30—Rubber and Miscellaneous Plastics Products·	
3011	Tires and inner tubes	1,000
3021	Rubber footwear	1,000
3031	Reclaimed rubber	750
	Major Group 32—Stone, Clay, and Glass Products:	
3211	Flat glass	1,000
3221	Glass containers	750
3229	Pressed and blown glass and glassware, n.e.c.	750
3241	Cement, hydraulic	750
3261	Vitreous china plumbing fixtures and china and earthenware fittings and bathroom accessories	750
3275	Gypsum products	1,000
3292	Asbestos products	750
3296	Mineral wool	750
3297	Nonclay refractories	750
	Major Group 33—Primary Metal Industries:	
3312	Blast furnaces (including coke ovens), steel works, and rolling mills	1,000
3313	Electrometallurgical products	750
3315	Steel wire drawing and steel nails and spikes	1,000
3316	Cold rolled sheet, strip and and bars	1,000
3317	Steel pipe and tubes	1,000
3331	Primary smelting and refining of copper	1,000

SCHEDULE B—INDUSTRY EMPLOYMENT SIZE STANDARD FOR THE PURPOSE OF GOVERNMENT PROCUREMENT—Continued

MANUFACTURING—Continued

Census classification code	Industry	Employment size standard (number of employees)[1]
	Major Group 33—Primary Metal Industries—Con.	
3332	Primary smelting and refining of lead	1,000
3333	Primary smelting and refining of zinc	750
3334	Primary production of aluminum	1,000
3339	Primary smelting and refining of nonferrous metals, n.e.c.	750
3351	Rolling, drawing, and extruding of copper	750
3352	Rolling, drawing, and extruding of aluminum	750
3356	Rolling, drawing, and extruding of nonferrous metals, except copper and aluminum	750
3357	Drawing and insulating of nonferrous wire	1,000
3399	Primary metal industries, n.e.c.	750
	Major Group 34—Fabricated Metal Products, Except Ordnance, Machinery, and Transportation Equipment:	
3411	Metal cans	1,000
3431	Enameled iron and metal sanitary ware	750
	Major Group 35—Machinery, Except Electrical:	
3511	Steam engines; steam, gas and hydraulic turbines; and steam, gas and hydraulic turbine generated set units	1,000
3519	Internal combustion engines, n.e.c.	1,000
3531	Construction machinery and equipment	750
3562	Ball and roller bearings	750
3571	Computing and accounting machines, including cash registers	1,000
3572	Typewriters	1,000
3585	Refrigerators; refrigeration machinery, except household; and complete air conditioning units	750
	Major Group 36—Electrical Machinery, Equipment and Supplies:	
3612	Power, distribution, and specialty transformers	750
3613	Switchgear and switchboard apparatus	750
3621	Motors and generators	1,000
3622	Industrial controls	750
3624	Carbon and graphite products	750
3631	Household cooking equipment	750
3632	Household refrigerators and home and farm freezers	1,000
3633	Household laundry equipment	1,000
3634	Electric housewares and fans	750
3635	Household vacuum cleaners	750
3636	Sewing machines	750
3641	Electric lamps	1,000
3651	Radio and television receiving sets, except communication types	750
3652	Phonograph records	750
3661	Telephone and telegraph apparatus	1,000
3662	Radio and television transmitting, signaling, and detection equipment and apparatus	750
3671	Radio and television receiving type electron tubes, except cathode ray	1,000
3672	Cathode ray picture tubes	750
3673	Transmitting, industrial, and special purpose electron tubes	750
3692	Primary batteries, dry and wet	1,000
3694	Electrical equipment for internal combustion engines	750
	Major Group 37—Transportation Equipment:	
3717	Motor vehicles and parts [3]	1,000
3721	Aircraft [4]	1,000
3722	Aircraft engines and engine parts [4]	1,000
3723	Aircraft propellers and propeller parts	1,000
3729	Aircraft parts and auxiliary equipment, n.e.c.[4]	1,000

See footnotes at end of table.

SCHEDULE B—INDUSTRY EMPLOYMENT SIZE STANDARD FOR THE PURPOSE OF GOVERNMENT PROCUREMENT—Continued

MANUFACTURING—Continued

Census classification code	Industry	Employment size standard (number of employees)[1]
	Major Group 37—Transportation Equipment—Con.	
3731	Shipbuilding and repairing[2]	1,000
3741	Locomotives and parts	1,000
3742	Railroad and street cars	750
	Major Group 39—Miscellaneous Manufacturing Industries:	
3982	Linoleum, asphalted-felt-base, and other hard surface floor coverings, n.e.c.[3]	750

[1] The "number of employees" means the average employment of any concern and its affiliates based on the number of persons employed during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding four quarters.

[2] Together with its affiliates does not employ more than 1,000 persons and does not have more than 30,000 barrels-per-day capacity from owned and leased facilities.

[3] The three Standard Industrial Classification industries (3711, 3712, and 3714) have been combined because of a major problem of defining the reporting unit in terms of these industries. This difficulty arises from the fact that many large establishments have integrated operations which include the production of parts or bodies and the assembly of complete vehicles at the same location.

[4] Includes maintenance as defined in the Federal Aviation Regulations (14 CFR 1.1) but excludes contracts solely for preventive maintenance as defined in 14 CFR 1.1 as defined in the Federal Aviation Regulations:

" 'Maintenance' means inspection, overhaul, repair, preservation, and the replacement of parts, but excludes preventive maintenance.

" 'Preventive maintenance' means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations."

[5] Guided missile engines and engine parts are classified in SIC 3722. Missile control systems are classified in SIC 3662.

[F.R. Doc. 66-7709; Filed, July 18, 1966; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 6890]

PART 301—PROCEDURE AND ADMINISTRATION

Payment by Check or Money Order

In order to conform the Regulations on Procedure and Administration (26 CFR Part 301) under section 6311 of the Internal Revenue Code of 1954, relating to payment by check or money order, to regulations under sections 5061 and 5703 of the Internal Revenue Code of 1954, and to make certain clerical changes, such regulations are amended as follows:

Paragraph (a) of § 301.6311-1 is amended to read as follows:

§ 301.6311-1 Payment by check or money order.

(a) *Authority to receive*—(1) *In general.* (i) District directors may accept checks drawn on any bank or trust company incorporated under the laws of the United States or under the laws of any State, Territory, or possession of the United States, or money orders in payment for internal revenue taxes, provided such checks or money orders are collectible in U.S. currency at par, and subject to the further provisions contained in this section. District directors may accept such checks or money orders in payment for internal revenue stamps to the extent and under the conditions prescribed in subparagraph (2) of this paragraph. A check or money order in payment for internal revenue taxes or internal revenue stamps should be made payable to the Internal Revenue Service. A check or money order is payable at par only if the full amount thereof is payable without any deduction for exchange or other charges. As used in this section, the term "money order" means: (*a*) U.S. postal, bank, express, or telegraph money order; (*b*) money order issued by a domestic building and loan association (as defined in section 7701(a)(19)) or by a similar association incorporated under the laws of a possession of the United States; (*c*) a money order issued by such other organization as the Commissioner may designate; and (*d*) a money order described in subdivision (ii) of this subparagraph in cases therein described. However, the district director may refuse to accept any personal check whenever he has good reason to believe that such check will not be honored upon presentment.

(ii) An American citizen residing in a country with which the United States maintains direct exchange of money orders on a domestic basis may pay his tax by postal money order of such country. For a list of such countries, see section 171.27 of the Postal Manual of the United States.

(iii) If one check or money order is remitted to cover two or more persons' taxes, the remittance should be accompanied by a letter of transmittal clearly identifying—

(*a*) Each person whose tax is to be paid by the remittance;

(*b*) The amount of the payment on account of each such person; and

(*c*) The kind of tax paid.

(2) *Payment for internal revenue stamps*—(i) *In general.* The district director may accept checks and money orders described in subparagraph (1) of this paragraph in payment for internal revenue stamps other than stamps for taxes imposed under chapter 34 of the Code (relating to documentary stamps). However, the district director may refuse to accept any personal check whenever he has good reason to believe that such check will not be honored upon presentment. For special provisions relating to documentary stamps, see subdivision (ii) of this subparagraph.

(ii) *Documentary stamps.* The district director may accept in payment for taxes imposed under chapter 34 of the Code (relating to documentary stamps) certified, cashiers' or treasurers' checks drawn on any bank or trust company incorporated under the laws of the United States or under the laws of any State, Territory, or possession of the United States or money orders described in subparagraph (1) of this paragraph. However, if an application has been submitted by a person desiring to tender personal checks for such taxes and the application has been approved by the district director, the district director may accept such personal checks as are described in subparagraph (1)(i) of this paragraph. The application shall be made to the district director and shall contain the applicant's name, address, firm name (if any), such financial information as will enable the district director to determine the amount of the credit to be extended to the applicant, and the approximate value of stamps to be purchased during the period fixed by the district director. The district director is authorized to approve or disapprove such application and, if the application is approved, to fix the maximum amount of the value of the documentary stamps for which personal checks will be accepted and to prescribe such other limitations and conditions as he deems appropriate. The district director may, for good cause, discontinue at any time the acceptance of personal checks under the provisions of this subdivision.

(3) *Payment of tax on distilled spirits, wine, beer, cigars, or cigarettes; proprietor in default.* Where a check or money order tendered in payment for taxes on distilled spirits, wines, beer, or rectified products (imposed under chapter 51 of the Code), or cigars or cigarettes (imposed under chapter 52 of the Code) is not paid on presentment, or where a taxpayer is otherwise in default in payment of such taxes, any remittance for such taxes made during the period of such default, and until the Assistant Regional Commissioner (Alcohol and Tobacco Tax) finds that the revenue will not be jeopardized by the acceptance of personal checks (if acceptable to the district director under subparagraph (1) of this paragraph), shall be in cash, or shall be in the form of a certified, cashier's, or treasurer's check, drawn on any bank or trust company incorporated under the laws of the United States, or under the laws of any State, Territory, or possession of the United States, or a money order as described in subparagraph (1) of this paragraph.

* * * * *

Because this Treasury decision merely makes certain conforming and clerical amendments, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: July 11, 1966.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 66-7729; Filed, July 18, 1966; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7474; Amdt. 492]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, 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 view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Nevada Int	AMW RBn	Direct	2600	T-dn	300-1	300-1	200-½
				C-d	600-1	600-1	600-1½
				C-n	600-2	600-2	600-2
				S-dn-31	600-1	600-1	600-1
				A-dn	NA	NA	NA

Procedure turn N side of crs, 120° Outbnd, 300° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1529′.
Facility on airport, crs and distance, breakoff point to runway, 310°—0.36 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing AMW RBn, turn right climbing to 2300′ on the 120° bearing from AMW RBn within 10 miles, make right turn and return to AMW RBn.
NOTE: Use Des Moines, Iowa, altimeter setting.
MSA within 25 miles of facility: 000°-360°—2800′.
Lights on Runways 31-13 only.

City, Ames; State, Iowa; Airport name, Ames Municipal; Elev., 929′; Fac. Class., MH; Ident., AMW; Procedure No. 1, Amdt. 1; Eff. date, 6 Aug. 66; Sup. Amdt. No. Orig.; Dated, 18 Sept. 65

10-mile DME or Radar Fix, R 030° BOS VORTAC.	Revere Int., Radar or 5-mile DME Fix, R 030°, BOS VORTAC (final).	Direct	1200	T-dn%	300-1	300-1	200-½
				C-dn#	600-1	600-1	600-1½
Bedford RBn	OS LMM	Direct	2000	S-dn-22L**	600-1	600-1	600-1
Dorchester Int	OS LMM	Direct	2000	A-dn	800-2	800-2	800-2
Whitman VOR	OS LMM	Direct	2000				
Cohasset Int	OS LMM	Direct	2000				

Radar available.
Procedure turn E side of crs, 035° Outbnd, 215° Inbnd, 1500′ within 12 miles of OS LMM.
Minimum altitude over Revere Int, 5-mile DME or Radar Fix on final approach crs, 1200′.
Crs and distance, Revere Int (radar or 5-mile DME Fix) to airport, 215°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3 miles after passing Revere Int, 2-mile DME Fix, or passing BOS RBn, climb straight ahead to 2000′ direct to BO LOM. Hold SW of BO LOM, 035° Inbnd, 1-minute right turns, or when directed by ATC, make left-climbing turn to 2000′ direct E Boston Int. Hold SE of E Boston Int, 293° Inbnd, 1-minute right turns.
CAUTION: 370′ stack, 1 mile SW of airport; 505′ building, 1.7 miles W of airport; 845′ building and antenna, 3.1 miles W of airport; 1349′ antennae, 10.5 miles W of airport.
%Departures from Runway 27, make left turn to heading 260° as soon as practical after takeoff.
#No circling W of airport authorized from centerline extended Runway 4L to centerline extended Runway 15 when ceiling is less than 800′.
**Reduction not authorized.
MSA within 25 miles of facility: 000°–180°—2000′; 180°–360°—2500′.

City, Boston; State, Mass.; Airport name, General Edward Lawrence Logan International; Elev., 19′; Fac. Class., LMM; Ident., OS; Procedure No. 2, Amdt. 6; Eff. date, 6 Aug. 66; Sup. Amdt. No. 5; Dated, 12 Feb. 66

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BRO VOR	LOM	Direct	1600	T-dn	300–1	300–1	200–½
				C-dn	500–1	500–1	500–1½
				S-dn-17L*	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 353° Outbnd, 173° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 173°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, turn left, climb to 1600′ on BRO VOR, R 062° within 15 miles, or when directed by ATC, climb to 1200′ on bearing, 173° from LOM within 4.5 miles.
CAUTION: 150′ water tank, 0.5 mile W of airport.
*Reduction of landing visibility below ¾ mile not authorized.
MSA within 25 miles of LOM within United States, 2100′.

City, Brownsville; State, Tex.; Airport name, Rio Grande Valley International; Elev., 22′; Fac. Class., LOM; Ident., BR; Procedure No. 1, Amdt. 19; Eff. date, 6 Aug. 66; Sup. Amdt. No. 18; Dated, 4 Sept. 65

PROCEDURE CANCELED, EFFECTIVE 6 AUG. 1966.

City, Brownsville; State, Tex.; Airport name, Rio Grande Valley International; Elev., 22′; Fac. Class., SBH; Ident., BRO; Procedure No. 2, Amdt. 2; Eff. date, 10 Apr. 65; Sup. Amdt. No. 1; Dated, 8 Sept. 62

GUM VOR	UA RBn (LOM)	Direct	2000	T-dn	400–1	400–1	400–1
GUM RBn	UA RBn (LOM)	Direct	2100	C-dn	500–1	500–1	500–1½
				S-dn-6R	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar authorized.
Procedure turn N side of crs, 244° Outbnd, 064° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 064°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing UA RBn, climb to 2000′ on the 064° bearing and contact Guam approach control.
NOTE: Reductions not authorized.
NOTE: This procedure applies to civil aircraft only and prior approval required from commander, Andersen AFB.
MSA within 25 miles of facility: 000°–360°—2400′.

Territory, Guam; Mariana Islands; Airport name, Andersen AFB; Elev., 605′; Fac. Class., HW; Ident., UA; Procedure No. 1, Amdt. 2; Eff. date, 6 Aug. 66; Sup. Amdt. No. 1; Dated, 23 Apr. 66

STJ VOR	LOM	Direct	2300	T-dn	300–1	300–1	*200–½
				C-dn	600–1	600–1	600–1½
				S-dn-35	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn W side of crs, 172° Outbnd, 352° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 352°—5.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles after passing LOM, climb to 2700′ on bearing, 340° from LOM and proceed to STJ VOR. Hold N on R 347°, 167° Inbnd, right turns, or when directed by ATC, make left turn climbing to 2300′ and return to LOM.
Note: Sliding scale below ¾ mile not authorized.
CAUTION: 300′ bluffs, W, NW, and E of airport.
*300–1 required on Runway 31.
MSA within 25 miles of facility: 000°–090°—2800′; 090°–360°—2500′.

City, St. Joseph; State, Mo.; Airport name, Rosecrans Memorial; Elev., 826′; Fac. Class., LOM; Ident., ST; Procedure No. 1, Amdt. 16; Eff. date, 6 Aug. 66; Sup. Amdt. No. 15; Dated, 23 July 66

Chester VOR	BAF RBn	Direct	3300	T-d*	700–1	700–1	700–1
Westfield VOR	BAF RBn	Direct	3000	T-n*	700–2	700–2	700–2
				C-d	800–1½	800–1½	800–2
				C-n	800–2	800–2	800–2
				S-dn-20	800–1½	800–1½	800–1½
				A-dn	1500–2	1500–2	1500–2

Procedure turn W side of crs, 023° Outbnd, 203° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 203°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing BAF RBn, climb straight ahead on crs 203° to 1500′ within 5 miles, then right-climbing turn to 3000′ direct BAF RBn. Hold N of BAF RBn, 203° Inbnd, 1-minute right turns.
NOTES: (1) Altimeter setting from Westover when control zone not effective. (2) Approach from a holding pattern not authorized. Procedure turn required.
Departures: Runway 9, left turn to 020° and Runway 15, right turn to 210° as soon as practicable after takeoff.
CAUTION: 754′ obstruction—lighted tower on ridge 1 mile E of airport.
*800′ ceiling required for takeoffs on Runways 9 and 15.
MSA within 25 miles of facility: 000°–090°—3000′; 090°–180°—2500′; 180°–270°—3000′; 270°–360°—4000′.

City, Westfield; State, Mass.; Airport name, Barnes Municipal; Elev., 270′; Fac. Class., SBMHZ; Ident., BAF; Procedure No. 1, Amdt. 3; Eff. date, 6 Aug. 66; Sup. Amdt. No. 2; Dated, 9 Apr. 66

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Brownsville LOM	BRO VOR	Direct	1600	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-26	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 062° Outbnd, 242° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 600′.
Crs and distance, facility to airport, 242°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing BRO VOR, climb to 1600′ on R 282° within 15 miles, or when directed by ATC, turn right, climb to 1600′ on R 330° within 10 miles.
CAUTION: 150′ water tank, 0.5 mile W of airport.
MSA within 25 miles of BRO VOR within United States, 1500′.

City, Brownsville; State, Tex; Airport name, Rio Grande Valley International; Elev., 22′; Fac. Class., H-BVORTAC; Ident., BRO; Procedure No. 1, Amdt. 7; Eff. date, 6 Aug. 66; Sup. Amdt. No. 6; Dated, 10 Apr. 65

Salem VOR	YIP VOR	Direct	2600	T-dn	300-1	300-1	200-½
Carleton VOR	YIP VOR	Direct	2500	C-d	500-1	500-1	500-1½
				C-n	500-2	500-2	500-2
				S-d-9	500-1	500-1	500-1
				S-n-9*	500-2	500-2	500-2
				A-dn	800-2	800-2	800-2
				Dual VOR minimums; dual VOR receivers required:#			
				C-d#	400-1	500-1	500-1½
				S-d-9#	400-1	400-1	400-1

Radar available.
Procedure turn S side of crs, 282° Outbnd, 109° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′; over French Int, 1139′.
Crs and distance, facility to airport, 102°—7.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.3 miles after passing YIP VOR, make left-climbing turn to 2700′ and proceed to DW LOM.
CAUTION: Brightly lighted street in town of Romulus on final approach crs 1½ miles short of runway may easily be confused for Runway 9.
*Reduction not authorized.
MSA within 25 miles of facility: 000°-090°—2800′; 090°-180°—2400′; 180°-270°—2100′; 270°-360°—2600′.

City, Detroit; State, Mich.; Airport name, Detroit Metro Wayne County; Elev., 639′; Fac. Class., T-VOR; Ident., YIP; Procedure No. 1, Amdt. 2; Eff. date, 6 Aug. 66; Sup. Amdt. No. 1; Dated, 14 May 66

Lasalle Int	Taylor Int (final)	Direct	2000	T-dn	300-1	300-1	200-½
Carleton VOR	Taylor Int	Direct	2300	C-dn	400-1	500-1	500-1½
YIP VOR	Taylor Int	Direct	2300	S-dn-27	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn N side of crs, 101° Outbnd, 281° Inbnd, 2300′ within 10 miles of Taylor Int.
Minimum altitude over Taylor Int on final approach crs, 2000′.
Crs and distance, Taylor Int to airport, 281°—5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing Taylor Int, climb to 2300′ and proceed to YIP VOR.
NOTE: Dual VOR equipment or radar identification of Taylor Int required.
MSA within 25 miles of facility: 000°-090°—2800′; 090°-180°—2400′; 180°-270°—2400′; 270°-360°—2600′.

City, Detroit; State, Mich.; Airport name, Detroit Metro Wayne County; Elev., 639′; Fac. Class., T-VOR; Ident., YIP; Procedure No. 2, Amdt. 2; Eff. date, 6 Aug. 66; Sup. Amdt. No. 1; Dated, 26 May 66

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				A-dn*	800-2	800-2	800-2

Procedure turn N side of crs, 074° Outbnd, 254° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 254°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing DYR VORTAC, turn left, climb to 1900′, return to DYR VORTAC and contact ATC for further clearance.
CAUTION NOTES: *Weather and altimeter information not available 2200 to 0600. During this period aircraft will cancel IFR with ATC prior to landing or upon reaching VFR conditions, and will not takeoff under IFR conditions without prior ATC approval.
MSA within 25 miles of facility: 000°-360°—1800′.

City, Dyersburg; State, Tenn.; Airport name, Dyersburg Municipal; Elev., 337′; Fac. Class., BVORTAC; Ident., DYR; Procedure No. 1, Amdt. 9; Eff. date, 6 Aug. 66; Sup. Amdt. No. 8; Dated, 30 Nov. 63

				T-dn%	300-1	300-1	200-½
				C-dn	1100-2	1100-2	1100-2
				A-dn	1500-3	1500-3	1500-3

Procedure turn S side of crs, 255° Outbnd, 075° Inbnd, 8000′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 6500′.
Crs and distance, facility to airport, 098°—14.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing HZN VOR, make a left-climbing turn, return to the VOR climbing to 8500′ on R 255° within 10 miles.
NOTE: Military authority required.
%IFR departures must comply with published Fallon SID's.

City, Fallon; State, Nev.; Airport name, NAAS Fallon; Elev., 3934′; Fac. Class., VORW; Ident., HZN; Procedure No. 1, Amdt. 2; Eff. date, 6 Aug. 66; Sup. Amdt. No. 1; Dated, 29 Sept. 62

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-d	700-1	700-1	700-1½
				C-n	700-2	700-2	700-2
				S-d-18	700-1	700-1	700-1
				S-n-18	700-2	700-2	700-2
				A*	NA	NA	NA
				DME minimum—DME equipment required:			
				C-dn	600-1	600-1	600-1½
				S-dn-18	500-1	500-1	500-1

Procedure turn W side of crs, 349° Outbnd, 169° Inbnd, 5800′ within 10 miles.
Minimum altitude over facility on final approach crs, 5100′; over 4-mile DME Fix, R 169°, 4373′.
Crs and distance, facility to airport, 169°—7.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.3 miles after passing LAA VOR, turn right, climbing to 6000′ direct to LAA VOR.
CAUTION: Procedure not wholly within controlled airspace.
*Alternate minimums of 800-2 authorized for air carriers with weather reporting service available at airport.
MSA within 25 miles of facility: 000°-270°—5200′; 270°-360°—5900′.

City, Lamar; State, Colo.; Airport name, Lamar Municipal; Elev., 3673′; Fac. Class., H-BVOR; Ident., LAA; Procedure No. 1, Amdt. 1; Eff. date, 6 Aug. 66; Sup. Amdt. No. Orig.; Dated, 3 July 65

R 276°, STJ VOR, clockwise	R 347°, STJ VOR	Via 6-mile DME Arc.	2700	T-dn	300-1	300-1	*200-½
				C-dn	1000-2	1000-2	1000-2
R 072°, STJ VOR, counterclockwise	R 347°, STJ VOR	Via 6-mile DME Arc.	2700	A-dn	1000-2	1000-2	1000-2
				DME minimums:			
6-mile DME Fix, R 347°, STJ VOR	STJ VOR (final)	Direct	2700	C-dn	600-1	600-1	600-1½
				S-dn-17@	600-1	600-1	600-1

Procedure turn W side of crs, 347° Outbnd, 167° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 2700′; over 6-mile DME Fix, R 167°, 1826′.
Crs and distance, facility to airport, 167°—10.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.7 miles after passing STJ VOR, make right turn climbing to 2700′ and return to STJ VOR.
CAUTION: 300′ bluffs, W, NW, and E of airport.
*300-1 required on Runway 31.
@ Reductions not authorized.
MSA within 25 miles of facility: 180°-090°—2600′; 090°-180°—2800′.

City, St. Joseph; State, Mo.; Airport name, Roseerans Memorial; Elev., 826′; Fac. Class., L-BVORTAC; Ident., STJ; Procedure No. 1, Amdt. 6; Eff. date, 6 Aug. 66; Sup. Amdt. No. 5; Dated, 23 July 66

R 262°, SLN VOR, clockwise	R 003°, SLN VOR	Via 8-mile DME Arc.	3100	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
R 086°, SLN VOR, counterclockwise	R 003°, SLN VOR	Via 8-mile DME Arc.	3100	S-dn-17	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2
8-mile DME Fix, R 003°, SLN VOR	SLN VOR (final)	Direct	2400	DME minimums—DME equipment required:			
				C-dn	400-1	500-1	500-1½
				S-dn-17	400-1	400-1	400-1

Procedure turn W side of crs, 003° Outbnd, 183° Inbnd, 2900′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′; 2.5-mile DME Fix, R 183°, 1771′.
Crs and distance, facility to airport, 183°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing the SLN VOR, make right turn climbing to 2900′ on SLN VOR, R 003° within 10 miles, make left turn and return to SLN VOR.
NOTE: Final approach from holding pattern at SLN VOR not authorized, procedure turn required.
MSA within 25 miles of facility: 000°-360°—3000′.

City, Salina; State, Kans.; Airport name, Schilling Airport; Elev., 1271′; Fac. Class., H-BVORTAC; Ident., SLN; Procedure No. 1, Amdt. 1; Eff. date, 6 Aug. 66; Sup. Amdt. No. Orig.; Dated, 30 July 66

3. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Bedford RBn	BOS VOR	Direct	2000	T-dn %-	300-1	300-1	200-½
Walpole Int, 17-mile DME or Radar Fix on BOS VOR, R 238°.	Dorchester Int, 6-mile DME or Radar Fix on BOS VOR, R 238° (final).	Direct	1800	C-dn#-	600-1	600-1	600-1½
				S-dn-4R**-	600-1	600-1	600-1
				A-dn-	800-2	800-2	800-2

Procedure turn S side of crs, 238° Outbnd, 058° Inbnd, 2000′ within 10 miles.
Minimum altitude over Dorchester Int, 6-mile DME or Radar Fix on final approach crs, 1800′.
Facility on airport, crs and distance, breakoff point to approach end of Runway 4R, 035°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing BOS VOR, make left-climbing turn to 2000′ direct Danvers Int. Hold NE of Danvers Int, 1-minute right turns, 210° Inbnd, or when directed by ATC, make right-climbing turn to 2000′ direct Skipper Int. Hold E of Skipper Int, 1-minute right turns, 279° Inbnd.
CAUTION: Nonstandard ALS serving Runway 4R. Displaced threshold lights 2518′ from end of Runway 4R. 370′ stack, 1 mile SW of airport; 505′ building, 1.7 miles W of airport; 845′ building and antenna, 3.1 miles W of airport; 1349′ antennae, 10.5 miles W of airport.
#No circling W of airport authorized from centerline extended Runway 4L to centerline extended Runway 15 when ceiling is less than 800′.
%Departures from Runway 27: Make left turn to heading, 260° as soon as practicable after takeoff.
** Reduction not authorized.
MSA within 25 miles of facility: 000°–180°—2000′; 180°–360°—2500′.

City, Boston; State, Mass.; Airport name, General Edward Lawrence Logan International; Elev., 19′; Fac. Class., BVORTAC; Ident., BOS; Procedure No. TerVOR-4R, Amdt. 7; Eff. date, 6 Aug. 66; Sup. Amdt. No. 6; Dated, 22 Jan. 66

Bedford RBn	BOS VOR	Direct	2000	T-dn%-	300-1	300-1	200-½
				C-dn#-	600-1	600-1	600-1½
				S-dn-22L**-	600-1	600-1	600-1
				A-dn-	800-2	800-2	800-2

Radar available.
Procedure turn W side of crs, 016° Outbnd, 196° Inbnd, 1800′ within 10 miles.
Minimum altitude over 5-mile DME or Radar Fix on final approach crs, 1200′.
Facility on airport, crs and distance, breakoff point to approach end of Runway 22L, 215°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing BOS VOR, make left-climbing turn to 2000′ direct Skipper Int. Hold E of Skipper Int, 1-minute right turns, 279° Inbnd, or when directed by ATC, make left-climbing turn to 2000′ direct Cohasset Int. Hold SE of Cohasset Int, 1-minute right turns, 328° Inbnd.
CAUTION: 370′ stack, 1 mile SW of airport; 505′ building, 1.7 miles W of airport; 845′ building and antenna, 3.1 miles W of airport; 1349′ antenna, 10.5 miles W of airport.
%Departures from Runway 27: Make left turn to heading, 260° as soon as practicable after takeoff.
#No circling W of airport authorized from centerline extended Runway 4L to centerline extended Runway 15 when ceiling is less than 800′.
** Reduction not authorized.
MSA within 25 miles of facility: 000°–180°—2000′; 180°–360°—2500′.

City, Boston; State, Mass.; Airport name, General Edward Lawrence Logan International; Elev., 19′; Fac. Class., BVORTAC; Ident., BOS; Procedure No. TerVOR-22L, Amdt. 7; Eff. date, 6 Aug. 66; Sup. Amdt. No. 6; Dated, 12 Feb. 66

Bedford RBn	BOS VOR	Direct	2000	T-dn%-	300-1	300-1	200-½
				C-dn#-	600-1	600-1	600-1½
				S-dn-27$-	500-1	500-1	500-1
				A-dn-	800-2	800-2	800-2

Radar available.
Procedure turn N side of crs, 086° Outbnd, 266° Inbnd, 1500′ within 10 miles.
Minimum altitude over 4-mile DME or Radar Fix on final approach crs, 1000′.
Facility on airport, crs and distance, breakoff point to Runway 27, 272°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing BOS VORTAC, make left-climbing turn to 2000′ direct Cohasset Int. Hold SE of Cohasset Int, 1-minute right turns, 328° Inbnd, or when directed by ATC, make left-climbing turn to 3000′ direct Millis Int. Hold SW of Millis Int, 1-minute, right turns, 058° Inbnd.
CAUTION: 370′ stack, 1 mile SW of airport; 505′ building, 1.7 miles W of airport; 845′ building and antenna, 3.1 miles W of airport; 1349′ antenna, 10.5 miles W of airport.
%Departures from Runway 27: Make left turn to heading, 260° as soon as practicable after takeoff.
#No circling W of airport authorized from centerline extended Runway 4L to centerline extended Runway 15 when ceiling is less than 800′.
$¾ mile authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°–180°—2000′; 180°–360°—2500′.

City, Boston; State, Mass.; Airport name, General Edward Lawrence Logan International; Elev., 19′; Fac. Class., BVORTAC; Ident., BOS; Procedure No. TerVOR-27, Amdt. 6; Eff. date, 6 Aug. 66; Sup. Amdt. No. 5; Dated, 22 Jan. 66

Bedford RBn	BOS VOR	Direct	2000	T-dn%-	300-1	300-1	200-½
Beechwood Int or 12-mile DME or Radar Fix on BOS VOR, R 153°.	LI LOM or 5-mile DME or Radar Fix (final).	Direct	1400	C-dn#-	600-1	600-1	600-1½
				S-dn-33**-	500-1	500-1	500-1
				A-dn-	800-2	800-2	800-2

Radar available.
Procedure turn E side of crs, 153° Outbnd, 333° Inbnd, 1500′ within 10 miles.
Minimum altitude over LI LOM, 5-mile DME or Radar Fix on final approach crs, 1400′.
Facility on airport, crs and distance, breakoff point to approach end of Runway 33, 330°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing BOS VOR, make right-climbing turn to 2000′ direct Danvers Int. Hold NE Danvers Int, 1-minute right turns, 210° Inbnd, or when directed by ATC, make right-climbing turn to 3000′ direct Marblehead Int, hold NE of Marblehead Int, 1-minute left turns, 240° Inbnd.
CAUTION: 370′ stack, 1 mile SW of airport; 505′ building, 1.7 miles W of airport; 845′ building and antenna, 3.1 miles W of airport; 1349′ antenna, 10.5 miles W of airport.
%Departures from Runway 27: Make left turn to heading, 260° as soon as practicable after takeoff.
#No circling W of airport authorized from centerline extended Runway 4L to centerline extended Runway 15 when ceiling is less than 800′.
** Reduction not authorized.
MSA within 25 miles of facility: 000°–180°—2000′; 180°–360°—2500′.

City, Boston; State, Mass.; Airport name, General Edward Lawrence Logan International; Elev., 19′; Fac. Class., BVORTAC; Ident., BOS; Procedure No. TerVOR-33, Amdt. 8; Eff. date, 6 Aug. 66; Sup. Amdt. No. 7; Dated, 22 Jan. 66

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Jefferson VHF Int	CVO VOR	Direct	3000	T-dn%	300-1	300-1	200-½
Alford VHF Int	CVO VOR	Direct	3000	C-dn	600-1	600-1	600-1½
Kings Valley VHF Int	CVO VOR	Direct	3200	S-dn-17	500-1	500-1	500-1
CVO VOR	Fischer FM	Direct	3000	A-dn*	800-2	800-2	800-2

Procedure turn E side of crs, 008° Outbnd, 188° Inbnd, 3000′ within 10 miles of Fischer FM.
Minimum altitude over Fischer fan marker on final approach crs, 1500′; over VOR, 700′.
Crs and distance, Fischer fan marker to airport, 188°—4.5 miles; facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing Fischer FM, or within 0 mile after passing CVO VOR, turn left, climb to 3000′ on R 008° within 15 miles of CVO VOR.
%Takeoffs all runways: Climb in holding pattern S of Corvallis VOR on V23W, 1-minute pattern, right turns, cross the VOR at or above 900′ V23W northbound.
*Weather service 0700–2200 local time. Alternate minimums not authorized when weather service not available.
MSA within 25 miles of facility: 000°–090°—4200′; 090°–180°—4200′; 180°–270°—5100′; 270°–360°—4300′.

City, Corvallis; State, Oreg.; Airport name, Corvallis Municipal; Elev., 246′; Fac. Class., T-VOR; Ident., CVO; Procedure No. VOR-17, Amdt. 1; Eff. date, 6 Aug. 66; Sup. Amdt. No. Orig.; Dated, 21 Aug. 65

Chester VOR	BAF VOR	Direct	3300	T-d*	700-1	700-1	700-1
Skylark Int	BAF VOR	Direct	3000	T-n*	700-2	700-2	700-2
				C-dn	1500-2	1500-2	1500-2
				S-dn-20	NA	NA	NA
				A-dn	1500-2	1500-2	1500-2
				After passing BAF RBn:			
				C-d	800-1	800-1½	800-2
				C-n	800-2	800-2	800-2
				S-d-20	800-1	800-1½	800-1½
				S-n-20	800-1½	800-1½	800-1½

Procedure turn W side of crs, 023° Outbnd, 203° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1770′; after passing BAF RBn, 1070′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished when over BAF VOR, or 4.8 miles after passing BAF RBn, climb straight ahead on R 203° to 1500′ within 5 miles, then right-climbing turn to 2800′ direct BAF VOR. Hold N′ of BAF VOR, 1-minute right turns, 203° Inbnd.
NOTE: (1) Altimeter setting from Westover when control zone not effective. (2) Approach from a holding pattern not authorized. Procedure turn required.
Departures: Runway 9, left turn to 020° and Runway 15, right turn to 210° as soon as practicable after takeoff.
CAUTION: 754′ obstruction—lighted tower, on ridge 1 mile E of airport.
*800′ ceiling required for takeoffs on Runways 9 and 15.
MSA within 25 miles of facility: 000°–090°—3000′; 090°–180°—2500′; 180°–270°—3000′; 270°–360°—4000′.

City, Westfield; State, Mass.; Airport name, Barnes Municipal; Elev., 270′; Fac. Class., BVOR; Ident., BAF; Procedure No. TerVOR-20, Amdt. 5; Eff. date, 6 Aug. 66; Sup. Amdt. No. 4; Dated, 9 Apr. 66

4. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Boston VORTAC 10-mile DME Fix, R 030°	10-mile DME Fix, BOS, R 328°	10-mile DME ARC.	2000	T-dn%	300-1	300-1	200-½
Boston VORTAC 10-mile DME Fix, R 238° or R 271°	10-mile DME Fix, BOS, R 328°	10-mile DME ARC.	2300	C-dn#	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2
10-mile DME Fix, BOS, R 328°	6-mile DME Fix, BOS, R 328°	Direct	1500				
6-mile DME Fix, BOS, R 328°	4-mile DME Fix, BOS, R 328°	Direct	1000				
4-mile DME Fix, R 328°	3-mile DME Fix, R 328° (final)	Direct	800				

Radar available.
Procedure turn not authorized.
Minimum altitude over 6-mile DME Fix, BOS R 328°, 1500′; 4-mile DME Fix, BOS R 328°, 1000′; 3-mile DME Fix, 800′.
Minimum altitude over facility on final approach crs, 619′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing BOS VOR, make left-climbing turn to 2000′ direct Skipper Int. Hold E of Skipper Int, 1-minute right turns, 279° Inbnd, or when directed by ATC, make right-climbing turn to 2000′ direct Cohasset Int. Hold SE of Cohasset Int, 1-minute right turns, 328° Inbnd.
CAUTION: 370′ stack, 1 mile SW of airport; 505′ building, 1.7 miles W of airport; 845′ building and antenna, 3.1 miles W of airport; 1349′ antenna, 10.5 miles W of airport.
%Departures from Runway 27: Make left turn to heading, 260° as soon as practicable after takeoff.
#No circling W of airport authorized from centerline extended Runway 4L to centerline extended Runway 15 when ceiling is less than 800′.
MSA within 25 miles of facility: 000°–180°—2000′; 180°–360°—2500′.

City, Boston; State, Mass.; Airport name, General Edward Lawrence Logan International; Elev., 19′; Fac. Class., BVORTAC; Ident., BOS; Procedure No. VOR/DME No. 1, Amdt. 4; Eff. date, 6 Aug. 66; Sup. Amdt. No. 3; Dated, 12 Feb. 66

5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BRO VOR	LOM	Direct	1600	T-dn	300–1	300–1	200–½
Fresnos Int	LOM (final)	Via localizer	1100	C-dn	400–1	500–1	500–1¼
				S-dn-17L*	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Procedure turn W side N crs, 353° Outbnd, 173° Inbnd, 1600 within 10 miles.
Minimum altitude at glide slope interception, Inbnd, 1100'.
Altitude of glide slope and distance to approach end of runway at OM, 1050'—3.8 miles; at MM, 205'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left, climb to 1600' on BRO VOR R 062° within 15 miles or when directed by ATC, climb to 1200' on S crs, ILS within 4.5 miles.
*400–¾ required when glide slope not utilized.

City, Brownsville; State, Tex.; Airport name, Rio Grande Valley International; Elev., 22'; Fac. Class., ILS; Ident., I-BRO; Procedure No. ILS-17L, Amdt. 20; Eff. date, 6 Aug. 66; Sup. Amdt. No. 19; Dated, 27 Mar. 65

Mount Healthy Int	SI LOM	Direct	2200	T-dn#	300–1	300–1	200–½
New Baltimore Int	SI LOM (final)	Direct	2000	C-dn	400–1	500–1	500–1¼
Union Int	SI LOM	Direct	2300	S-dn-18#	400–1	400–1	400–1
Cincinnati VOR	SI LOM	Direct	2300	A-dn	800–2	800–2	800–2
Madeira RBn	SI LOM	Direct	2700				

Radar available.
Procedure turn W side of crs, 360° Outbnd, 180° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 180°—4 miles.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing SI LOM, climb to 2000' on S crs of ILS, to Union Int. Hold S 1-minute right turns, 360° Inbnd.
CAUTION: 1746' tower, 9 miles NE of airport; 1167' tower, 19 miles NNE of airport; 1120' tower, 11 miles NW of airport; 1083' water tank, 4 miles SSE airport.
#400–¾ authorized with high-intensity runway lights, except for 4-engine turbojets.
#400–½ authorized with operative ALS, except for 5-engine turbojets.
#RVR 2400' authorized Runways 18–36.

City, Covington; State, Ky.; Airport name, Greater Cincinnati; Elev., 890'; Fac. Class., ILS; Ident., I-CVG; Procedure No. ILS-18 (back crs), Amdt. 2; Eff. date, 6 Aug. 66; Sup. Amdt. No. 1; Dated, 30 Jan. 65

Mount Healthy Int	SI LOM	Direct	2200	T-dn#	300–1	300–1	200–½
New Baltimore Int	SI LOM (final)	Direct	2000	C-dn	400–1	500–1	500–1¼
Union Int	SI LOM	Direct	2300	S-dn-18* **	200–½	200–½	200–½
CVG VOR	SI LOM	Direct	2300	A-dn	600–2	600–2	600–2
Madeira RBn	SI LOM	Direct	2700				

Radar available.
Procedure turn W side of crs, 360° Outbnd, 180° Inbnd, 2000' within 10 miles.
Minimum altitude at glide slope interception, Inbnd, 2000'.
Altitude of glide slope and distance to approach end of runway at OM, 1973'—4 miles; at MM, 1064'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing SI LOM, climb to 2000' on S crs of ILS to Union Int. Hold S 1-minute right turns, 360° Inbnd.
CAUTION: 1746' tower, 9 miles NE of airport; 1167' tower, 19 miles NNE of airport; 1120' tower, 11 miles NW of airport; 1083' water tank, 4 miles SSE airport.
*400–¾ (RVR 4000') required when glide slope not utilized. 400–½ (RVR 2400') authorized with operative ALS, except for 4-engine turbojets.
**2400' RVR. Descent below 1090' not authorized unless approach lights visible.
#RVR 2400' authorized Runways 18 and 36.

City, Covington; State, Ky.; Airport name, Greater Cincinnati; Elev., 890'; Fac. Class., ILS; Ident., I-SIC; Procedure No. ILS-18, Amdt. 3; Eff. date, 6 Aug. 66; Sup. Amdt. No. 2; Dated, 30 Jan. 65

Cincinnati VOR	CV LOM	Direct	2000	T-dn¢	300–1	300–1	200–½
New Baltimore Int	CV LOM	Direct	2300	C-dn	400–1	500–1	500–1½
Madeira RBn	CV LOM	Direct	2700	S-dn-36*#%	200–½	200–½	200–½
Dry Ridge Int	Union Int	Direct	2400	A-dn	600–2	600–2	600–2
Union Int	CV LOM (final)	Direct	2000				
Mount Healthy Int	CV LOM	Direct	2400				

Radar available.
Procedure turn E side of crs, 180° Outbnd, 360° Inbnd, 2000' within 10 miles.
Minimum altitude at glide slope Interception, Inbnd, 2000'.
Altitude of glide slope and distance to approach end of runway at OM, 1960'—3.8 miles; at MM, 1069'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing CV LOM, climb to 2000' on the N crs of the ILS to the SI LOM. Hold N, 1-minute right turns, 180° Inbnd.
CAUTION: #Glide slope point of touchdown approximately 1750' in from approach end of runway.
*400–¾ (RVR 4000') required with glide slope inoperative. 400–½ (RVR 2400') authorized with operative ALS, except for 4-engine turbojets.
%2400' RVR. Descent below 1090' not authorized unless approach lights visible.
¢RVR 2400' authorized Runways 18 and 36.

City, Covington; State, Ky.; Airport name, Greater Cincinnati; Elev., 890'; Fac. Class., ILS; Ident., I-CVG; Procedure No. ILS-36, Amdt. 19; Eff. date, 6 Aug. 66; Sup. Amdt. No. 18; Dated, 2 Nov. 63

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CVG VOR	CV LOM	Direct	2000	T-dn#	300-1	300-1	200-½
New Baltimore Int	CV LOM	Direct	2300	C-dn	400-1	500-1	500-1½
→Madeira RBn	CV LOM	Direct	2700	S-dn-36*	400-1	400-1	400-1
Dry Ridge Int	Union Int	Direct	2400	A-dn	800-2	800-2	800-2
Union Int	CV LOM (final)	Direct	2000				
Mount Healthy Int	CV LOM	Direct	2400				

Radar available.
Procedure turn E side of crs, 180° Outbnd, 360° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 360°—3.8 miles.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing CV LOM, climb to 2000′ on the N crs of the ILS and proceed to the SI LOM, hold N, 1-minute right turns, 180° Inbnd.
*400-¾ authorized with operative high-intensity runway lights, except for 4-engine turbojets.
*400-½ authorized with operative ALS, except for 4-engine turbojets.
#RVR 2400′ authorized Runways 18-36.

City, Covington; State, Ky.; Airport name, Greater Cincinnati; Elev., 890′; Fac. Class., ILS; Ident., I-SIC; Procedure No. ILS-36 (back crs), Amdt. 1; Eff. date, 6 Aug. 66; Sup. Amdt. No. Orig.; Dated, 15 Feb. 64

St. Joseph VOR	LOM	Direct	2300	T-dn	300-1	300-1	*200-½
				C-dn	600-1	600-1	600-1½
				S-dn-35#	300-¾	300-¾	300-¾
				A-dn	600-2	600-2	600-2

Procedure turn W side S crs, 172° Outbnd, 352° Inbnd, 2300′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2300′.
Altitude of glide slope and distance to approach end of runway at OM, 2261′—5.2 miles; at MM, 1066′—0.8 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles after passing ST LOM, climb to 2700′ on N crs, ILS and proceed to STJ VOR. Hold on R 347°, 167° Inbnd, right turns.
CAUTION: 300′ bluffs, W, NW, and E of airport.
*300-1 required on Runway 31.
#400-1 when glide slope not utilized. 400-¾ with operative HIRL, except for 4-engine turbojets. Reduction below ¾ mile not authorized.

City, St. Joseph; State, Mo.; Airport name, Rosecrans Memorial; Elev., 826′; Fac. Class., ILS; Ident., I-STJ; Procedure No. ILS-35, Amdt. 17; Eff. date, 6 Aug. 66; Sup. Amdt. No. 16; Dated, 23 July 66

6. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
000°	360°	0-7 miles	1900	Surveillance approaches			
000°	360°	7-15 miles	2300	T-dn	300-1	300-1	200-½
000°	360°	15-30 miles	2800	C-dn-9, 3 L and R, 21L, 27, 33.	400-1	500-1	500-1½
					400-1	400-1	400-1
					500-1	500-1	500-1½
				S-dn-9, 3L*, 3R#, 21L#, 27, 33.	500-1	500-1	500-1
					800-2	800-2	800-2
				C-dn-21R			
				S-dn-21R##			
				A-dn			

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 3 L and R, 33: Right turn to 2300′ and proceed to Park Int via QG, R 268°. Runway 21 R and L: Right turn to 2400′ and proceed direct to YI LOM. Runway 9: Left turn to 2700′ and proceed direct to DW LOM. Runway 27: Climb to 2300′ and proceed direct to YIP VOR.
NOTE: Radar control will provide 1000′ vertical clearance with a 3-mile radius of 1311′ tower, 6 miles SE; 4 towers 1700′ to 1735′—15 miles NE.
*400-½ authorized with operative ALS, 400-¾ authorized with HIRL, except for 4-engine turbojets.
#400-¾ authorized with operative HIRL, except for 4-engine turbojets.
##500-¾ authorized with operative HIRL, except for 4-engine turbojets. Reduction below ¾ mile not authorized.

City, Detroit; State, Mich.; Airport name, Detroit Metro Wayne County; Elev., 639′; Fac. Class. and ident., Detroit Metro Radar; Procedure No. 1, Amdt. 1; Eff. date, 6 Aug. 66; Sup. Amdt. No. Orig.; Dated, 25 June 66

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes		Ceiling and visibility minimums			
From—	To—	Condition	2-engine or less		More than 2-engine more than 65 knots
			65 knots or less	More than 65 knots	
Within 10 miles:	Within 10 to 15 miles:	Surveillance approach			
Area N of 18°23′ N—1500′.	165° to 255°—3000′.	T-dn	300–1	300–1	200–½
Area S of 18°23′ N—3000′.	Within 10 to 30 miles:	C-dn-7	600–1	600–1	600–1½
Within 10 to 20 miles:	18°23′ to 165°—5000′.	C-dn-25	500–1	500–1	500–1½
255° through N sector to 18°23′ N—2000′.	Within 20 to 30 miles:	S-dn-7#	600–1	600–1	600–1
Within 15 to 20 miles:	165° to 262°—4700′.	S-dn-25*	400–1	400–1	400–1
165° to 255°—4700′.	262° through N sector to 18°23′ N—2500′.	A-dn	800–2	800–2	800–2

Distances and bearings from radar antenna with sector azimuths progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 7: Turn right, and climb to 1500′ on R–094 of SJU VOR within 20 miles. Runway 25: turn right, climb to 2000′ on R–359 of SJU VOR within 20 miles.

NOTE: Descent below 1200′ not authorized until passing 4.6-mile Radar Fix. Radar control will provide 1000′ vertical clearance within 3 miles of the towers: 4049′—20.1 miles S and 638′—9 miles SW and 1500′ vertical separation within 3 miles of terrain, 2,165′—16 miles SW.

#Reduction in landing visibility not authorized.

*400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

City, San Juan; State, P.R.; Airport name, Puerto Rico International; Elev., 9′; Fac. Class., and ident., San Juan Radar; Procedure No. 1, Amdt. 3; Eff. date, 6 Aug. 66; Sup. Amdt. No. 2; Dated, 16 Oct. 65

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), and 601, of the Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on July 1, 1966.

JAMES F. RUDOLPH,
Acting Director, Flight Standards Service.

[F.R. Doc. 66–7479; Filed, July 18, 1966; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that the positions of One Assistant to the Secretary (Agricultural Programs), One Staff Assistant—Program Appraisal, One Private Secretary and Administrative Assistant to the Assistant to the Secretary (Agricultural Programs), and One Assistant to the Secretary (Counsel on Consumer Interests) are no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (3) (11), (13), and (15) of paragraph (a) of § 213.3313 are revoked.

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66–7831; Filed, July 18, 1966; 8:49 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 13—ADDRESSEES

Simplified Address

Section 13.4 (a) and (b) is revised to permit the omission of an individual's name and street address or post office box number from the address on official matter relating to general, special, and primary elections mailed by a State Government for general distribution at city or village delivery post offices.

As the revisions to § 13.4 (a) and (b) relate to a proprietary function of the Government, and do not affect substantive rights, advanced notice and public rule making procedures, as well as a delayed effective date are necessary and would be contrary to the public interest. Accordingly, §13.4 (a) and (b) is revised as follows effective upon publication in the FEDERAL REGISTER.

§ 13.4 Simplified address.

(a) *General distribution without individual names and addresses.*—(1) *Rural route, star route, and post office boxholders.* When general distribution of mail is desired for each boxholder on a rural or star route or for each family on a rural route (at any post office) or for all post office boxholders at a post office that does not have city or village carrier service, mailers may use the simplified address (except as provided in paragraph (e) of this section):

POSTAL PATRON, LOCAL

A more specific address such as Rural Route Boxholder followed by Local or by the name of the post office and State may be used. See § 22.4(b) (1) (vii) of this chapter for the only applicability of this section to second-class matter.

(2) *City routes and post office boxholders.* (i) The individual name and street address or post office box number may be omitted from the address on official matter mailed by any State Government or the Governments of the District of Columbia and the Commonwealth of Puerto Rico, relating to general, special and primary elections when distribution is to be made to each stop or possible delivery on city or village carrier routes, or to each post office boxholder at a post office which has city or village carrier service. The following forms of address may be use:

(*a*) Postal Patron, Local.

(*b*) Residential Patron, Local. (Delivery desired at residences only.)

(*c*) Business Patron, Local. (Delivery desired at business addresses only.)

(ii) Pieces must be prepared for mailing as prescribed by subparagraph (3) of this paragraph and § 24.4(c) of this chapter. At least ten days before date of mailing, the mailer must furnish to the postmaster of the post office where the pieces are to be mailed:

(*a*) Total number of pieces.

(*b*) Manner in which postage will be paid.

(c) Names of all letter carrier post offices where deliveries will be made, and number of pieces for each.

(d) Proposed date of mailing.

(e) A sample of the mailing piece.

The postmaster will furnish the mailer a schedule for mailing which must be followed by the mailer.

(3) *Preparation requirements.* (i) All pieces for the same post office must be tied, so far as practicable, in packages of 50 and a facing slip must be attached showing the city route distribution desired, such as: rural route, post office boxholder. If the pieces are put up in quantities other than 50 for each separation, the number of pieces must be shown on the facing slips.

(ii) If selective distribution is desired, a sufficient number of pieces must be presented to cover the route or routes selected and the route numbers must be shown on the facing slips.

(iii) For other than official mailings under penalty or Postage and Fees Paid imprint (see § 27.2 of this chapter), postage at the proper rate must be fully prepaid by a method that does not require cancellation: by permit imprints, second-class imprints, meter stamps, or by means of precanceled stamps, precanceled stamped envelopes, or precanceled postal cards.

(iv) Designations such as Farmer, Food Buyer, Voter, are not permitted.

(b) *Occupant address.* To address mail to a specific street number without addressing the occupant by name, or to a post office box without addressing the boxholder by name, the following style may be used (except as provided in paragraph (d) of this section):

Postal Patron (or Occupant, Householder, Resident, etc.)

(Street and Number, Including Apartment Number, if Any, or Post Office box number)

(Post Office and State, or Local, and ZIP Code)

* * * * *

NOTE: The corresponding Postal Manual sections are 123.41 and 123.42.

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

TIMOTHY J. MAY,
General Counsel.

JULY 14, 1966.

[F.R. Doc. 66-7795; Filed, July 18, 1966; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 6—Department of State

[Departmental Reg. 108.534]

PART 6-75—DELEGATIONS OF PROCUREMENT AUTHORITY

Diplomatic and Consular Posts Located Outside the United States

By virtue of the authority vested in the Secretary of State by the Act of May 26, 1949 (63 Stat. 111; 5 U.S.C. 151c and 22 U.S.C. 811(a), as amended, and General Services Administration Delegation of Authority No. 410 dated March 30, 1962, § 6-75.205 is amended to read as follows:

§ 6-75.205 Diplomatic and consular posts located outside the United States.

(a) The authority to execute, award, and administer contracts for the expenditure of funds involved in the acquisition of supplies, equipment, publications, and nonpersonal services, to employ aliens by contract for services abroad under 5 U.S.C. 170g(c), and for the sale of personal property not purchased with funds of Foreign Buildings Operation or Office of Refugee and Migration Affairs, is delegated to the Chief of Missions, Principal Officers, Administrative Officers, and General Services Officers.

(b) This authority may be redelegated to employees of the Foreign Service who are citizens of the United States and, in the case of joint or consolidated administrative operations, to employees of U.S. Government agencies who are citizens of the United States.

(c) Direct transactions with vendors within the United States shall not exceed $2,500 per transaction unless such purchase is under a contract executed by the Department of State, the General Services Administration or other U.S. Government Agency.

(d) No authority is delegated to authorize a cost, cost-plus-a-fixed-fee, or any other cost type contract.

Dated: July 6, 1966.

For the Secretary of State.

WILLIAM J. CROCKETT,
Deputy Under Secretary for Administration.

[F.R. Doc. 66-7793; Filed, July 18, 1966; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[No. 34695]

PART 120—ANNUAL, SPECIAL, OR PERIODICAL REPORTS

PART 205—REPORTS OF MOTOR CARRIERS

Filing of Special Reports by Class I Railroads and Motor Carriers

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 23d day of March 1966.

There being under consideration a modification of existing rules relating to reporting requirements applicable to common carriers by railroad, subject to Part I of the Interstate Commerce Act, and by motor carriers, subject to Part II of the Act; an appropriate notice of proposed rule making in respect of such modification having been given on January 19, 1966, pursuant to the provisions of section 4 of the Administrative Procedure Act, and said notice having been published in the FEDERAL REGISTER (31 F.R. 912) on January 22, 1966; the time period provided in said notice for filing comments respecting the proposed modification now having expired, with no comments having been received; and approval by the Bureau of the Budget of the proposed reporting requirements having been obtained pursuant to the requirements of the Federal Reports Act:

It is ordered, Part 120 of Title 49 of the Code of Federal Regulations be amended by adding § 120.9, reading as follows:

§ 120.9 Class I Railroads.

(a) Commencing with reports of transactions occurring on August 1, 1966, and thereafter until further order, each Class I railroad as described in § 126.1 of this chapter, subject to Part I of the Interstate Commerce Act, shall be required to file with the Interstate Commerce Commission a duplicate copy of any statement to the Securities and Exchange Commission concerning beneficial ownership or change in beneficial ownership of equity securities of any other carrier subject to economic regulation under Parts I, II, and III of the Interstate Commerce Act, or any freight forwarder subject to such regulation under Part IV of said Act, when any such statement is required to be filed with the Securities and Exchange Commission pursuant to section 16(a) of the Securities Exchange Act of 1934, as amended, or regulations thereunder.

(b) Such duplicate copy shall be filed in the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before the date specified in the above-designated statute or regulations thereunder.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12)

It is further ordered, Part 205 of Title 49 of the Code of Federal Regulations be amended by adding § 205.5, reading as follows:

§ 205.5 Class I Motor Carriers.

(a) Commencing with reports of transactions occurring on August 1, 1966, and thereafter until further order, each Class I motor carrier, as described in §§ 181.02-1 and 182.01-1 of this chapter, subject to Part II of the Interstate Commerce Act, shall be required to file with the Interstate Commerce Commission a duplicate copy of any statement to the Securities and Exchange Commission concerning beneficial ownership or change in beneficial ownership of equity securities of any other carrier subject to economic regulation under Parts I, II, and III of the Interstate Commerce Act, or any freight forwarder subject to such regulation under Part IV of said Act, when any such statement is required to be filed with the Securities and Exchange Commission pursuant to section 16(a) of the Securities Exchange Act of 1934, as amended, or regulations thereunder.

(b) Such duplicate copy shall be filed in the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before the date speci-

fied in the above-designated statute or regulation thereunder.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304)

It is further ordered, That this order shall become effective July 15, 1966; and

It is further ordered, That notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-7832; Filed, July 18, 1966; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR, Part 19]

CUSTOMS WAREHOUSE OFFICERS

Reimbursable Compensation

Section 19.5(b) of the Customs Regulations which relates to reimbursable charges for the services of customs warehouse officers or customs employees temporarily assigned to act as customs warehouse officers at a customs bonded warehouse, provides that such charges shall be made in multiples of 1 hour after the first hour, fractional parts of the last hour of less than 30 minutes to be disregarded. The Government pays such customs employees in multiples of 1 hour after the first hour but fractional parts of the last hour are counted as 1 hour when the work is performed during a regularly scheduled tour of duty of the employee or, when the employee has no regularly scheduled tour of duty, between the hours of 8 a.m. and 5 p.m. on weekdays. It is proposed to provide for reimbursement for such services on the basis on which payment is made by the Government to such employees.

Accordingly, notice is hereby given that under the authority of sections 555 and 624 of the Tariff Act of 1930 (19 U.S.C. 1555, 1624), it is proposed to amend § 19.5(b) as set forth in tentative form below:

The third sentence of § 19.5(b) is amended to read as follows: "The time charged shall include any time within the regular working hours of the employee required for travel between the duty assignment and the place where the employee is regularly employed excluding lunch periods, charged in multiples of 1 hour, any fractional part of an hour to be charged as 1 hour when the services are performed during the regularly-scheduled tour of duty of the warehouse officer or between the hours of 8 a.m. and 5 p.m. on weekdays when the officer has no regularly-scheduled tour of duty."

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003). Prior to final action on the proposal, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Washington, D.C., and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: July 8, 1966.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 66-7826; Filed, July 18, 1966; 8:49 a.m.]

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Disallowance of Surtax Exemption and Accumulated Earnings Credit

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 1551 of the Internal Revenue Code of 1954 to certain provisions of section 235(b) of the Revenue Act of 1964 (78 Stat. 125), such regulations are amended as follows:

PARAGRAPH 1. Section 1.1551 is amended to read as follows:

§ 1.1551 Statutory provisions; disallowance of surtax exemption and accumulated earnings credit.

SEC. 1551. *Disallowance of surtax exemption and accumulated earnings credit*—(a) *In general.* If—

(1) Any corporation transfers, on or after January 1, 1951, and on or before June 12, 1963, all or part of its property (other than money) to a transferee corporation,

(2) Any corporation transfers, directly or indirectly, after June 12, 1963, all or part of its property (other than money) to a transferee corporation, or

(3) Five or fewer individuals who are in control of a corporation transfer, directly or indirectly, after June 12, 1963, property (other than money) to a transferee corporation,

and the transferee corporation was created for the purpose of acquiring such property or was not actively engaged in business at the time of such acquisition, and if after such transfer the transferor or transferors are in control of such transferee corporation during any part of the taxable year of such transferee corporation, then for such taxable year of such transferee corporation the Secretary or his delegate may [(except as may be otherwise determined under subsection (d))] [sic] disallow the surtax exemption (as defined in section 11(d), or the $100,000 accumulated earnings credit provided in paragraph (2) or (3) of section 535(c), unless such transferee corporation shall establish by the clear preponderance of the evidence that the securing of such exemption or credit was not a major purpose of such transfer.

(b) *Control.* For purposes of subsection (a), the term "control" means—

(1) With respect to a transferee corporation described in subsection (a) (1) or (2), the ownership by the transferor corporation, its shareholders, or both, of stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote or at least 80 percent of the total value of shares of all classes of the stock; or

(2) With respect to each corporation described in subsection (a)(3), the ownership by the five or fewer individuals described in such subsection of stock possessing—

(A) At least 80 percent of the total combined voting power of all classes of stock entitled to vote or at least 80 percent of the total value of shares of all classes of the stock of each corporation, and

(B) More than 50 percent of the total combined voting power of all classes of stock entitled to vote or more than 50 percent of the total value of shares of all classes of stock of each corporation, taking into account the stock ownership of each such individual only to the extent such stock ownership is identical with respect to each such corporation.

For purposes of this subsection, section 1563(e) shall apply in determining the ownership of stock.

(c) *Authority of the Secretary under this section.* The provisions of section 269(b), and the authority of the Secretary under such section, shall, to the extent not inconsistent with the provisions of this section, be applicable to this section.

[Sec. 1551 as amended by sec. 205(a), Small Business Tax Revision Act 1958 (72 Stat. 1680); sec. 235(b), Rev. Act 1964 (78 Stat. 125)]

PAR. 2. Section 1.1551–1 is amended to read as follows:

§ 1.1551–1 Dissallowance of surtax exemption and accumulated earnings credit.

(a) *In general.* If—

(1) Any corporation transfers, on or after January 1, 1951, and before June 13, 1963, all or part of its property (other than money) to a transferee corporation,

(2) Any corporation transfers, directly or indirectly, after June 12, 1963, all or part of its property (other than money) to a transferee corporation, or

(3) Five or fewer individuals are in control of a corporation and one or more of them transfer, directly or indirectly, after June 12, 1963, property (other than money) to a transferee corporation, and the transferee was created for the pur-

pose of acquiring such property or was not actively engaged in business at the time of such acquisition, and if after such transfer the transferor or transferors are in control of the transferee during any part of the taxable year of the transferee, then for such taxable year of the transferee the Secretary or his delegate may disallow the surtax exemption defined in section 11(d) or the $100,000 accumulated earnings credit provided in paragraph (2) or (3) of section 535(c), unless the transferee establishes by the clear preponderance of the evidence that the securing of such exemption or credit was not a major purpose of the transfer.

(b) *Purpose of section 1551.* The purpose of section 1551 is to prevent avoidance or evasion of the surtax imposed by section 11(c) or of the accumulated earnings tax imposed by section 531. It is not intended, however, that section 1551 be interpreted as delimiting or abrogating any principle of law established by judicial decision, or any existing provisions of the Code, such as sections 269 and 482, which have the effect of preventing the avoidance or evasion of income taxes. Such principles of law and such provisions of the Code, including section 1551, are not mutually exclusive, and in appropriate cases they may operate together or they may operate separately.

(c) *Application of section 269(b) to cases covered by section 1551.* The provisions of section 269(b) and the authority of the district director thereunder, to the extent not inconsistent with the provisions of section 1551, are applicable to cases covered by section 1551. Pursuant to the authority provided in section 269(b) the district director may allow to the transferee any part of a surtax exemption or accumulated earnings credit for a taxable year for which such exemption or credit would otherwise be disallowed under section 1551(a); or he may apportion such exemption or credit among the corporations involved. For example, corporation A transfers on January 1, 1955, all of its property to corporations B and C in exchange for all of the stock of such corporations. Immediately thereafter, corporation A is dissolved and its stockholders become the sole stockholders of corporations B and C. Assuming that corporations B and C are unable to establish by the clear preponderance of the evidence that the securing of the surtax exemption defined in section 11(d) or the accumulated earnings credit provided in section 535, or both, was not a major purpose of the transfer, the district director is authorized under sections 1551 (c) and 269(b) to allow one such exemption and credit and to apportion such exemption and credit between corporations B and C.

(d) *Actively engaged in business.* For purposes of this section, a corporation maintaining an office for the purpose of preserving its corporate existence is not considered to be "actively engaged in business" even though such corporation may be deemed to be "doing business" for other purposes. Similarly, for purposes of this section, a corporation engaged in winding up its affairs, prior to an acquisition to which section 1551 is applicable, is not considered to be "actively engaged in business."

(e) *Meaning and application of the term "control"—(1) In general.* For purposes of this section, the term "control" means—

(i) With respect to a transferee corporation described in paragraph (a) (1) or (2) of this section, the ownership by the transferor corporation, its shareholders, or both, of stock possessing either (*a*) at least 80 percent of the total combined voting power of all classes of stock entitled to vote, or (*b*) at least 80 percent of the total value of shares of all classes of stock.

(ii) With respect to each corporation described in paragraph (a)(3) of this section, the ownership by five or fewer individuals of stock possessing (*a*) at least 80 percent of the total combined voting power of all classes of stock entitled to vote or at least 80 percent of the total value of shares of all classes of the stock of each corporation, and (*b*) more than 50 percent of the total combined voting power of all classes of stock entitled to vote or more than 50 percent of the total value of shares of all classes of stock of each corporation, taking into account the stock ownership of each such individual only to the extent such stock ownership is identical with respect to each such corporation.

(2) *Special rules.* In determining for purposes of this section whether stock possessing at least 80 percent (or more than 50 percent in the case of subparagraph (1)(ii)(*b*) of this paragraph) of the total combined voting power of all classes of stock entitled to vote is owned, all classes of such stock shall be considered together; it is not necessary that at least 80 percent (or more than 50 percent) of each class of voting stock be owned. Likewise, in determining for purposes of this section whether stock possessing at least 80 percent (or more than 50 percent) of the total value of shares of all classes of stock is owned, all classes of stock of the corporation shall be considered together; it is not necessary that at least 80 percent (or more than 50 percent) of the value of shares of each class be owned. The fair market value of a share shall be considered as the value to be used for purposes of this computation. With respect to transfers described in paragraph (a) (2) or (3) of this section, the ownership of stock shall be determined in accordance with the provisions of section 1563(e) and the regulations thereunder. With respect to transfers described in paragraph (a)(1) of this section, the ownership of stock shall be determined in accordance with the provisions of section 544 and the regulations thereunder, except that constructive ownership under section 544(a)(2) shall be determined only with respect to the individual's spouse and minor children. In determining control, no stock shall be excluded because such stock was acquired before January 1, 1951 (the effective date of section 1551(a)(1)), or June 13, 1963 (the effective date of section 1551(a)(2) and (3)).

(3) *Example.* This paragraph may be illustrated by the following example:

Example. On January 1, 1964, individual A, who owns 50 percent of the voting stock of corporation X, and individual B, who owns 30 percent of such voting stock, transfer property (other than money) to corporation Y (newly created for the purpose of acquiring such property) in exchange for all of Y's voting stock. After the transfer, A and B own the voting stock of corporations X and Y in the following proportions:

Individual	Corporation X	Corporation Y	Identical ownership
A	50	30	30
B	30	50	30
Total	80	80	60

The transfer of property by A and B to corporation Y is a transfer described in paragraph (a)(3) of this section since (i) A and B own at least 80 percent of the voting stock of corporations X and Y, and (ii) taking into account each such individual's stock ownership only to the extent such ownership is identical with respect to each such corporation, A and B own more than 50 percent of the voting stock of corporations X and Y.

(f) *Taxable year of allowance or disallowance—(1) In general.* The district director's authority with respect to cases covered by section 1551 is not limited to the taxable year of the transferee corporation in which the transfer of property occurs. Such authority extends to the taxable year in which the transfer occurs or any subsequent taxable year of the transferee corporation if, during any part of such year, the transferor or transferors are in control of the transferee.

(2) *Examples.* This paragraph may be illustrated by the following examples:

Example (1). On January 1, 1955, corporation D transfers property (other than money) to corporation E, a corporation not actively engaged in business at the time of the acquisition of such property, in exchange for 60 percent of the voting stock of E. During a later taxable year of E, corporation D acquires an additional 20 percent of such voting stock. As a result of such additional acquisition, D owns 80 percent of the voting stock of E. Accordingly, section 1551(a)(1) is applicable for the taxable year in which the later acquisition of stock occurred and for each taxable year thereafter in which the requisite control continues.

Example (2). On June 20, 1963, individual A, who owns all of the stock of corporation X, transfers property (other than money) to corporation Y, a corporation not actively engaged in business at the time of the acquisition of such property, in exchange for 60 percent of the voting stock of Y. During a later taxable year of Y, A acquires an additional 20 percent of such voting stock. After such acquisition A owns at least 80 percent of the voting stock of corporations X and Y. Accordingly, section 1551(a)(3) is applicable for the taxable year in which the later acquisition of stock occurred and for each taxable year thereafter in which the requisite control continues.

Example (3). Individuals A and B each owns 50 percent of the stock of corporation X. On January 15, 1964, A transfers prop-

erty (other than money) to corporation Y (newly created by A for the purpose of acquiring such property) in exchange for all the stock of Y. In a subsequent taxable year of Y, individual B buys 50 percent of the stock which A owns in Y (or he transfers money to Y in exchange for its stock, as a result of which he owns 50 percent of Y's stock). Immediately thereafter the stock ownership of A and B in corporation Y is identical to their stock ownership in corporation X. Accordingly, section 1551(a)(3) is applicable for the taxable year in which B acquires stock in corporation Y (see paragraph (g)(3) of this section) and for each taxable year thereafter in which the requisite control continues. Moreover, if B's acquisition of stock in Y is pursuant to a preexisting agreement with A, A's transfer to Y and B's acquisition of Y's stock are considered a single transaction and section 1551(a)(3) also would be applicable for the taxable year in which A's transfer to Y took place and for each taxable year thereafter in which the requisite control continues.

(g) *Nature of transfer*—(1) *Corporate transfers before June 13, 1963.* A transfer made before June 13, 1963, by any corporation of all or part of its assets, whether or not such transfer qualifies as a reorganization under section 368, is within the scope of section 1551(a)(1), except that section 1551(a)(1) does not apply to a transfer of money only. For example, the transfer of cash for the purpose of expanding the business of the transferor corporation through the formation of a new corporation is not a transfer within the scope of section 1551(a)(1), irrespective of whether the new corporation uses the cash to purchase from the transferor corporation stock in trade or similar property.

(2) *Corporate transfers after June 12, 1963.* A direct or indirect transfer made after June 12, 1963, by any corporation of all or part of its assets to a transferee corporation, whether or not such transfer qualifies as a reorganization under section 368, is within the scope of section 1551(a)(2) except that section 1551(a)(2) does not apply to a transfer of money only. For example, if a transferor corporation transfers property to its shareholders or to a subsidiary, the transfer of that property by the shareholders or the subsidiary to a transferee corporation as part of the same transaction is a transfer of property by the transferor corporation to which section 1551(a)(2) applies. A transfer of property pursuant to a purchase by a transferee corporation from a transferor corporation controlling the transferee is within the scope of section 1551(a)(2), whether or not the purchase follows a transfer of cash from the controlling corporation.

(3) *Other transfers after June 12, 1963.* A direct or indirect transfer made after June 12, 1963, by five or fewer individuals to a transferee corporation, whether or not such transfer qualifies under one or more other provisions of the Code (for example, section 351), is within the scope of section 1551(a)(3) except that section 1551(a)(3) does not apply to a transfer of money only. Thus, if one of five or fewer individuals who are in control of a corporation transfers property (other than money) to a controlled transferee corporation, the transfer is within the scope of section 1551(a)(3) notwithstanding that the other individuals transfer nothing or transfer only money.

(4) *Examples.* This paragraph may be illustrated by the following examples:

Example (1). Individuals A and B each owns 50 percent of the voting stock of corporation X. On January 15, 1964, A and B each acquires property (other than money) from X and, as part of the same transaction, each transfers such property to his wholly owned corporation (newly created for the purpose of acquiring such property). A and B retain substantial continuing interests in corporation X. The transfers to the two newly created corporations are within the scope of section 1551(a)(2).

Example (2). Corporation W organizes corporation X, a wholly owned subsidiary, for the purpose of acquiring the properties of corporation Y. Pursuant to a reorganization qualifying under section 368(a)(1)(C), substantially all of the properties of corporation Y are transferred on June 15, 1963, to corporation X solely in exchange for voting stock of corporation W. There is a transfer of property from W to X within the meaning of section 1551(a)(2).

Example (3). Individuals A and B, each owning 50 percent of the voting stock of corporation X, organize corporation Y to which each transfers money only in exchange for 50 percent of the stock of Y. Subsequently, Y uses such money to acquire other property from A and B after June 12, 1963. Such acquisition is within the scope of section 1551(a)(3).

Example (4). Individual A owns 55 percent of the stock of corporation X. Another 25 percent of corporation X's stock is owned in the aggregate by individuals B, C, D, and E. On June 15, 1963, individual A transfers property to corporation Y (newly created for the purpose of acquiring such property) in exchange for 60 percent of the stock of Y, and B, C, and D acquire all of the remaining stock of Y. The transfer is within the scope of section 1551(a)(3).

(h) *Purpose of transfer.* In determining, for purposes of this section, whether the securing of the surtax exemption or accumulated earnings credit constituted "a major purpose" of the transfer, all circumstances relevant to the transfer shall be considered. "A major purpose" will not be inferred from the mere purchase of inventory by a subsidiary from a centralized warehouse maintained by its parent corporation or by another subsidiary of the parent corporation. For disallowance of the surtax exemption and accumulated earnings credit under section 1551, it is not necessary that the obtaining of either such credit or exemption, or both, have been the sole or principal purpose of the transfer of the property. It is sufficient if it appears, in the light of all the facts and circumstances, that the obtaining of such exemption or credit, or both, was one of the major considerations that prompted the transfer. Thus, the securing of the surtax exemption or the accumulated earnings credit may constitute "a major purpose" of the transfer, notwithstanding that such transfer was effected for a valid business purpose and qualified as a reorganization within the meaning of section 368. The taxpayer's burden of establishing by the clear preponderance of the evidence that the securing of either such exemption or credit or both was not "a major purpose" of the transfer may be met, for example, by showing that the obtaining of such exemption, or credit, or both, was not a major factor in relationship to the other consideration or considerations which prompted the transfer.

[F.R. Doc. 66-7775; Filed, July 18, 1966; 8:45 a.m.]

[26 CFR Part 1]

INCOME TAX

Expenses for Education

Correction

In F.R. Doc. 66-7378, appearing at page 9276 of the issue for Thursday, July 7, 1966, the third sentence of Example (3), in § 1.162-5(f), should read as follows: "Since C took these courses in order to fulfill the educational requirements of his employer and the expenses are not personal or capital expenses within the meaning of paragraph (b) of this section, the expenses for such education are deductible."

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 131]

HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

Notice of Proposed Rule Making for Approval of Budget and Rate of Assessment for 1966

Consideration is being given to the approval of a budget of expenses of the Control Agency established under the marketing agreement and the marketing order (9 CFR 131.1 et seq.), regulating the handling of anti-hog-cholera serum and hog-cholera virus, and the fixing of the rate of assessment to be paid by handlers, for the calendar year 1966 as follows:

§ 131.166 Budget of expenses and rates of assessment for the calendar year 1966.

(a) *Budget of expenses.* The expenses which will necessarily be incurred by the Control Agency, established pursuant to the provisions of the marketing agreement and of the marketing order, for the maintenance and functioning of said Agency during the calendar year 1966, will amount to $43,065 under the recommendation of the Control Agency, from which shall be deducted the unexpended balance of $11,536.91 on hand with said Control Agency on January 1, 1966, from assessments collected during the calendar year 1965, leaving a balance of $31,528.09 to be collected during the calendar year 1966.

(b) *Rates of assessment.* Of the amount of $31,528.09 to be collected during the calendar year 1966, the sum of $26,767.35 shall be assessed against handlers who are manufacturers, and

$4,760.74 shall be assessed against handlers who are wholesalers. The pro rata share of the expenses of the Control Agency to be paid for the calendar year 1966 by each handler who is a manufacturer shall be $23.20 for each $10,000 or fraction thereof of serum and virus sold by such handler during the calendar year 1965 and the pro rata share of such expenses to be paid for the calendar year 1966 by each handler who is a wholesaler shall be $25 for the first $10,000 or fraction thereof and $3.56 for each additional $10,000 or fraction thereof of serum and virus sold by such handler. Such assessments shall be paid by each respective handler in accordance with the applicable provisions of the marketing agreement and order.

(c) *Terms.* As used herein, the terms "handler," "manufacturer," "wholesaler," "virus," and "serum" shall have the same meaning as is given to each such term in said marketing agreement and marketing order.

Interested parties may obtain copies of the budget mentioned herein from the Executive Secretary of the Control Agency, 714 Veterans of Foreign Wars Building, Kansas City, Mo. 64111.

All persons who desire to submit written data, views or arguments in connection with the aforesaid consideration shall file the same with the Hearing Clerk, Room 112, Building A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the close of business on the thirtieth (30th) day after the publication of this notice in the FEDERAL REGISTER. All documents shall be filed in quadruplicate. 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)).

(49 Stat. 781; 7 U.S.C. 851 et seq.)

Issued this 13th day of July 1966.

R. J. ANDERSON,
Deputy Administrator,
Agricultural Research Service.

[F.R. Doc. 66-7796; Filed, July 18, 1966; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16763, RM-980; FCC 66-638]

TV BROADCAST STATIONS, DALLAS AND TYLER, TEX., AND LAWTON, OKLA.

Table of Assignments

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Trinity Broadcasting Co. (KFWT) holds a construction permit for Channel 21 assigned to Fort Worth, Tex., specifying a site 6½ miles east of the Fort Worth Post Office. Channel 29 is presently assigned to Dallas, Tex., and the required minimum geographic separation between stations operating on Channels 21 and 29 is 20 miles. Under the Commission rules the reference points for the computation of distances are the transmitter sites specified in a construction permit or license or where no authorization has been granted, a standard reference point, usually the main Post Office location in the city where the channel is assigned in the Table of Assignments. The distance between the Channel 21 site in Forth Worth and the standard reference point in Dallas is 24½ miles, 4½ miles over the required separation.

3. Maxwell Electronics Corp. (BPCT-3487) and D. H. Overmyer Communications Co. (BPCT-3463) are competing applicants for Channel 29 assigned to Dallas. The sites specified in both applications are approximately 17 miles southwest of the Dallas standard reference point and only 18 miles from the KFWT transmitter site, 2 miles short of the required 20 miles. The site is also only 71 miles from the Waco, Tex., standard reference point. Channel 44 is assigned to Waco and the required minimum geographic separation between Channels 29 and 44 is 75 miles.

4. On June 1, 1966, and in a supplement on June 3, 1966, D. H. Overmyer Communications Co., Dallas, Tex., filed a petition for rule making, RM-980, designed to solve both the above-mentioned shortages and eliminate the comparative hearing which would be necessary on the two competing applications for Channel 29 at Dallas, by adding Channels 27 and 33 to Dallas, and deleting Channel 29 as follows:

City	Channel No.	
	Delete	Add
Dallas, Tex.	29	27, 33
Tyler, Tex.	27	14
Lawton, Okla.	*27	*36

Petitioner points out that not only will the above amendments solve the shortage problem and eliminate the need for a lengthy and costly hearing, but that the large and growing city of Dallas (population 679,684) needs and merits the additional UHF assignment.

5. We are of the view that comments should be invited on the above-outlined proposal in order that all interested parties may submit their views and relevant data.

6. Authority for adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations interested parties may file comments on or before August 22, 1966, and reply comments on or before September 1, 1966. All submissions by parties to this proceeding, or by persons acting on behalf of such parties, must be made in written comments, reply comments or other appropriate pleadings.

8. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all written comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: July 13, 1966.

Released: July 14, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-7819; Filed, July 18, 1966; 8:48 a.m.]

[47 CFR Part 87]

[Docket No. 16755, RM-942; FCC 66-628]

AVIATION SERVICES

Use of Single Sideband Operation by Civil Air Patrol Stations

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. The Civil Air Patrol (CAP), a civilian adjunct to the U.S. Air Force, has filed a petition for rule making requesting that the rules governing CAP stations be amended to provide for the regular use of single sideband (SSB) operations.

3. The rules presently do not provide for any SSB operation by CAP stations. In the other Aviation Services, operation with carrier suppressed more than 6 db below peak envelope power (types 3A3A and 3A3J) may be authorized but only on a developmental basis except for stations operating in the aeronautical fixed service. This restriction is necessary to insure compatibility of operation with existing double sideband equipment in air-ground operations. Since Civil Air Patrol radio operations are in controlled and directed nets using Air Force frequencies compatibility outside CAP is not a factor. The present proposal is limited to CAP stations and it should not cause any effect on or conflict with any other radio services. The use of SSB will be permissive.

4. CAP stations in many instances use military surplus radio equipment which is of early World War II vintage. The present proposal should encourage the procurement of more modern equipment and help advance the state of the art in CAP operations.

5. The proposed amendments to the rules, as set forth below, are issued pursuant to the authority contained in Sections 4(i) and 303(e), (f), and (r) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 22, 1966, and reply comments on or before September 1, 1966. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before

[1] Commissioner Johnson absent.

it, in addition to the specific comments invited by this notice.

7. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: July 13, 1966.

Released: July 14, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

1. Footnote 2 to the table in § 87.67 (b) (1) is amended to read as follows:

[2] Operation with carrier suppressed more than 6 db below peak envelope power (types 3A3A and 3A3J) may be authorized only on a developmental basis except for Civil Air Patrol stations and stations operating in the aeronautical fixed service. 3A3A, 3A3H and 3A3J emissions will be authorized only below 25,000 kc/s.

2. Paragraphs (a) through (f) of § 87.513 are amended to read as follows:

§ 87.513 Frequencies available.

The following frequencies are available for assignment to Civil Air Patrol land and mobile stations within the United States, its territories and possessions, except as otherwise provided in this Section.

(a) 2374 kc/s, A1, A2, A3, A3A, A3H, A3J emission, 400 watts maximum power.

(b) 4467.5 kc/s, A1, A2, A3, A3A, A3H, A3J emission, 400 watts maximum power. Assignment of this frequency is limited to stations in the District of Columbia and the following States:

Alabama.	New Jersey.
Connecticut.	New York.
Delaware.	North Carolina.
Florida.	Pennsylvania.
Georgia.	Rhode Island.
Maine.	South Carolina.
Maryland.	Tennessee.
Massachusetts.	Vermont.
Mississippi.	Virginia.
New Hampshire.	West Virginia.

(c) 4507.5 kc/s, A1, A2, A3, A3A, A3H, A3J emission, 400 watts maximum power. Assignment of this frequency is limited to stations in the following states:

Arizona.	Montana.
Arkansas.	Nebraska.
California.	Nevada.
Colorado.	New Mexico.
Idaho.	North Dakota.
Illinois.	Ohio.
Indiana.	Oklahoma.
Iowa.	Oregon.
Kansas.	South Dakota.
Kentucky.	Texas.
Louisiana.	Utah.
Michigan.	Washington.
Minnesota.	Wisconsin.
Missouri.	Wyoming.

(d) 4585 kc/s, A1, A2, A3, A3A, A3H, A3J emission, 400 watts maximum power.

(e) 4602.5 kc/s, A1, F1, A3, A3A, A3H, A3J emission, 400 watts power maximum power. Assignment of this frequency is limited to stations in the following states:

Colorado.	Montana.
Idaho.	Ohio.
Illinois.	Utah.
Indiana.	Wisconsin.
Kentucky.	Wyoming.
Michigan.	

(f) 4630 kc/s, A1, F1, A3, A3A, A3H, A3J emission, 400 watts maximum power. Assignment of this frequency is limited to stations in the following states:

Arizona.	New Mexico.
Arkansas.	Oklahoma.
Louisiana.	Texas.

* * * * *

[F.R. Doc. 66-7820; Filed, July 18, 1966; 8:48 a.m.]

[1] Commissioner Johnson absent.

WATER RESOURCES COUNCIL

[18 CFR Ch. VI]

GRANTS TO STATES FOR WATER AND RELATED LAND RESOURCES PLANNING

Notice of Proposed Rule Making

Notice is hereby given that the Water Resources Council, under the authority contained in section 402, 79 Stat. 244, 42 U.S.C. 1962, proposes to add a new Chapter VI to Title 18 of the Code of Federal Regulations, as set forth in part below.

The proposed new Part 703 would establish rules and regulations under which States may apply for grants from the Water Resources Council to carry out comprehensive water and related land resources planning on an accelerated basis.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rules and regulations to the Executive Director, Water Resources Council, 1025 Vermont Avenue NW., Washington, D.C. 20005, within 30 days after date of publication of this notice in the FEDERAL REGISTER.

Public discussions concerning the proposed regulations will be held on Monday, August 1, 1966, at 10 a.m., P.d.t., in Room 1194, California State Building Annex, 455 Golden Gate Avenue, San Francisco, Calif., on Wednesday, August 3, 1966, at 10 a.m., c.d.t. in the Sheraton-Fontenelle Hotel, 18th and Douglas Streets, Omaha, Nebr., on Friday, August 5, 1966, at 1:30 p.m., e.d.t., in Suite 900, Office of the Water Resources Council, 1025 Vermont Avenue NW., Washington, D.C.

HENRY P. CAULFIELD, JR.,
Executive Director,
Water Resources Council.

JULY 19, 1966.

PART 703—GRANTS TO STATES FOR COMPREHENSIVE WATER AND RELATED LAND RESOURCES PLANNING

§ 703.1 Purpose.

(a) This part sets forth the regulations that apply to Water Resources Council grants to the States for comprehensive water and related land resources planning as authorized by Title III of the Water Resources Planning Act (P.L. 89-80; 79 Stat. 244).

(b) The purpose of Title III of the Act is to encourage increased:

(1) State participation in Federal-State comprehensive water and related land resources planning;

(2) State preparation of plans in harmony with regional and national plans and programs for the development and use of a State's water and related land resources;

(3) State training of personnel, where necessary, to develop additional technical planning capability.

§ 703.2 Definitions.

All terms used in this part shall have the meaning given to them in the Water Resources Planning Act, or as follows:

(a) "Augmented planning" means an increase in planning of water and related land resources undertaken by a State in response to the Act, measured by the increased expenditures of non-Federal funds for comprehensive water and related land resources planning. The non-Federal expenditure for matching purposes under the Act is the increase above the expenditure for the 12-month period ending June 30, 1965.

(b) "Act" means the Water Resources Planning Act (79 Stat. 244).

(c) "Comprehensive water and related land resources planning" means with respect to any State, planning which is geographically comprehensive (not necessarily statewide) consistent with effective regional planning; which deals with two or more water and related land resources purposes or activities, and the many public agencies and private interests that can provide for them; and which takes into consideration all pertinent resource values, including preservation as well as development values. Such planning may be intra-State, involving two or more municipal bodies (cities, towns, villages, counties), rural districts, or combinations thereof; or interstate in nature (ordinarily on a watershed or river basin basis).

(d) "Council" means the Water Resources Council established by section 101 of the Water Resources Planning Act.

(e) "Executive Director" means the principal executive officer of the Water Resources Council.

(f) "Fiscal year" means a 12-month period beginning on July 1.

(g) "Land area of a State" means the land and inland water area of a State as defined and set forth in Table 3 on pages 263-264 of *Boundaries of the United*

States and the Several States, Geological Survey Bulletin 1212, U.S. Government Printing Office, Washington, 1966.

(h) "Program" means a coordinated set of activities planned to use, develop, manage, control, and preserve the water and related land resources of a State. A program may be made up of one or more components, divided on the basis of geography, political subdivisions, or kind of development, and may include the training of personnel and administration.

(i) "Related land resources" means that land on which present or projected use or management practices cause significant effects on the quantity and/or quality of the water resource, and that land the use or management of which is significantly affected by or depends on existing and proposed measures for management, development or use of water resources.

(j) "State" means a State, the District of Columbia, Puerto Rico, or the Virgin Islands.

(k) "State agency" means a permanent agency of a State designated by the Governor to administer and coordinate a State comprehensive water and related land resources planning program, and to act as liaison with the Council.

(l) "Supplemental instructions" means nonregulatory, detailed instructions issued in accordance with § 703.12 for the purpose of amplifying the regulations and facilitating grant applications.

§ 703.3 Allotments.

(a) The funds appropriated pursuant to section 301(a) of the Act for any fiscal year for expenditures for grants to States shall be allotted among the several States in accordance with section 302(a) of the Act as follows:

(1) Fifteen (15) percent of the funds shall be allotted to the States on the basis of the ratio of the population of a State to the population of all the States. For the purposes of this regulation the population of the States shall be determined on the basis of the latest official estimates of the Department of Commerce available on or before January 1 preceding the fiscal year for which funds are appropriated.

(2) Fifteen (15) percent of the funds shall be allotted to the States on the basis of the ratio of the land area of a State to the total land area of all the States, determined on the basis of the official records of the U.S. Geological Survey.

(3) Forty (40) percent of the funds shall be allotted to the States according to the need for comprehensive water and related lands resources planning programs in each State, as determined by the Council upon recommendation by the Executive Director.

(4) Thirty (30) percent of the funds shall be allotted to each State, on the basis of the ratio that the reciprocal of its per capita income bears to the sum of the reciprocals for all States. Per capita income shall be computed as the average of the most recent 3 years for which official information is available.

(b) On or about July 1 of each fiscal year, the Council shall publish a tabulation showing the tentative and partial allotment of funds to each State in accordance with paragraph (a) (1), (2), and (4) of this section and based upon the then expected appropriation for that year. This publication does not confer entitlement to such funds, but is simply a temporary commitment by the Federal Government to withhold from other uses a specified sum for each State.

(c) Allotment of funds to States according to determination by the Council of the relative need for comprehensive water and related land resources planning among the States under subparagraph (3) of this paragraph shall be based upon criteria which shall include the following:

(1) Crucial nature or immediacy of water resources problems.

(2) Lack of development of comprehensive water and related land resources planning.

(3) Importance of the contribution of a State to Federal or Federal-State planning of water and related land resource use and development in its region.

(4) Specific opportunity for a State to make a substantial advance in comprehensive water and related land resources planning.

(5) Ability of a State to provide non-Federal matching funds over the amount necessary to match the allotment by formula under paragraph (a) (1), (2), and (4) of this section.

(d) As provided in section 302(b) of the Act, Federal financial support shall be on a matching basis, to a maximum of 50 percent of the total allowable costs related to an approved program.

(e) Before any allotment may be paid, a State must submit and obtain approval of its program application. Financial assistance is guaranteed only on the basis of an approved program.

§ 703.4 Procedures for applications.

Within 30 days after the beginning of any fiscal year, any State interested in obtaining a grant for comprehensive water and related land resources planning shall submit to the Council either a letter of intention to apply, followed within 60 days by a formal application or an application submitted without a prior letter.

(a) The letter of intention shall include at least the following information: (1) The name of the designated State agency; (2) the names of the participating State agencies; (3) a statement setting out the authority of that agency to carry out its functions in accord with the Act; (4) the scope and expected duration of the augmented planning program to be conducted under the Act; and (5) the new non-Federal funds estimated or appropriated, to be available for matching with Title III funds for augmented planning during the first fiscal year of the proposed program.

(b) A formal application shall be submitted in accordance with these rules and regulations, and shall include the information requested in paragraph (a) of this section, and § 703.5, and shall also include but not be limited to any additional information called for in supplemental instructions of the Executive Director. Any application may be submitted in draft form to the Executive Director for comments prior to formal submittal.

(c) When all applications have been received and reviewed in final form as regards conformance with the Act, the rules and regulations in this part, and supplementary instructions, the Executive Director shall convey his recommendations to the Council for its approval, including the amount of each allotment based on § 703.3 and upon the amount of funds available for reallotment.

§ 703.5 Contents of applications.

(a) *Program information.* A formal program application submitted by a State for approval shall contain and further document the information called for in the letter of intent. In addition, the application shall contain the following information:

(1) The current status of comprehensive water and related land resources planning in the State;

(2) Present planning activities related to comprehensive water and related land resources planning conducted on a regular basis, and the agency or agencies conducting such activities;

(3) A summary of information already available concerning State economic conditions in relation to the status of water and related land resources development and preservation, and technical data pertinent to water and related land resources conditions in the State;

(4) The provisions to be made for obtaining the necessary economic and other data and projections necessary for comprehensive water and related land resources planning;

(5) The program set forth by the State agency for water and related land resources planning in future years, organized, where possible, on a year-by-year projected basis;

(6) The scope and expected duration of augmented planning to be undertaken with the aid of Title III funds. An application may be made for a period not to exceed 5 years.

(7) A proposed budget, including but not limited to new staff requirements and all related costs.

(b) *Coordination.* The program application submitted by the State agency shall include assurances that: (1) Comprehensive water and related land resources planning will be in harmony with approved as well as pending applications for comprehensive planning of that State or of a jurisdiction within the State; (2) the economic and other relevant assumptions and projections to be used are consistent with those of other planning programs; (3) optimum joint-use will be made of equipment, personnel, and existing data among the various planning programs; and (4) steps taken, and to be taken, by the State agency will achieve all necessary statewide and interstate coordination of comprehensive water

and related land resources planning with other planning programs, as specified in section 301(b)(1) of the Act. Particular consideration shall be given to the following:

(1) The relationship of the program to water pollution control programs in the State, particularly those receiving financial assistance under the Federal Water Pollution Control Act, as amended (75 Stat. 204), and those developed by the Federal Water Pollution Control Administration as a part of comprehensive, coordinated, joint plans for river basins done in accordance with section 201(b)(2) of the Act and as authorized by other acts.

(2) Coordination of comprehensive water and related land resources planning with comprehensive statewide, regional, county, and local planning being carried on with or without assistance under section 701 of the Housing Act of 1954, as amended (68 Stat. 590), or under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897).

(3) Present and intended future participation of the State agency and other agencies of the State in Federal or Federal-State comprehensive water and related land resources planning, including the work of commissions created under Title II of the Act and planning done under Title V of the Public Works and Economic Development Act of 1965 (79 Stat. 552), and section 206 of the Appalachian Regional Development Act of 1965 (79 Stat. 5).

(4) The relationship of the comprehensive water and related land resources planning program to economic development planning conducted within the State, in accordance with Titles III and IV of the Public Works and Economic Development Act (79 Stat. 552) and in accordance with the Appalachian Regional Development Act (79 Stat. 5).

(5) The relationship of the comprehensive water and related land resources planning program to comprehensive planning for the development of water and sewer systems in rural areas under the Consolidated Farmers Home Administration Act of 1961 (75 Stat. 307).

(c) *Relationship to other State agencies.* The program application shall show the relationship of the State agency to other State planning and development organizations, such as intra-State river basin commissions and authorities or special agencies in the State which have particular watershed or river basin jurisdiction or functions, their funding and structure, and shall indicate the extent to which they will be financed from Title III funds and the functions they will perform.

(d) *Relationship to river basin commissions.* Membership in a river basin commission organized under Title II of the Act is not a prerequisite for a State to obtain a planning grant. However, if a State is a member of a river basin commission, planning by the State shall be complementary to and consistent with the coordinated joint plan prepared by the commission.

(e) *Accounting.* The program application shall describe measures to be taken by the State for the financial management of the proposed program and internal controls appropriate to insure that the program is accomplished in accordance with the Act, this part and the supplemental instructions issued by the Executive Director, and in the most efficient and economical manner. Except as required for Federal review and audit, a State agency shall employ accounting procedures specified by its State fiscal officers.

§ 703.6 Federal coordination.

Interagency coordination of actions upon application for Federal grants to States for planning which includes water and related land resources shall be effected in accordance with §§ 701.60(c) and 701.79(d) of the Council's Rules and Regulations on Council Organization.

§ 703.7 Annual report and review.

(a) *Report.* On or before August 1 of each year, each State shall make an annual report to the Council on its approved program, providing financial and other information on the progress or completion during the preceding fiscal year of all components of the program in such form as the Council shall prescribe in supplemental instructions.

(b) *Review.* As a consequence of the annual review:

(1) If the Executive Director shall find that the program no longer complies with the requirements of section 303 either in its design or administration, he shall call a hearing in order to ascertain all the relevant facts. The State agency designated to administer the program shall be given notice in writing of the Executive Director's intention to recommend disapproval of the program to the Council at least 20 days prior to the hearing. The notice shall state with particularity the inadequacies of the program and shall cite specific requirements of section 303, this part, or his supplemental instructions which have not been met. The State agency shall be given opportunity to file written objections and make oral presentations to the Executive Director on or before the date set for the hearing.

(2) If the Executive Director shall determine, following a full and fair hearing, that the section 303 requirements are no longer being met, he shall recommend to the Council that no further payments be made to the State under section 305 of the Act until he finds that substantial compliance has been resumed.

(3) If the Council shall determine, on the basis of all the facts developed at the hearing and upon the Executive Director's recommendation that the program does not meet the requirements of section 303, it shall instruct the Executive Director to notify the State agency that no further payments to such State shall be made under the Act.

(4) When the Executive Director is satisfied that sufficient adjustments have been made in the design and operation of the program, he shall recommend to the Council that payments to the State agency be resumed and, if the Council agrees, it shall order the resumption of such payments.

§ 703.8 Program costs and accounting.

(a) *Program costs*—(1) *Time of incurrence.* To be subject to matching with Federal funds, non-Federal costs must have been incurred within the time period set forth in an approved application.

(2) *Beginning date of State planning.* Non-Federal funds for augmented planning used to match Federal funds granted under Title III of the Act will be limited to the amount of increased expenditures of non-Federal funds above the expenditure for the 12-month period ending June 30, 1965.

(3) *Rules on the incurrence of planning costs.* The budgetary practices, rules and policies of the State, as customarily applied and if in accord with generally accepted accounting practices, shall govern for costs incurred on an approved program unless the approved program application stipulates a different method.

(4) *Sources of State planning funds.* The source of a State's share of the cost of a project shall have no bearing on whether or not such costs can be matched by Federal funds, except that other Federal funds cannot be used for matching purposes.

(5) *Use of Title III grants for other matching.* Federal or non-Federal funds allotted for use under Title III shall not be used to meet a State's share of the cost of a Federal-State commission established under Title II of this Act or to match Federal funds under any other Federal grants-in-aid program.

(6) *Ceilings on allowable costs.* In general, the amount of each cost item that may be matched under this Act shall not exceed the State's actual cash outlay for that item, or the fair market value of the item, whichever is less.

(7) *Expenditures that may be matched.* Any planning expenditure by the State not used for matching purposes of other Federal grants-in-aid programs, or otherwise specifically excepted by the Council, may be subject to matching. Such expenditures may include, but are not limited to, those activities directly related to the State comprehensive water and related land resources planning effort such as personal services; training of personnel; fringe benefits; consultant fees; equipment, supplies and materials; travel of employees engaged in the program and of contributed personal services; and payment for information services. Consultant services are eligible only to the extent that the development of trained State personnel for comprehensive water and related land resources planning activities is not impaired.

(8) *Time limit of obligation.* Once obligated to a State, Federal commitments shall remain in force until expended by the State on a matching basis, up to a maximum of 2 years after approval of the State's application. If not

expended by that time, the Federal obligation shall be revoked.

(9) *Disposition of balance.* As to funds appropriated and obligated for any fiscal year, if it becomes clearly evident that the State cannot reasonably expend a remaining balance before the end of the year, the Council shall upon reasonable notice withdraw the unexpendable balance not later than April 1 of that year. Such balances may then be reallocated to other States on the basis of their approved program, need for planning, and ability to match.

(b) *Accounting.* Based on generally accepted standards and principles, accounting procedures should meet the following minimum requirements, unless exceptions are granted by the Council:

(1) Itemization of all supporting records or program expenditures in sufficient detail to show the exact nature of each expenditure;

(2) Maintenance of adequate records, approved by the appropriate official, to show that all salaries and wages charged against the program were authorized;

(3) Maintenance of payroll vouchers for salaries and wages;

(4) Cross referencing of each expenditure with the supporting purchase order, contract, voucher, or bill. The supporting documents should be endorsed by an official authorized to approve such expenditures.

§ 703.9 Payments.

Payments to the States for purposes of carrying out comprehensive water and related land resources planning under the Act shall be made according to the following general procedures:

(a) At the beginning of each fiscal year, the amount to be paid to each State with respect to approved applications under the provisions of the Act and this part, and within the appropriations available, for that fiscal year shall be estimated. Such estimates shall take into account information furnished by the State agency and may be revised when appropriate and necessary.

(b) At the beginning of each calendar quarter, the Executive Director shall estimate the amount to be paid to each State with respect to approved applications for that period in relation to the total estimate for that fiscal year.

(c) The Executive Director shall pay in advance to the State from its allotment the amount estimated by him for that period, adjusted by any excess or deficiencies in payments for prior quarters, as reflected in quarterly records submitted by the State agency.

(d) Payments shall be made through the disbursing facilities of the Treasury Department, at such times and in such installments as the Executive Director many determine.

§ 703.10 Records.

(a) The officers of a State agency, designated in compliance with section 303(3) of the Act, that receives funds under the Act, shall be responsible for maintaining books of account that clearly, accurately, and currently reflect the financial transactions involving allotments, grants, contracts, and other arrangements financed under the Act and also transactions financed with funds from other sources. In addition, they shall maintain files of all papers necessary to establish the validity of the transactions recorded.

(b) Such records, with all supporting and related documents shall be made available at least quarterly and at all reasonable times, upon request, for inspection and audit by representatives of the Executive Director and of the Comptroller General of the United States.

(c) Records relating to each allotment and each grant shall be retained and made available until the expiration of 3 years after the State agency's last disbursement of such funds.

§ 703.11 Nondiscrimination in federally assisted programs.

(a) In order to effectuate the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252), no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance under the Act.

(b) Each application for financial assistance to carry out a program under the Act, shall, as a condition to its approval, contain an assurance that the program will be conducted in compliance with all requirements imposed by Title VI of the Civil Rights Act of 1964.

§ 703.12 Supplemental instructions.

With approval of the Council, the Executive Director shall issue, and from time to time may amend, supplemental instructions to amplify this part.

[F.R. Doc. 66-7872; Filed, July 18, 1966; 8:49 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Antidumping—ATS 643.3–B]

TUBELESS TIRE VALVES FROM ITALY

Antidumping Proceeding Notice

JULY 8, 1966.

On April 26, 1966, the Commissioner of Customs received information in proper form pursuant to the provisions of § 14.6(b) of the Customs Regulations indicating a possibility that tubeless tire valves, finished, imported from Italy, are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Ordinarily, merchandise is considered to be sold at less than fair value when the net, f.o.b. factory price for exportation to the United States is less than the net, f.o.b. factory price to purchasers in the home market, or, where appropriate, to purchasers in other countries, after due allowance is made, for differences in quantity and circumstances of sale.

A summary of the information received is as follows:

Evidence submitted indicates that sales of the subject merchandise to American firms shows a price which when netted back to the factory is considerably lower than the price for home consumption after adjustments for normal known factors of included costs. It is also indicated that while production costs are increasing, prices of the finished product have been decreasing.

Having conducted a summary investigation pursuant to § 14.6(d) (1) (i) of the Customs Regulations and having determined on this basis that there are grounds for so doing the Bureau of Customs is instituting an inquiry pursuant to the provisions of § 14.6(d) (1) (ii), (2), and (3) of the Customs Regulations to determine the validity of the information.

The information was submitted by Nylo-Flex Manufacturing Co., Mobile, Ala.

This notice is published pursuant to § 14.6(d) (1) (i) of the Customs Regulations (19 CFR 14.6(d) (1) (i)).

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 66–7827; Filed, July 18, 1966; 8:49 a.m.]

[Antidumping—ATS 643.3–B]

TUBELESS TIRE VALVES FROM WEST GERMANY

Antidumping Proceeding Notice

JULY 8, 1966.

On April 26, 1966, the Commissioner of Customs received information in proper form pursuant to the provisions of § 14.6(b) of the Customs Regulations indicating a possibility that tubeless tire valves, finished, imported from West Germany, are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Ordinarily, merchandise is considered to be sold at less than fair value when the net, f.o.b. factory price for exportation to the United States is less than the net, f.o.b. factory price to purchasers in the home market, or, where appropriate, to purchasers in other countries, after due allowance is made, for differences in quantity and circumstances of sale.

A summary of the information received is as follows:

Evidence submitted indicates that sales of the subject merchandise to American firms shows a price which when netted back to the factory is considerably lower than the price for home consumption after adjustments for normal known factors of included costs. It is also indicated that while production costs are increasing, prices of the finished product have been decreasing.

Having conducted a summary investigation pursuant to § 14.6(d) (1) (i) of the Customs Regulations and having determined on this basis that there are grounds for so doing the Bureau of Customs is instituting an inquiry pursuant to the provisions of § 14.6(d) (1) (ii), (2), and (3) of the Customs Regulations to determine the validity of the information.

The information was submitted by Nylo-Flex Manufacturing Co., Mobile, Ala.

This notice is published pursuant to § 14.6(d) (1) (i) of the Customs Regulations (19 CFR 14.6(d) (1) (i)).

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 66–7828; Filed, July 18, 1966; 8:49 a.m.]

[Antidumping—ATS 643.3–p]

CERAMIC GLAZED WALL TILE FROM JAPAN

Withholding of Appraisement Notice

JULY 15, 1966.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect, from information presented to me, that the purchase price is less or likely to be less than the foreign market value of ceramic glazed wall tile imported from Japan as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

Customs officers are being directed to withhold appraisement of ceramic glazed wall tile imported from Japan in accordance with the provisions of § 14.9(a) of the Customs Regulations (19 CFR 14.9(a)).

The information alleging that the merchandise under consideration was being sold at less than fair value within the meaning of the Antidumping Act was received in proper form on December 9, 1965. This information was the subject of an "Antidumping Proceeding Notice" which was published pursuant to § 14.6 (d), Customs Regulations (19 CFR 14.6(d)), in the FEDERAL REGISTER of December 30, 1965, on page 16272 thereof.

This notice is published pursuant to § 14.6(e) of the Customs Regulations (19 CFR 14.6(e)).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[F.R. Doc. 66–7888; Filed, July 18, 1966; 10:33 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CHIEF, BRANCH OF LANDS, ET AL.

Redelegation of Authority by Land Office Manager

1. Pursuant to § 2.1, Bureau Order No. 701 of July 23, 1964, as amended, the following authority is hereby delegated to the Branch Chiefs of the Division of Lands and Minerals Program Management and Anchorage Land Office, to become effective July 1, 1966.

a. Chief, Branch of Lands and Chief Lands Adjudicator, authority to take action for the Manager in matters listed in §§ 2.2 (b) and (d), 2.3 (a) and (c), 2.5 (b) and (c) and 2.9 (except as provided in c. below) of Part II of Bureau Order No. 701, supra. The authority in §§ 2.2 (b) and (d), and 2.3 (a) and (c) is limited to those actions pertaining to Land Use.

b. Chief, Branch of Minerals, and Chief Minerals Adjudicator, authority to take action for the Manager in matters listed in §§ 2.2 (b) and (d), 2.3 (a) and (c), and 2.6 (except as provided in c. below) of Part II of Bureau Order No. 701, supra. The authority to take action on matters in §§ 2.2 (b) and (d) and 2.3 (a) and (c) is limited to those actions pertaining to Minerals.

c. Chief, Branch of Title and Records, authority to take action for the Manager in matters listed in §§ 2.2(c), 2.3(c), 2.4(a)(4), 2.6 and 2.9 of Part II of Bureau Order No. 701, supra. The authority to take action on matters listed in §§ 2.6 and 2.9 is limited to actions on applications, claims, offers, or notices filed, when any or all of the following conditions prevail: (1) The official land title and use records reveal that the land

involved is unavailable; (2) the land description is inadequate to identify the land, or does not meet legal requirements of compactness, contiguity, or acreage, or is otherwise defective; (3) the filing is incomplete when submitted (for example, fees not paid, information not complete, unsigned, obsolete form); (4) the applicant or offeror was not successful in a public drawing held to establish priorities of conflicting filings.

2. The authority delegated in paragraph 1 above may not be redelegated.

3. This redelegation of authority supersedes all previous redelegations by the Anchorage Land Office Manager.

ROBERT J. COFFMAN,
Manager, Land Office, Anchorage.

Approved:

BURTON W. SILCOCK,
State Director, Alaska.

JULY 12, 1966.

[F.R. Doc. 66-7791; Filed, July 18, 1966; 8:45 a.m.]

DISTRICT MANAGER, ANCHORAGE, AND DISTRICT MANAGER, FAIRBANKS

Delegation of Authority

1. Pursuant to § 1.1 of Bureau of Land Management Order No. 701, as amended, the District Manager, Anchorage, and the District Manager, Fairbanks, are authorized to perform in their respective districts all the functions listed in the following sections:

ANCHORAGE DISTRICT MANAGER

1. Section 1.2(a).
2. Section 1.5(a).
3. Section 1.9(g). Limited to sales not exceeding $10,000.
4. Section 1.9(o)(5).

FAIRBANKS DISTRICT MANAGER

1. Section 1.2(a).
2. Subparagraph (1) of section 1.4(a). Except approval of or cancellation of special instructions for survey.
3. Section 1.5(a).
4. Section 1.9(g). Limited to sales not exceeding $10,000.
5. Section 1.9(o)(5).

2. The delegation of authority by the State Director, Alaska, approved February 27, 1964 (29 FR 3015, Feb. 5, 1964), is hereby canceled.

BURTON W. SILCOCK,
State Director.

Approved:

JOHN O. CROW,
Acting Director.

JULY 12, 1966.

[F.R. Doc. 66-7792; Filed, July 18, 1966; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CHLORDIAZEPOXIDE AND ITS SALTS AND DIAZEPAM

Rescheduling of Public Hearing and Conference

In the matter of listing chlordiazepoxide and its salts and diazepam as drugs subject to control under the Drug Abuse Control Amendments of 1965 because of their having a potential for abuse due to their depressant effect on the central nervous system:

A public hearing and prehearing conference were announced in the FEDERAL REGISTER of May 17, 1966 (31 F.R. 7174), to commence July 25, 1966, and July 18, 1966, respectively, re the above-identified matter. In the same announcement other hearing and prehearing conferences were scheduled for late June based on an objection to the listing of another drug, meprobamate, as subject to control. In order to avoid conflicts in the scheduling of these conferences, notice is given that the public hearing and prehearing conference re the listing of chlordiazepoxide and its salts and diazepam are rescheduled as follows:

1. The hearing will begin at 10 a.m., e.d.t., on August 8, 1966, in Room 5034, 200 C Street SW., Washington, D.C.

2. The prehearing conference will begin in the same room at 10 a.m., e.d.t., on August 1, 1966.

Mr. Edgar Buttle, Federal Trade Commission, Room 7003, The 1101 Building, 11th and Pennsylvania Avenue NW., Washington, D.C. 20580, a hearing examiner duly appointed pursuant to section 11 of the Administrative Procedure Act, is hereby designated as the presiding officer for the rescheduled proceedings announced herein.

The other conditions announced in the FEDERAL REGISTER of May 17, 1966, with reference to these meetings (such as purpose, introduction of evidence, etc.) remain unchanged except that representatives of interested persons should file the written notices of appearance on or before July 27, 1966.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 201(v), 511, 701, 52 Stat. 1055, as amended, 79 Stat. 227 et seq.; 21 U.S.C. 321(v), 360a, 371) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120; 31 F.R. 3008).

Dated: July 14, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-7841; Filed, July 18, 1966; 8:49 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

ASSISTANT SECRETARY FOR DEMONSTRATIONS AND INTERGOVERNMENTAL RELATIONS; DEPUTY ASSISTANT SECRETARY FOR DEMONSTRATIONS AND INTERGOVERNMENTAL RELATIONS

Delegations of Authority

SECTION A. *Authority delegated with respect to specific programs and matters.* The Assistant Secretary for Demonstrations and Intergovernmental Relations and the Deputy Assistant Secretary for Demonstrations and Intergovernmental Relations each is hereby authorized to exercise the powers and authorities of the Secretary of Housing and Urban Development with respect to the programs and matters listed below except as specified under this section A and as additionally excepted under section B:

1. Programs of housing research, studies, investigation and analysis under Title III of the Housing Act of 1948, as amended (12 U.S.C. 1701e), and section 602 of the Housing Act of 1956, as amended (12 U.S.C. 1701d-3), except power and authority to consolidate functions and activities under subsection 301(a) of the Housing Act of 1948, as amended (12 U.S.C. 1701e(a)).

2. Urban renewal demonstration program under section 314 of the Housing Act of 1954, as amended (42 U.S.C. 1452a).

3. Demonstration program relative to housing for low income persons and families, including handicapped families, under section 207 of the Housing Act of 1961 (42 U.S.C. 1436).

4. Surveys relative to State and local public works under subsection 702(f) of the Housing Act of 1954, as amended (40 U.S.C. 462(f)).

5. Establishment of technical advisory services to assist municipalities and others in relation to community facilities under section 207 of the Housing Amendments of 1955, as amended (42 U.S.C. 1497), except the powers and authorities under subsection 402(a) of the Housing Act of 1950, as amended (12 U.S.C. 1749a(a)).

6. Studies relative to State and local housing and building laws, standards, codes, and regulations; State and local zoning and land use laws, codes, and regulations; and Federal, State, and local tax policies; under subsection 301(a) of the Housing and Urban Development Act of 1965 (42 U.S.C. 1456 note).

7. Study of alternative programs to help provide financial assistance to those suffering property losses in natural disasters, under section 5 of the Southeast Hurricane Disaster Relief Act of 1965 (79 Stat. 1301).

8. Studies, research, and demonstration projects relative to urban and regional planning under subsection 701(b) of the Housing Act of 1954, as amended (40 U.S.C. 461(b)).

9. Provision of technical assistance to State and local public bodies, undertaking of studies, and publication of information relative to open-space land and urban beautification and improvement under section 708 of the Housing Act of 1961, as amended (42 U.S.C. 1500d).

10. Federal-State training programs under Title VIII, Part 1, of the Housing Act of 1964, as amended (20 U.S.C. 801–805).

11. Program of fellowships for city planning and urban studies under Title VIII, Part 2, of the Housing Act of 1964, as amended (20 U.S.C. 811).

12. Granting of permission to a research contractor or its technical personnel to issue a publication concerning, or based in whole or in part on the results of, research or studies performed under a contract with the Department of Housing and Urban Development, prior to 6 months from date of submission of the full report, such publication in all other respects to be in accordance with the Publication Article of the research contract; and determining in the particular case that such accelerated publication is in the public interest.

SEC. B. *Additional authority excepted.* There are further excepted from the powers and authorities delegated under section A the power and authority to submit to the President and to the Congress estimates of housing needs, proposals for executive action or legislation, and reports.

SEC. C. *Additional authority delegated.* 1. The Assistant Secretary for Demonstrations and Intergovernmental Relations is further authorized to make such rules and regulations as may be necessary to carry out the powers and authorities delegated in section A.

2. The Assistant Secretary for Demonstrations and Intergovernmental Relations and the Deputy Assistant Secretary for Demonstrations and Intergovernmental Relations each is further authorized to redelegate to any employee under his jurisdiction any of the powers and authorities delegated in section A.

SEC. D. *Delegations of authority revoked.* The following delegations of authority are hereby revoked:

1. Authority to the Urban Renewal Commissioner to administer the provisions of section 314 of the Housing Act of 1954, as amended (42 U.S.C. 1452a), with respect to the urban renewal demonstration program (30 F.R. 6703).

2. Authority to the Urban Renewal Commissioner with respect to studies, research, and demonstration projects under the last proviso in subsection 701(b) of the Housing Act of 1954, as amended (40 U.S.C. 461(b)) (30 F.R. 12502).

3. Authority to the Urban Renewal Commissioner to provide technical assistance to State and local public bodies and undertake studies and publish information, under section 708 of the Housing Act of 1961, as amended (42 U.S.C. 1500d), with respect to open-space land and urban beautification and improvement (30 F.R. 11157).

Effective date. These delegations of authority and revocations shall be effective July 1, 1966.

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

[F.R. Doc. 66-7809; Filed, July 18, 1966; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

STATE OF LOUISIANA

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Louisiana for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A résumé prepared by the State of Louisiana and summarizing the State's proposed program, was also submitted to the Commission and is set forth below as an appendix to this notice. A copy of the program, including proposed Louisiana regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuances of February 14, 1962, 27 F.R. 1351; April 3, 1965, 30 F.R. 4352; September 22, 1965, 30 F.R. 12069; and March 19, 1966, 31 F.R. 4668. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Germantown, Md., this 7th day of July 1966.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

PROPOSED AGREEMENT BETWEEN THE UNITED STATES ATOMIC ENERGY COMMISSION AND THE STATE OF LOUISIANA FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8 and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of Louisiana is authorized under West's LSA–R.S. 51:1051 et seq., to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of Louisiana certified on June 15, 1966, that the State of Louisiana (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on _____, 1966, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ART. II. This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with resepct to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof not be so disposed of without a license from the Commission.

ART. III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ART. IV. This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ART. V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protecion against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ART. VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ART. VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ART. VIII. This Agreement shall become effective on September 1, 1966, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

LOUISIANA RADIATION REGULATORY PROGRAM

BOARD OF NUCLEAR ENERGY

The Louisiana Board of Nuclear Energy was established by the Louisiana Nuclear Energy Act, Act 84 of the 1962 Louisiana Legislature (now R.S. 51:1051 et seq.), to protect the health and welfare of the people of the State of Louisiana by providing for the regulation, development and proper utilization of atomic and nuclear energy and for the effective control of radiation hazards.

The Louisiana Board of Nuclear Energy is a 14-member board appointed by the Governor. The following 12 categories must be represented on the Board: A qualified radiologist; a physician specializing in internal medicine; State Senate and House of Representatives; Louisiana State University; private universities and colleges of Louisiana; colleges and universities under the State Board of Education; the dental profession; petroleum industries; the chemical industry; the agricultural industry; and a licensed industrial radiographer. The Director of the Division of Radiation Control and the Coordinator of the Atomic Energy Development Agency complete the 14-member Board. The Lieutenant Governor is the present Chairman of the Board.

Two independently staffed departments, the Division of Radiation Control and the Atomic Energy Development Agency, were created simultaneously with the Board of Nuclear Energy. The Louisiana Board of Nuclear Energy reviews and approves or rejects the programs and policies of its two departments, and it provides assistance, advice and consultation to the Director and Coordinator. The Board is charged with the responsibility to approve or reject the rules and regulations submitted to it by the Division of Radiation Control. Assistance consultation, recommendations are rendered by the Board to the Division of Radiation Control on a wide scope of matters pertaining to nuclear energy involving national and international developments and radiation protection standards and policies. An Advisory Council to the Louisiana Board of Nuclear Energy has been established which renders specialized advice and consultation upon request. The Advisory Council is composed of leading representatives from among such groups as commerce, industry, medicine, dentistry, insurance, law, education, law enforcement, labor, agriculture, and engineering. The Governor receives reports and counsel from the Board of Nuclear Energy concerning atomic and nuclear energy programs in the State's interests.

Legislative provision was made for the orderly transfer of existing AEC licenses and for the continued assistance and cooperation between the State, the Federal Government and other States. Legislation has specifically prohibited the existence of conflicting laws and duplication of regulatory authority.

The Governor was authorized by this legislation to effect an agreement with the Federal Government which would provide for the discontinuance of the Federal Government's regulatory authority with respect to byproduct, source and special nuclear materials in quantities not sufficient to form a critical mass and which would permit the State to regulate these radioactive materials as a part of a more comprehensive radiological health program.

The Board of Nuclear Energy and the Division of Radiation Control provide a unique approach in state government to radiological health, radiation control and regulatory programs. These agencies are solely devoted to radiation protection and to atomic and nuclear energy programs. Emphasis is placed on a technically based program of the highest caliber with personnel specifically trained in health physics, nuclear science, engineering and life science disciplines.

DIVISION OF RADIATION CONTROL

The Louisiana Division of Radiation Control is vested with the complete responsibility for radiological health in the State of Louisiana. Its powers and duties comprise the authority to effect a complete licensing and registration program for all radioactive materials and sources of ionizing radiation. It is empowered to conduct evaluation inspections at all installations utilizing any sources of ionizing radiation. It regulates the discharge of radioactive materials into the natural environment. It may conduct studies and research associated with radiological health; and it is encouraged to educate the people of Louisiana on radiation hazards. Rules, regulations and policies commensurable with established radiation protection standards adopted by the Division are submitted to the Board for approval, and upon approval by the Board, such regulations and policies are promulgated and enforced by the Division. Broad emergency powers may be invoked by the Division whenever necessary to meet emergency situations.

The Louisiana Division of Radiation Control began operation early in 1965 and immediate steps were taken to initiate a comprehensive radiological health program for Louisiana. Health Physicists classifications were established with the Department of Civil Service. Highly qualified personnel were acquired and they have received additional specialized training in health physics. Portable radiation detection instruments were purchased which provide the Division the capabilities of detecting and measuring any radiation. Efficient administrative forms have been designed to expedite the licensing and registration of all sources of radiation and to assist the radiation user with his necessary records. All license, registration and inspection survey data are being placed in a computer processing system which will permit rapid and efficient retrieval of data.

The Louisiana Radiation Regulations were drafted in close cooperation with the State medical and dental associations and in cooperation with representatives from industry, education and government. Copies were printed for distribution to interested parties and groups throughout the State, and a loose-leaf format was used to facilitate changes and amendments to the regulations. The Louisiana Radiation Regulations were initially distributed to all current AEC licensees in Louisiana, State and Parish medical and dental associations, hospitals, radiologists, and major industrial companies. After a 30-day period for their review, a public hearing was held at the State Capitol in Baton Rouge to receive comments and the Senate Chamber was completely filled for this hearing. No adverse comments on the Louisiana Radiation Regulations were heard and no adverse written comments were received. The Louisiana Board of Nuclear Energy formally adopted the Louisiana Radiation Regulations immediately after the public hearing on Friday, January 28, 1966.

Registration of all sources of radiation, except radioactive materials, has been initiated, and it is expected that 4,000–5,000 sources of radiation will be registered. The sources of radiation which will be registered are mostly medical, dental and industrial X-ray units. These X-ray units have not previously been under a radiological health program, and registration of these X-ray units will place their operation under a uniform set of recognized radiation protection standards for the first time. There has been no recent inspection of these units, and it will probably require a 3-year period to complete the initial inspection. Periodic surveys of these X-ray installations will be performed on a periodic basis after the initial inspection, and the frequency of the subsequent surveys will be determined mainly on the relative radiation hazard found in the previous surveys or initial inspection. Accelerators, mainly neutron generators used in activation analysis, are also being registered as nonlicensed sources of radiation.

Radium users are located in conjunction with the registration program, and licensing of radium users will be implemented concurrently with the AEC agreement licensing program. Possession of radium must be indicated on the registration forms which were sent to all medical facilities, physicians, dentists, educational institutions and indus-

tries. Radium suppliers have furnished the Division a list of all radium users in Louisiana. All current radium users and users of radioactive materials not under the AEC licensing program will be assisted by the Division in filing their initial license application.

All radioactive materials are being placed under a licensing program which requires a license for the possession and use of significant quantities of radioactive materials. A prior evaluation will be made on each application for radioactive material use to ascertain if the proposed program and use meet minimal acceptable radiation protection standards as indicated in the Louisiana Radiation Regulations. Licenses will be issued to applicants who have adequate radiation protection programs and who are experienced and competently trained to use radioactive materials.

Periodic inspections will be made to each licensee's facilities to determine if the radioactive materials are being used in conformity with the Louisiana Radiation Regulations and in accordance with sound health physics practices not explicitly stated in the regulations. Health Physicists from the Division of Radiation Control have been accompanying AEC compliance inspectors within the State for the past year. These inspections have served to familiarize the Division's Health Physicists with AEC compliance inspection procedures, and the inspections have been used to inform the current AEC licensees of the impending agreement state program.

Plans for shielding X-ray facilities in hospitals, doctors' offices, clinics, institutions and industry will be checked against standards established in the Louisiana Radiation Regulations. This service will be performed in conjunction with the Louisiana State Board of Health as one aspect of their program of reviewing construction plans for medical and institutional installations. The construction plans will be checked against standards and procedures established by the Division of Radiation Control. Shielding evaluation data determined by the Board of Health from the plans will be maintained by the Division of Radiation Control and any substandard installations will be corrected under the authority of the Division.

Radiation Emergency Reaction Teams have been established which can supervise the management of radiation accidents and incidents within the State except in case of nuclear attack. Reports of an urgent nature can be investigated by these teams. This plan has been made an integral part of the State Civil Defense disaster plan, and the Louisiana Division of Radiation Control is the responsible State agency for radiation accidents and incidents. Teams have been established in New Orleans, Baton Rouge, Lafayette, Ruston, Lake Charles, and the Natchitoches-Alexandria area. Each team consists of a radiation specialist, chosen for his radiation knowledge and for his access to a large variety of radiation detection instrumentation in constant use, and a physician who is experienced in the field of radiation effects. The Louisiana State Police provides primary communication coordination, notification of the appropriate teams, and emergency ground and air transportation. The Director of the Division of Radiation Control will coordinate the activities of the teams, and he can assume management control of the radiation emergency under the provisions of the Louisiana Nuclear Energy Act and the Louisiana Radiation Regulations whenever necessary to protect occupational or public health and safety or property. He is assisted by a radiologist, expert in the field of nuclear medicine, and by the Coordinator of the Atomic Energy Development Agency, who will serve in the capacity of a public information officer. Additional radiation detection equipment will be available from the Division of Radiation Control offices in Baton Rouge. Outside assistance can be requested from the Atomic Energy Commission, U.S. Public Health Service, and the Department of Defense. Health physics personnel employed by the Division and trained under its programs, will be available to other governmental agencies whenever their assistance is required in controlling radiation hazards. Division Health Physicists responded to a recent radiation incident report at the New Orleans International Airport. Personnel and property were immediately protected, and an investigation was initiated to determine if personnel had been overexposed. Assistance was provided by the U.S. Atomic Energy Commission during their investigation. Two Health Physicists were involved in this incident for more than 4 days.

Training programs to properly educate the users of radioactive materials and the general public are profitable programs which result in increased public confidence and proper utilization of radiation. Training seminars will be presented for X-ray technologists and isotope technicians, which will teach radiation protection techniques. Conferences and lectures will be held for radiologists and physicians to acquaint them with nuclear medicine applications and health physics practices. The industrial user will be apprised of new health physics practices and radiation protection programs which apply to newly developed isotope applications and radiation uses. Training programs designed to qualify personnel in proper health physics practices will be an integral part of the Division's regulatory program. The general public will be kept informed with factual information regarding radiation and the sound regulations which protect them.

RADIOLOGICAL HEALTH REVIEW

The Louisiana State Board of Health has been involved in some radiological health activities since the early 1940's. Initial activities which were concerned with X-ray machines and radium, were limited to recommendations of good practice procedures. A film badge service was provided in 1947 by the U.S. Public Health Service to ascertain radiation exposures to employees of the State Board of Health, local health units, and industrial personnel who were using X-ray equipment.

The Atomic Energy Commission made radioactive isotopes available to medical, institutional and industrial firms in 1946. Inspections of radioactive material users were conducted by the AEC, and a representative of the Board of Health accompanied many AEC inspectors after the AEC initiated their policy of inviting State representatives.

All shoe fluoroscopes underwent a physical survey in 1950 and the users of the shoe fluoroscopes were advised of the potential hazards. During subsequent years, followup surveys were made on the shoe fluoroscopes and their removal was recommended. Approximately 50 percent of the shoe fluoroscopes had been removed from use in 1958, and Acts 1958 No. 124 prohibited their use.

The State Board of Health has cooperated with the Louisiana Civil Defense Agency in radiological defense. Board of Health personnel have been trained as Civil Defense radiological monitors, and State Civil Defense officials have been kept informed of environmental radioactivity levels resulting from fallout. Training in environmental analysis has been received by Board of Health chemists from the U.S. Public Health Service. The Industrial Hygiene Section Chief also participated in offsite monitoring at the Nevada Test Site and in the Project Dribble Nuclear Test.

A voluntary dental X-ray survey program was initiated in November 1960, with the assistance and cooperation of the U.S. Public Health Service, and the Louisiana State Dental Society, which supplied some filters and collimators for the deficient X-ray units. Approximately 400 dentists were surveyed in this initial program. A voluntary survey of medical X-ray units in the Greater New Orleans Area was conducted by the Tulane University School of Medicine under contract with the U.S. Public Health Service and the State Board of Health cooperated with the Tulane University School of Medicine in conducting this study. Approximately 400 X-ray units in the New Orleans Area were surveyed.

Environmental radiation surveillance has been of interest to the Louisiana State Board of Health. Fallout measurements have been made on dust samples collected for air pollution studies in New Orleans and rain samples have been collected since 1956. Surface water samples, milk samples, and human hair have been collected for the U.S. Public Health Service. Monthly radioactivity measurements have been made on diets from a New Orleans children's home and special environmental samples were collected in conjunction with the visit of the NS *Savannah* to New Orleans.

ENVIRONMENTAL MONITORING

The Louisiana State Board of Health is providing a comprehensive environmental radiation surveillance program which will monitor the entire environment: water, air and food, including vegetables, fruit, marine foods, and milk. Surface water samples are collected at 31 locations and food samples will be taken from four parishes. Milk samples are taken from the five major production areas, and marine food samples are to be analyzed at random intervals in conjunction with the oyster water surveillance program. Air sampling stations at six locations throughout the State are being operated in conjunction with one or more of the following networks: Las Vegas Offsite Monitoring System, National Radiological Sampling Network, National Air Sampling Network, and the Louisiana Network.

The Louisiana State Board of Health will direct the operation of the environmental monitoring program compatible with the standards and requirements established by the Division of Radiation Control. Technical assistance and consultation will be provided to the State Board of Health and the environmental monitoring data will be routinely directed to the Division of Radiation Control. The Board of Health will provide special environmental monitoring upon request at designated locations to assist the Division with data concerned with the operation of a licensee or registrant.

LICENSING AND REGISTRATION

The Louisiana Division of Radiation Control will license the possession and use of all types of radioactive materials. Quantities of special nuclear materials sufficient to form a critical mass will be retained under the AEC regulatory program. Licensing will be required for radioactive material not previously under a licensing program, such as radium, other natural radioactive materials, and accelerator-produced isotopes.

Exemption from licensing and regulatory controls have been provided in the Louisiana Radiation Regulations for certain small quantities of radioactive materials. A general license is issued in the Louisiana Radiation Regulations for certain uses and quantities of radioactive materials which do not require a prior evaluation of individual possession or use. Specific licenses will be based on a prior evaluation of all initial, amendment or renewal applications. This detailed appraisal will evaluate the quantity and type

of radioactive materials, the proposed application, the experience and training of the user, the radiation detection equipment available, the handling procedures, the disposal method and the personnel monitoring. When appropriate, a pre-licensing survey of the user's facilities will be conducted. Licensing criteria will be similar to that utilized by the U.S. Atomic Energy Commission.

A medical advisory committee will evaluate applications for all nonroutine uses of radioactive materials in humans. This committee contains licensed physicians with medical experience in the use of radioisotopes and radiation. The medical advisory committee will have representatives of diagnostic radiology, therapeutic radiology, internal medicine, pathology and medical physics.

Provision has been made in the Louisiana Radiation Regulations for issuance of a license which will permit the institution to determine specific uses within the confines of broad license restrictions. This type of specific license will be issued to institutions having personnel with extensive training and experience in radiation who will make the specific evaluations on each proposed use.

Registration of all sources of radiation other than radioactive materials is required under the Louisiana Radiation Regulations. Certification of registration by the Division of Radiation Control will be required prior to placing the source of radiation into use. The registrant will be required to meet the same radiation protection standards established by the Louisiana Radiation Regulations which are applicable to licensees.

INSPECTIONS

Inspections of each licensee and registrant will be conducted by the Louisiana Division of Radiation Control health physics staff on a recurring basis. The inspections will be adequate to determine compliance with the Louisiana Radiation Regulations and to assist the licensee or registrant with the continuous maintenance of his radiation protection program. Licensees or registrants in the most hazardous category may be inspected on 4- to 6-month intervals. Each specific licensee whose program requires personnel monitoring or where there is a likelihood of a significant release of radioactivity to the environment, will be inspected within 1 year after the initiation of his program. The AEC priority system will be generally retained for each existing AEC specific licensee until they have been assigned their next inspection date, based on a current inspection. Frequency of subsequent inspections will depend upon their scope of operation, the relative radiation hazard, and the findings of the previous inspection. Other specific licensees will be inspected at the minimum rate of 10 percent per year. Each specific licensee will receive an inspection prior to the expiration date on his current Louisiana license. Inspections may be either announced or unannounced at the discretion of the Division of Radiation Control.

Some items reviewed by the Health Physicists are the administration of the user's organization, the quantity and types of radiation sources, the applications of radioactive material, storage facilities, personnel monitoring, the compliance with posting requirements, and the radiation levels in and around the facility. X-ray units will be checked for proper filtration and collimation. Proper protection of operating personnel will be checked. Licensees and registrants will be tentatively advised of the inspection results at the conclusion of the inspection, and preliminary recommendations concerning any substandard findings will be made. These findings and recommendations will be subject to review by the Division of Radiation Control and the Board of Nuclear Energy. The Division of Radiation Control may advise the licensee or registrant in writing of additional or concurrent inspection findings.

The Louisiana Nuclear Energy Act (R.S. 51:1058) authorizes the entry of the Division of Radiation Control personnel into any licensee's or registrant's facilities to determine their compliance with the Louisiana Radiation Regulations.

COMPLIANCE ENFORCEMENT

Minor items of noncompliance with the Louisiana Radiation Regulations and license or registration conditions may be brought to the licensees' or registrants' attention at the time of the inspection. The licensee or registrant will be advised of any items which could improve his radiation protection program. A statement of satisfactory compliance or a list of the items of noncompliance will be submitted to the licensee or registrant for his acceptance. If the licensee or registrant acknowledges the items of noncompliance and agrees to correct the items within a specified period of time, then no further administrative action will be taken. The items of noncompliance will be checked for proper correction during the next inspection.

More severe items of noncompliance will be reviewed by the Division of Radiation Control, and the licensee or registrant will receive formal written notification describing the item of noncompliance. The licensee or registrant is required to correct this deficiency within a period of time specified by the Division, and he is required to notify the Division in writing of the corrective action taken. A subsequent inspection will be scheduled, dependent upon the severity of the hazard, to check the corrective action.

Whenever the licensee or registrant fails to reply to the notice of noncompliance or fails to take appropriate corrective action, then the Division may terminate or modify the license or registration. The Division may by rule, regulation, or order, impose upon any licensee or registrant, such requirements, in addition to those established in the Louisiana Radiation Regulations, as it deems appropriate or necessary to minimize danger to public health and safety or property.

Should the Division of Radiation Control determine that an emergency exists, it shall have the authority to impound or to order the impounding of any source of radiation in the possession of any person who is not equipped to comply or fails to comply with the provisions of the Louisiana Radiation Regulations or the Louisiana Nuclear Energy Act. The Division may issue a regulation or order reciting the existence of an emergency which requires immediate action to protect the occupational or public health and safety.

ADMINISTRATIVE AND JUDICIAL REVIEW

Any person affected by the regulatory actions of the Division of Radiation Control may request a hearing which shall be held and that person will be admitted as a party to such proceedings. The Board of Nuclear Energy reviews and approves or rejects the policies, programs, and regulations of the Division. Any person who alleges he has been aggrieved by the final actions or decision of the Division of Radiation Control may request, in writing, within ten (10) days after the occurrence of the alleged grievance, that the Board of Nuclear Energy hold a hearing to investigate his complaint. The Board of Nuclear Energy has the power to subpoena records and individuals and to take testimony by deposition similar to civil judicial procedure. The decision of the Board of Nuclear Energy shall not become final for a period of thirty (30) days from the date of the decision. The complainant has the right to appeal an adverse decision within thirty (30) days to the district court of East Baton Rouge Parish.

The Division of Radiation Control may request the Attorney General to file suit in East Baton Rouge Parish District Court against any individual who violates any rule, regulation, or order issued by the Division. Any person who wilfully violates the provisions of the Louisiana Nuclear Energy Act or any rules, regulations, and orders issued by the Division of Radiation Control or Board of Nuclear Energy is subject to civil court injunction, fine, and/or imprisonment.

RECIPROCITY AND COMPATABILITY

The Louisiana Radiation Regulations provide for the recognition of licenses issued by the U.S. Atomic Energy Commission and other Agreement States subject to specified conditions.

The Louisiana Nuclear Energy Act states that it is the policy of the State of Louisiana to institute and provide utilization and control programs compatible with standards and regulatory programs of the Federal Government and of the States. The Louisiana Division of Radiation Control will exercise its best effort toward achieving a close working relationship and a uniform regulatory program commensurable with other states and the U.S. Atomic Energy Commission.

DIVISION OF RADIATION CONTROL STAFF

The Division of Radiation Control staff will devote their full efforts to the radiation regulatory program in Louisiana. The Director of the Louisiana Division of Radiation Control will have the direct responsibility for the State's radiological health program. The Director and his assistant will supervise the administration of the State's regulatory program, and all radioactive material licenses will be reviewed by the Director or the Assistant to the Director. Licenses will be issued and registrations will be certified under the authority of the Director.

The health physics staff will participate in the initial review of license applications and registrations. The Health Physicists will be primarily responsible for conducting all license inspections and surveys of the registrant's facilities. Survey reports and inspections by the Health Physicists will be reviewed by the Director or his assistant. The radioactive materials program will be under the primary supervision of the Director, and the Assistant to the Director will exercise direct supervision over the registration program. The health physics staff will receive training and instruction from the Director and his assistant. Training received by the health physics staff includes procedures for performing radioisotope inspections, review and explanation of regulations, survey of X-ray units, shielding criteria for radiation facilities, use of radiation instruments and emergency procedures.

The Division of Radiation Control staff consists of the Director, Assistant to the Director, and three Health Physicists. An additional Health Physicist has been requested in fiscal year 1966–67. It is anticipated that a technical staff of six, including the Director and his assistant, will provide sufficient personnel to conduct an adequate radiation regulatory program in Louisiana. A clerical staff of three serves the technical staff, and an administrative assistant under the Board of Nuclear Energy handles some budgetary and personnel matters for the Division.

The Louisiana Nuclear Energy Act establishes the qualifications for the Director of the Louisiana Division of Radiation Control. The Director shall be a person having extensive academic training and practical experience in the field of health and radiation protection. The Assistant to the Director is a Civil Service position which requires a bachelor's degree and 3 years' experience in

a radiation regulatory program or a bachelor's degree in a physical, biological or engineering science with course work in radiation physics or nuclear science and 2-years' experience in a radiation regulatory program. Minimum qualifications for health physicists on the Division or Radiation Control staff are a bachelor's degree in a physical, biological or engineering science with course work in radiation physics or nuclear science, or a bachelor's degree with 1 year's experience in a radiation regulatory program. Health physics positions are available at several levels, depending upon academic training and experience in radiation fields.

The Director of the Division of Radiation Control holds a doctorate in nuclear physics and he received specialized health physics training, partly at Oak Ridge National Laboratory in conjunction with his master's degree. Prior to his present position, he was the health physicist in charge of a large university program and assistant to the head of the Physics Department. The Assistant to the Director was recently Supervisor of Radiological Health of the radiation regulatory program in another state. He is a college graduate and has 3 years' experience in health physics and radiation regulatory programs. The present staff is highly qualified. One Health Physicist holds a master's degree in radiological health, one has had considerable graduate work in nuclear science and physics, and one holds an engineering degree with nuclear science course work. Biographical descriptions containing the academic training, education and experience in radiological health of the current Division of Radiation Control staff is available upon request.

INSTRUMENTATION

The Division of Radiation Control possesses a large variety of portable radiation detection instrumentation which can detect all types of radioactivity and measure radiation levels over a wide range. These instruments include Geiger-Muller survey meters, gas flow proportional counters, fast-slow neutron survey meters, multirange ionization meters, air samplers and a velometer. This portable instrumentation was designed to support field inspection activities and to answer instrumentation requirements for radiation emergencies.

Laboratory type instrumentation has been ordered which will provide identification of radioactive materials and precise measurements of activity. The laboratory instrumentation is being developed around a flexible system which will provide inputs from various types of radiation detectors, such as solid state, scintillation, gas flow, and proportional counters. The system will provide spectral means of identification and a multichannel analyzer will be an integral part of this system. Data output will be in a form compatible with existing electronic data processing systems for the purpose of providing accurate and rapid analysis. Laboratory services may be contracted with commercial companies whenever necessary, to perform analyses which require instrumentation not available to the Division.

Complete nuclear facilities are available at all times to the Division of Radiation Control at the Louisiana State University Nuclear Science Center. An arrangement has been made with Director of the LSU Nuclear Science Center to assist the Division of Radiation Control by making available their complete laboratory facilities. The Nuclear Science Center can provide complete nuclear laboratory support, including radiochemical hoods, high activity storage facilities, spectrum analysis, calibration and additional instrumentation. The personnel of the LSU Nuclear Science Center is available to assist the Division of Radiation Control whenever an emergency arises.

FINANCIAL SUPPORT

The State of Louisiana has provided the Board of Nuclear Energy and the Division of Radiation Control with ample funds to implement a comprehensive radiological health regulatory program in the 1964–65 fiscal year and the 1965–66 fiscal year. The State of Louisiana has fully supported the policies and programs of the Board of Nuclear Energy and the Division of Radiation Control, and there is every reason to expect continued support of this program in line with the State's policy to protect the health and welfare of its people. Fiscal year 1966–67 will terminate the organizational phase of the Division and a normal operational level will be established.

[F.R. Doc. 66–7554; Filed, July 11, 1966; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

ALASKA AIRLINES, INC.

Notice of Proposed Approval

Application of Alaska Airlines, Inc., for approval of lease transaction pursuant to section 408 of the Federal Aviation Act of 1958, as amended.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., July 14, 1966.

J. W. ROSENTHAL,
Director,
Bureau of Operating Rights.

Application of Alaska Airlines, Inc., for exemption pursuant to section 416 of the Federal Aviation Act of 1958, as amended, or approval pursuant to section 408 thereof of an aircraft lease, Docket 17430.

ORDER APPROVING LEASE AGREEMENT

On June 22, 1966 Alaska Airlines, Inc. (Alaska), filed with the Board an application requesting an exemption pursuant to section 416(b) of the Federal Aviation Act of 1958, as amended (the Act), from the provisions of section 408 thereof, or, alternatively, approval pursuant to section 408 with respect to the lease by Alaska of one Hercules 382 aircraft to Pacific Western Airlines, Ltd. (Pacific Western), a Canadian corporation. The lease agreement, the terms of which are detailed below, is for a period of approximately 2 months beginning July 5, 1966. The aircraft is to be utilized by Pacific Western in the performance of a contract with Banff Oil Co., Ltd. (Banff), for the movement of goods and supplies of the latter.

In support of its application Alaska states that the transportation to be performed pursuant to the lease must be accomplished in the near future because of the limited season during which the transported equipment can be utilized; that it is contemplated that movement of such equipment should commence on or about July 5, 1966; that it believes that the lease with Pacific Western is fair, reasonable, advantageous, and compensatory to Alaska and will permit more complete utilization of the aircraft than otherwise could be obtained; that execution and performance of the lease will not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, will not result in creating a monopoly; and will not tend to restrain competition; and that it does not appear that there is any person who has or will disclose a substantial interest who will request, or have standing to request a hearing. Alaska further states that it appears probable that the date which will be fixed in the contract between Banff and Pacific Western for commencement of the transportation will arrive before the Board has had time the process and approve its application, with or without a hearing; and that if Alaska is unable to perform the lease, the resultant idleness of the aircraft would constitute an undue burden on Alaska and would not be in the public interest.

No objections to the application have been received.

A threshold jurisdictional question is posed by the subject application; i.e., whether the agreement is one involving a series of charter flights within the meaning of section 401 of the Act, or one involving a lease of aircraft within the meaning of section 408.

Provisions of the agreement which indicate that it is an arrangement for a series of charter flights are: (1) Alaska shall furnish the flight crews and "actual operation of the leased property shall be performed by Lessor's operational personnel"; (2) Alaska bears the expense of maintenance personnel and equipment necessary for maintenance; (3) Alaska assumes the risk of damage to, or loss or destruction of, the aircraft; and (4) operations shall be in accordance with Alaska's flight manual.

On the other hand, the following provisions indicate that the agreement is for the lease of aircraft: (1) The contract contains no restriction as to Pacific Western's use of the aircraft except that it must be based in Canada (there is no provision requiring its use on certain routes for a specified number of flights as is the usual case in "wet leases"); (2) Pacific Western is to bear all fuel and oil costs; (3) Pacific Western shall have sole and exclusive direction as to use of the aircraft; (4) Pacific Western is to furnish maintenance personnel and equipment for maintenance, although at Alaska's expense, and maintenance shall be made under the direction of Alaska's personnel; and (5) Pacific Western shall, at its sole cost and expense, comply with all laws, regulations and requirements of any foreign country in which the aircraft will be operated and shall obtain and keep all permits, licenses, certificates and approvals required in connection with operations conducted with the aircraft.

Upon consideration of the foregoing, we conclude that Alaska will, under the agreement, surrender such dominion and control over the aircraft as to constitute the arrangement as a true lease within the meaning of section 408 of the Act.

It is noted that the applicant requests approval of the lease before July 5, 1966, or "if such approval cannot be granted before that date," that Alaska be exempted from section 408. In this instance it is not Alaska which is subject to section 408, but Pacific Western in this transaction, and it, of course, cannot be given an exemption since it is not an air carrier. Therefore, the subject application will be treated as seeking relief under section 408 of the Act.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408 of the Act.

Upon consideration of the application, it is concluded that jurisdiction under section 408 exists since Pacific Western, a person engaged in a phase of aeronautics, will lease a substantial portion of the assets of Alaska, an air carrier. However, it has been further concluded that such lease does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and does not restrain competition or jeopardize another air carrier not a party to the transaction. Furthermore, no person disclosing a substantial interest is currently requesting a hearing and it is found that the public interest does not require a hearing. The control relationships are similar to those approved in Order E-23861, issued June 27, 1966, and essentially do not present any new substantive issues. Accordingly, approval thereof would not appear to be inconsistent with the public interest. Moreover, it appears that the lease will permit Alaska to achieve greater utilization of its aircraft than otherwise would be obtained.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13, it is found that the foregoing transaction should be approved under section 408(b) of the Act, without a hearing.

Accordingly, it is ordered:

1. That the transaction between Alaska and Pacific Western be and it hereby is approved under section 408 of the Act;

2. That this action shall not be deemed an approval for rate-making purposes of the financial provisions of the transaction;

3. That to the extent not granted, Alaska's application be and it hereby is dismissed; and

4. That this order may be amended or revoked at any time in the discretion of the Board without hearing.

Persons entitled to petition the Board for review of this Order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HAROLD R. SANDERSON,
Secretary.

By J. W. Rosenthal,
Director,
Bureau of Operating Rights.

[F.R. Doc. 66-7817; Filed, July 18, 1966; 8:48 a.m.]

[Docket 17406; Order No. E-23942]

BUKER AIRWAYS, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of July 1966.

By petition, filed on June 14, 1966, Buker Airways, Inc., requests the Board to establish a final service mail rate for the transportation of mail by aircraft between Springfield, Vt., and Boston, Mass.

Petitioner states it is presently providing regularly scheduled service between the above-named points as an air taxi operator. It proposes to transport mail between these points at a rate of ($0.09) nine cents per pound. As described in the petition, Buker proposes to pick up postal matter at the Springfield Post Office and transport it on its regularly scheduled flight leaving Springfield at 1900 hours and arriving at Boston at 1945 hours. Buker will make delivery to the appointed airline transfer points or the Airport Mail Facility at Logan Airport within 45 minutes of arrival. Mail will be carried from Boston to Springfield on the return flight departing at 1200 hours from Logan Airport.

In support of its petition, Buker alleges there is presently no mail service by air between the above-named points. The petition states further that Springfield is a major machine tool manufacturing area contributing a great deal to the national defense and economy, and that it would be in the public interest to establish the requested rate.

In its answer, the Post Office Department states that the services proposed by Buker in its application will afford the Department increased flexibility in the transportation of mail and greatly improve mail service between Springfield and Boston, and points beyond. The Department also supports the proposed rate of 9 cents per pound for postal matter transported, stating it believed this to be a fair and reasonable rate of compensation to be paid to Buker Airways for the transportation of mail by aircraft between Springfield and Boston, the facilities used and useful therefor, and the services connected therewith.

Under these circumstances, the Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Buker Airways, Inc., by the Postmaster General for the transportation of all classes of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the petition and other matters officially noticed, the Board proposes to issue an order to include the following findings and conclusions:

1. That the fair and reasonable final service mail rate to be paid to Buker Airways, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Springfield, Vt., and Boston, Mass., shall be nine cents per pound;

2. This rate shall apply to the described mail services of Buker Airways, Inc., to the extent it is authorized to engage in air transportation and to provide such mail services as an air taxi operator pursuant to the provisions of Part 298 of the Board's Economic Regulations; and

3. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and pursuant to regulations promulgated in 14 CFR Part 302,

It is ordered, That:

1. All interested persons and particularly Buker Airways, Inc., and the Postmaster General are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine and publish the final rate specified above as the fair and reasonable rate of compensation to be paid to Buker Airways, Inc., for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rate or to the other findings and conclusions proposed herein notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days, after the date of service of this order;

3. If notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days, after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein.

4. If answer is filed presenting issues for hearing the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Buker Airways, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-7818; Filed, July 18, 1966; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16258; FCC 66M-960]

AMERICAN TELEPHONE & TELEGRAPH CO. ET AL.

Memorandum Opinion and Order

In the matter of American Telephone & Telegraph Co. and the Associated Bell System Cos., Docket No. 16258; charges for interstate and foreign communication service.

1. By petition, filed July 5, 1966, the Bell System Respondents request clarification of the memorandum opinion and order of this Committee of June 17, 1966 (FCC 66M-850), and an extension of time within which to submit certain additional evidence.

2. Our order of June 17, 1966, provided that Respondents shall submit their complete justification for inclusion in the rate base of claimed amounts of

"telephone plant under construction, cash working capital, and material and supplies," as well as "the reasonableness of all other items of rate base" claimed in their presentation with respect to Phase 1. The quoted language was specified in paragraph 3 of the Commission's opinion and order of October 27, 1965, which instituted this proceeding. That same paragraph pointed out that the Commission, in effect, excluded the items of telephone plant under construction, cash working capital and material and supplies in determining Respondents revenue requirements in the Private Line Case, 34 FCC 217. Accordingly, the expectation was expressed that Respondents would justify the inclusion of these items.

3. The subsequent memorandum opinion and order of December 22, 1965 (FCC 65–1143), specified a two-phase procedure, under which Respondents were to present, in Phase 1, their total interstate and foreign operating results for the most recent 12 months (par. 3). It was further stated that following cross-examination and presentation of evidence by other parties and the Commission Staff, consideration would be given to possible interim actions, accepting for this purpose Respondents' claimed net investment as derived from their books, without adjustment. It was thereupon ordered that following completion of the receipt of evidence in Phase 1, consideration would be given to what action, if any, may be taken by the Commission to effect interim rate adjustments as may be warranted "on the basis of the record thus far made."

4. Respondents evidence on Phase 1, originally scheduled for April 4, 1966, was filed in part on May 31, 1966, and at the request of Respondents, the time for filing the remainder, dealing with ratemaking principles was deferred to July 29, 1966. In view of the fact that Respondents had claimed, in their presentation, amounts representing plant under construction, cash working capital and material and supplies, items which we have consistently disallowed since the Private Line Case, supra, but failed to submit any justification therefor, and in view of the delay caused by Respondents' requests, we issued our order of June 17, 1966, to which the petition is directed.

5. Respondents now contend that the June 17, 1966, order represents a substantial departure from the procedures previously specified by the Commission. They state, nevertheless, that they are willing to cooperate, provided they may have an extension of time to September 15, 1966, within which to prepare and submit their justification with respect to cash working capital, material and supplies, and plant under construction. While we do not necessarily agree that this represents an enlargement of Phase 1 under the circumstances of the orders, we shall, nevertheless, grant the requested delay as we believe this can be done without jeopardizing the overall time schedule of the proceeding.

6. Respondents contend, further, that the requirement with respect to "all other items of rate base claimed" needs clarification, pointing to the relation to other specified issues in Phase 2, such as Separations, and Western Electric prices, which could affect net investment. We did not intend such a result, nor find it a necessary construction of the order. In order that there be no misunderstanding, however, we shall appropriately limit the language.

7. With regard to the issues of ratemaking principles and factors, Respondents will not file their evidence until July 29, 1966. It is accordingly not possible to gauge at this time either the nature or complexity of the testimony and studies to be introduced, and we make no provision at this time either for notification of witnesses and subjects, and filing of testimony on those issues by the Commission Staff and other parties, or for the cross-examination of Respondents' witnesses on those subjects.

8. Consideration has also been given to other procedural dates which should be specified and are established herein.

Accordingly, it is ordered, This 12th day of July 1966, that:

1. Respondents evidence in justification for the inclusion in their rate base of claimed amounts of telephone plant under construction, cash working capital, and material and supplies, shall be filed and distributed on or before September 15, 1966, rather than July 29, 1966.

2. There is deleted from the ordering paragraph of the order of June 17, 1966, the words "as well as the reasonableness of all other items of rate base."

And it is further ordered, That:

1. An oral hearing shall be held beginning on September 26, 1966, for cross-examination of Respondents witnesses with respect to the evidence relating to telephone plant under construction, cash working capital, and material and supplies, together with any other of Respondents witnesses who may not have been reached for cross-examination at the hearings beginning July 18, 1966 (but excluding those filing evidence on July 29, 1966, on rate-making principles and factors).

2. On or before September 23, 1966, the Commission staff and parties other than Respondents, shall notify the Telephone Committee, the Cooperating Commissioners, the Hearing Examiner, and all parties of record, of the names of witnesses and subject matter of their testimony with regard to any evidence filed and distributed by Respondents subsequent to May 31, 1966, except with respect to rate-making principles and factors.

3. On or before October 17, 1966, the Commission staff and all other parties shall file and distribute their testimony dealing with net investment, operating results, and any other issue (except rate-making principles and factors) in Phase 1, not theretofore dealt with.

4. On November 7, 1966, there be an oral hearing for the purpose of cross-examination of the witnesses of the Commission staff and other parties submitting evidence as provided above.

Released: July 13, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66–7821; Filed, July 18, 1966; 8:48 a.m.]

[Docket No. 16258; FCC 66M–965]

AMERICAN TELEPHONE & TELEGRAPH CO. ET AL.

Order Following Further Prehearing Conference

In the matter of American Telephone & Telegraph Co. and the Associated Bell Systems Cos., Docket No. 16258; charges for interstate and foreign communication service.

Pursuant to the Telephone Committee's order of April 21, 1966 (FCC 66M–571), a further prehearing conference was convened herein on July 11, 1966, for the purpose of endeavoring to narrow the issues to be decided, to eliminate or reduce evidentiary presentations on issues as to which there is no serious dispute, and to reduce the number of witnesses required, insofar as this proceeding deals with the matter of establishing principles and procedures to be employed by respondents to separate their investments, reserves, expenses, taxes and revenues, between interstate and foreign communication services, on the one hand, and intrastate communication services, on the other hand. Pursuant to the direction of the Telephone Committee, the parties present at the conference organized themselves into a Technical Experts Group consisting of representatives of the Federal Communications Commission staff and representatives from among those who filed specific proposals in response to our order of April 21, 1966.

Following a recess of the conference on July 11, 1966, the Technical Experts Group held informal sessions and reported back to the reconvened conference on the afternoon of July 12, 1966. The Technical Experts Group then indicated on the record that it would continue to carry on its work, holding informal meetings at the convenience of the participants, with the objective of achieving a final position by October 3, 1966, which would be supported by the serving and filing of related supporting testimony and exhibits by October 17, 1966.

To the extent feasible, the Telephone Committee and the Commission's staff will render such assistance to the Technical Experts Group as may be required to achieve an efficient and expeditious resolution of their endeavors. The meetings of the Technical Experts Group will be open to all, but participation will be limited to those who have submitted written proposals on the separations issue.

The Technical Experts Group shall give reasonable advance notice to all parties to this proceeding of the time and place of any meetings which it plans to hold.

So ordered this 13th day of July 1966.

Released: July 14, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-7822; Filed, July 18, 1966; 8:48 a.m.]

[Docket Nos. 16745-16748; FCC 66M-967]

McCULLOCH COUNTY TRANSLATOR CO-OP ET AL.

Order Scheduling Hearing

In re applications of McCulloch County Translator Co-op, Brady, Tex., Docket No. 16745, File No. BPTT-1349; McCulloch County Translator Co-op, Brady, Tex., Docket No. 16746, File No. BPTT-1350; McCulloch County Translator Co-op, Brady, Tex., Docket No. 16747, File No. BPTT-1351; McCulloch County Translator Co-op, Brady, Tex., Docket No. 16748, File No. BPTT-1352; for construction permits for new UHF television broadcast translator stations.

It is ordered, This 13th day of July 1966, that David I. Kraushaar shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on September 12, 1966, at 10 a.m.; and that a prehearing conference shall be held on July 29, 1966, commencing at 9 a.m.: *And it is further ordered,* That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: July 14, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-7823; Filed, July 18, 1966; 8:48 a.m.]

[Docket Nos. 16735, 16736; FCC 66M-972]

TVUE ASSOCIATES, INC., AND GALVESTON TELEVISION, INC.

Postponement of Prehearing Conference

In re applications of TVUE Associates, Inc., Galveston, Tex., Docket No. 16735, File No. BPCT-3690; Galveston Television, Inc., Galveston, Tex., Docket No. 16736, File No. BPCT-3747; for construction permits for new television broadcast station (Channel 16).

The Hearing Examiner having under consideration a "Motion for Continuance" filed July 13, 1966, by counsel for TVUE Associates, Inc., requesting that the prehearing conference heretofore scheduled for July 21, 1966, be postponed until July 28, 1966;

It appearing, that the previously planned absence of movant's counsel from Washington on the first scheduled date is the ground for the motion, that counsel for all other parties have informally indicated their consent to a grant of the motion and waiver of the "4-day" rule otherwise applicable to ruling on the motion, and that "good cause" for affording the relief sought has been shown;

Accordingly, it is ordered, This 14th day of July 1966, that the "Motion for Continuance" filed by counsel for TVUE Associates, Inc., on July 13, 1966, is granted, and the prehearing conference heretofore scheduled for July 21 is postponed to July 28, 1966, at 9 a.m., in the offices of the Commission, Washington, D.C., with the scheduled hearing date being unaffected by this order.

Released: July 14, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-7824; Filed, July 18, 1966; 8:48 a.m.]

[Docket Nos. 16712, 16713; FCC 66M-971]

TREND RADIO, INC., AND JAMES BROADCASTING CO., INC.

Order Continuing Hearing

In re applications of Trend Radio, Inc., Jamestown, N.Y., Docket No. 16712, File No. BPCT-3665; James Broadcasting Co., Inc., Jamestown, N.Y., Docket No. 16713, File No. BPCT-3694; for construction permits for new television broadcast station.

A prehearing conference having been held on July 14, 1966, at which certain agreements were reached and certain rulings were made;

It is ordered, This 14th day of July 1966, that:

(1) The applicants' direct affirmative cases will be presented primarily in the form of sworn, written exhibits, but such cases may be supplemented by oral testimony;

(2) On or before October 3, 1966, the applicants shall exchange copies of their exhibits, together with a list of the witnesses who will testify orally and a brief statement as to the scope of the testimony of each witness;

(3) Any party desiring the production of any individual for cross-examination shall give notification thereof on or before October 17, 1966; and,

(4) The hearing now scheduled to commence on September 12, 1966, is continued to October 24, 1966, commencing at 10 a.m. in the offices of the Commission at Washington, D.C.

Released: July 14, 1966.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-7825; Filed, July 18, 1966; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 66-36]

OUTWARD CONTINENTAL NORTH PACIFIC FREIGHT CONFERENCE

Notice of Postponement of Dates

Admission, withdrawal and expulsion. Self-policing reports. Shippers' requests and complaints.

Respondent Outward Continental North Pacific Freight Conference has requested a postponement of the date for filing affidavits of fact and memoranda of law specified in the order to show cause, served June 6, 1966. Good cause appearing, the following revisions to that order are made:

(1) Respondents shall file affidavits of fact and memoranda of law no later than the close of business September 8, 1966.

(2) Hearing Counsel and intervenors, if any, shall file replies to respondent's affidavits of fact and memoranda of law no later than close of business September 26, 1966.

(3) 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(1) (46 CFR 502.72) of the Commission's rules of practice and procedure, no later than close of business July 30, 1966, with copy to Respondent Conference.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 66-7810; Filed, July 18, 1966; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Project 1922]

CITY OF KETCHIKAN, ALASKA

Notice of Application for Amendment of License To Increase Existing Project Generation System

JULY 12, 1966.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by city of Ketchikan, Alaska (correspondence to: Elmer B. Titus, Manager, Ketchikan Public Utilities, Post Office Box 1019, Ketchikan, Alaska 99901), for amendment of the license for constructed Project No. 1922, known as the Beaver Falls Project, located on Beaver Falls Creek, and Upper and Lower Silvis Lakes, in the First Judicial Division, Alaska, near the city of Ketchikan, and affecting lands of the United States within the Tongass National Forest.

The application covers proposed changes in the project works designed to increase the Beaver Falls Project generation system, consisting of: (1) Replacement of the existing deteriorated dam (crest elevation, 1,128 feet) at Upper Silvis Lake with (a) a concrete-

faced, rock-filled dam, 60 feet high and 136 feet long (crest elevation, 1,164 feet) and (b) a concrete-faced, rock-filled saddle spillway 72 feet long (crest elevation, 1,154 feet); (2) a reservoir at elevation 1,154 feet (26 feet above existing lake level) extending upstream about 1.25 miles with (a) surface area of about 300 acres, (b) usable storage of about 22,000 acre-feet at 100 feet of drawdown; (3) a reconstructed intake gatehouse to accommodate the raised lake level; (4) a 36-inch diameter steel penstock about 360 feet long from the lower portal of the Upper Silvis Lake tunnel to the proposed powerhouse; (5) a powerhouse at the upper end of Lower Silvis Lake to contain a 2,100 kw generating unit; (6) a Silvis substation with 2,500 kva 4.16/33 kv transformer, and the replacement of the existing Ketchikan substation 1,500 kva transformer with a new 5,000 kva 34.5/4.16 kv transformer; (7) a 4.1-kv transmission line about 180 feet long from the Silvis powerhouse to the Silvis substation and a 33 kv transmission line about 10,500 feet long from the Silvis substation to the Beaver Falls substation; (8) a reconductored Beaver Falls-Ketchikan 34.5 kv transmission line 11.41 miles long; and (9) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is September 6, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-7783; Filed, July 18, 1966; 8:45 a.m.]

[Docket Nos. CP61-143, CP61-149]

COLORADO INTERSTATE GAS CO. AND NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Petitions To Amend

JULY 12, 1966.

Take notice that on June 24, 1966, Colorado Interstate Gas Co. (Colorado), Post Office Box 1087, Colorado Springs, Colo. 80901, and Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Ill. 60603, collectively referred to as Petitioners, filed in Docket Nos. CP61-143 and CP61-149, respectively (CP61-143, et al.), petitions to amend the order issued in said dockets on January 3, 1963, and amended on December 30, 1963, June 2, 1964, and May 25, 1965, requesting that authorization for the exchange of natural gas among Petitioners and Arkansas Louisiana Gas Co. (Arkansas) be extended to May 1, 1967, and requesting a change in the presently authorized point of delivery for the gas received by Natural from Colorado, all as more fully set forth in the petitions to amend which are on file with the Commission and open to public inspection.

By its order issued in the instant proceeding, as amended, the Commission issued to Petitioners certificates of public convenience and necessity authorizing the construction and operation of facilities for the exchange of up to 35,000 Mcf of gas per day among Petitioners and Arkansas, limited in duration to a period ending May 1, 1966.

Petitioners state that by letter agreement dated April 22, 1966, Colorado and Arkansas have amended the exchange agreement to extend the term thereof to May 1, 1967. Petitioners further state that the exchange agreement has also been amended to change the point of delivery of exchange gas to be delivered to Natural by Colorado from the previous location at Natural's Compressor Station No. 101, Texas County, Okla., to a new point of delivery in Beaver County, Okla., at which point Colorado will sell and deliver natural gas to Natural, pursuant to Colorado's rate schedule H-1. Authorization for the required facilities was issued June 13, 1966, to Colorado and Natural by orders issued in Docket Nos. CP66-316 and CP66-318, respectively.

The petition to amend states that the delivery of the exchange gas by Natural to Arkansas, for the account of Colorado will continue to be made at the existing point of delivery in Grady County, Okla.

On June 17, 1966, Arkansas filed in Docket No. CP61-163 (CP61-143), et al.) a complementary petition to amend (notice of petition to amend issued by the Commission on June 27, 1966) requesting that authorization of its aforementioned purchase of gas from Colorado be extended to 12:01 a.m., May 1, 1967, that the daily average deliveries of gas pursuant to the subject order be increased to 18,000 Mcf, that the daily minimum deliveries be increased to 10,000 Mcf and that the sales price of gas delivered to it by Colorado be increased to 18 cents per Mcf for all gas delivered after May 1, 1966. Colorado states in the instant petition that its applicable rate schedule has been revised (Revised Rate Schedule X-12) and filed concurrently herewith, which revised rate schedule calls for a price of 18 cents per Mcf for gas sold by Colorado to Arkansas. The gas sold by Colorado is delivered to Natural and redelivered by Natural to Arkansas pursuant to Colorado's Rate Schedule X-14. Colorado states that changes in said rate schedule have been filed with the Commission.

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 August 8, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-7784; Filed, July 18, 1966; 8:45 a.m.]

[Docket No. CP67-1]

LONE STAR GAS CO.

Notice of Application

JULY 12, 1966.

Take notice that on July 1, 1966, Lone Star Gas Co. (Applicant), 301 South Harwood Street, Dallas, Tex. 75201, filed in Docket No. CP67-1 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the operation of certain natural gas facilities for the transportation of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the facilities proposed for abandonment are various lateral supply pipelines and related facilities extending from its existing pipeline system to a single well or to a single point in the area of production. Applicant further states that said lines and facilities, located on portions of its system operated for the transportation of natural gas in interstate commerce, are no longer needed or required to transport gas into Applicant's system because the available supplies of natural gas have become depleted to the extent that the continuation of service therefrom is unwarranted and uneconomical.

Specifically, Applicant seeks permission and approval to abandon the operation of the following pipelines and appurtenant facilities:

(1) 3,337 feet of 4-inch Line FX-397 by removal and salvage;

(2) 81 feet of 3-inch Line FX-399-T by removal and salvage;

(3) 1,490 feet of 4-inch Line FX-422-T by lease to Twin Gas Co. for use as a gathering facility;

(4) 343 feet of 4-inch Line FX-431-T by removal and salvage;

(5) 8,842 feet of 6-inch Line GM, 7,400 feet of which by removal and salvage and 1,422 feet of which by lease to Twin Gas Co. for use as a gathering facility;

(6) 6,683 feet of 6-inch Line FX-424-T by removal and salvage;

(7) 319 feet of 3-inch Line FX-483-T by removal and salvage;

(8) 3,014 feet of 4-inch Line FX-471-T by removal and salvage;

(9) 22 feet of 2-inch Line FX-498-T by removal and salvage;

(10) 433 feet of 2-inch Line CT-858-T by removal and salvage;

(11) 7,669 feet of 6-inch Line TG by removal and salvage, and

(12) 5,975 feet of 6-inch Line TJ by removal and salvage.

The application states that the proposed abandonment would not result in the abandonment or any diminution of natural gas service to any city, town, community or customer or lessen the service presently being rendered by Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regu-

lations under the Natural Gas Act (§ 157.10) on or before August 8, 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 permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-7785; Filed, July 18, 1966; 8:45 a.m.]

[Docket Nos. G-17715, G-20239]

NATURAL GAS AND OIL CORP.

Order Substituting Respondent, Redesignating Proceedings, and Accepting Agreements and Undertakings for Filing

JULY 12, 1966.

By order issued June 27, 1966, in Docket No. CI60-142, et al., the Commission issued certificates of public convenience and necessity to Natural Gas & Oil Corp. (Natural) in Docket Nos. CI66-1057, CI66-1058, and CI66-1060 authorizing Natural to continue the sales and deliveries of natural gas in interstate commerce theretofore made by Mississippi River Corp. (Mississippi) pursuant to Mississippi's FPC Gas Rate Schedule Nos. 8, 9, and 11, respectively, which have been redesignated as Natural's FPC Gas Rate Schedule Nos. 2, 3, and 5, respectively. The presently effective rates under Natural's FPC Gas Rate Schedule Nos. 2 and 3 are in effect subject to refund in Docket No. G-20239 and the presently effective rate under Natural's FPC Gas Rate Schedule No. 5 is in effect subject to refund in Docket No. G-17715. Natural has submitted agreements and undertakings in Docket Nos. G-17715 and G-20239 to assure the refund of any amounts collected in excess of the amounts determined to be just and reasonable in said proceedings.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Natural should be substituted in lieu of Mississippi as respondent in the proceedings pending in Docket Nos. G-17715 and G-20239, that the proceedings should be redesignated accordingly, and that the agreements and undertakings submitted by Natural should be accepted for filing.

The Commission orders:

(A) Natural is substituted in lieu of Mississippi as respondent in the proceedings pending in Docket Nos. G-17715 and G-20239, the proceedings are redesignated accordingly, and the agreements and undertakings submitted by Natural in said proceedings are accepted for filing.

(B) Natural shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the Regulations thereunder, and the agreements and undertakings filed by Natural in Docket Nos. G-17715 and G-20239 shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-7786; Filed, July 18, 1966; 8:45 a.m.]

[Docket No. CP66-428]

SHENANDOAH GAS CO.

Notice of Application

JULY 12, 1966.

Take notice that on June 28, 1966, Shenandoah Gas Co. (Applicant), 1100 H Street NW., Washington, D.C. 20005, filed in Docket No. CP66-428 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 enable Applicant to transport natural gas to certain proposed distribution facilities in New Market, Va., and for the operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has been requested to render natural gas service at retail to ultimate consumers in the town of New Market, Va. New Market is located within Applicant's existing franchise area in Shenandoah County at the intersection of U.S. Route No. 11 and Virginia Route No. 260.

Applicant proposes to transport natural gas to the New Market area by means of a lateral pipeline connecting directly with the 24-inch pipeline of its supplier, Atlantic Seaboard Corp. (Seaboard).

Applicant requests authorization for the construction and operation of approximately 7,250 feet of 2.375-inch O.D. steel pipeline extending along Virginia Route 260 between Seaboard's 24-inch pipeline to a distribution regulator to be located within the town of New Market, together with certain metering and odorizing facilities. Applicant also proposes to construct a distribution system consisting of a regulator station, distribution mains, customers' service pipes, meters, and regulators to render natural gas service at retail in New Market and its environs.

The total estimated volumes of natural gas involved to meet Applicant's annual and peak day requirements for the New Market, Va., area for the first 3 years of proposed operations are stated to be:

	First year	Second year	Third year
Annual (Mcf)	12,720	15,110	18,290
Peak day (Mcf)	138.6	156.3	182.7

Applicant states that it purchases all of its natural gas from Seaboard under the latter's FPC Tariff, Eighth Revised Volume No. 1. Applicant further states that the facilities required for service to New Market included in the instant application do not involve any sales for resale.

The total estimated cost of Applicant's proposed facilities for which a certificate of public convenience and necessity is requested is $26,975; the estimated cost of the distribution system for serving the New Market area is $102,435; and the combined cost of the proposed transmission and distribution facilities is $129,410. Applicant states that the funds required for the construction of such proposed facilities will be furnished to Applicant by its parent, Washington Gas Light Co., through open account advances.

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 August 8, 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. 66-7787; Filed, July 18, 1966; 8:45 a.m.]

[Docket No. CP66-429]

ST. JOSEPH LIGHT & POWER CO. AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

JULY 12, 1966.

Take notice that on June 30, 1966, St. Joseph Light & Power Co. (Applicant), 520 Francis Street, St. Joseph, Mo. 64502,

filed in Docket No. CP66–429 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Michigan Wisconsin Pipe Line 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 volumes of natural gas for resale and distribution in the Village of Bigelow, Holt County, Mo., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The Village of Bigelow, Mo., is located approximately 3 miles from Mound City, Mo., and has a population of approximately 100. Applicant states that there are 35 residences and 7 commercial establishments now located in Bigelow.

The application states that Respondent's lateral pipeline for service to Forest City and Oregon, Mo., will come within 1,000 feet of the corporate limits of Bigelow. The application further states that no additional lateral or metering equipment will be required of Respondent.

Applicant proposes to construct a welded steel, coated and wrapped distribution system to provide natural gas service to the residences and commercial establishments of Bigelow for cooking, water heating, clothes drying, space heating, and other associated uses.

The total estimated volumes of natural gas necessary to meet Applicant's annual and peak day requirements for the initial 3-year period of proposed operations are stated to be:

	First year	Second year	Third year
Annual (Mcf)	3,800	4,500	5,100
Peak day (Mcf)	38	46	51

The total estimated cost of Applicant's proposed facilities is stated to be $16,850, which cost wil be financed by internally generated funds.

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 August 8, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66–7788; Filed, July 18, 1966; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FIRST NATIONAL CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (section 3(a)(3) of the Act, as amended by Public Law 89–485, which became effective July 1, 1966), by First National Corp., which is a bank holding company located in Appleton, Wis., for the prior approval of the Board of the acquisition by Applicant of 14,500 of the 15,000 voting shares of First National Bank West, Grand Chute, Wis., a proposed new bank.

Section 3(c) of the Act, as amended, provides that:

The Board shall not approve—

(1) Any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Dated at Washington, D.C., this 13th day of July 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 66–7789; Filed, July 18, 1966; 8:45 a.m.]

FIRST VIRGINIA CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (sec. 3(a)(3) of the Act, as amended by Public Law 89–485, which became effective July 1, 1966), by the first Virginia Corp., which is a bank holding company located in Arlington, Va., for the prior approval of the Board of the acquisition by Applicant of 80 percent or more of the voting shares of the Staunton Industrial Bank, Staunton, Va.

Section 3(c) of the Act, as amended, provides that:

The Board shall not approve—

(1) Any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Dated at Washington, D.C., this 12th day of July 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 66–7790; Filed, July 18, 1966; 8:45 a.m.]

OFFICE OF EMERGENCY PLANNING

NORTH DAKOTA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85–763, and Public Law 87–296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855–1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter dated July 9, 1966, reading in part as follows:

I have determined that the damage in various areas of the State of North Dakota adversely affected by severe storms and flooding on or about June 24, 1966, is of sufficient severity and magnitude to warrant assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of North Dakota to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 9, 1966:

The counties of:

Grant.	Mercer.
Hettinger.	Morton.
McHenry.	Oliver.
McLean.	Stark.

Dated: July 12, 1966.

FARRIS BRYANT,
Director,
Office of Emergency Planning.

[F.R. Doc. 66–7811; Filed, July 18, 1966; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2576, etc.]

ADMIRAL CORP. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 13, 1966.

In the matter of applications of the Cincinnati Stock Exchange, for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Admiral Corp	File 7-2576
Fairchild Camera & Instrument Corp	File 7-2577
The Wurlitzer Co	File 7-2578
International Harvester Co	File 7-2579
Olin Mathieson Chemical Corp	File 7-2580

Upon receipt of a request, on or before July 29, 1966, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVIL L. DUBOIS,
Secretary.

[F.R. Doc. 66-7812; Filed, July 18, 1966; 8:47 a.m.]

[File No. 70-4398]

CONNECTICUT LIGHT & POWER CO. ET AL.

Notice of Proposed Acquisition of Stock of Public-Utility Company by Subsidiary Companies of a Registered Holding Company

JULY 13, 1966.

In the matter of the Connecticut Light & Power Co., the Hartford Electric Light Co., Western Massachusetts Electric Co., 1 Constitution Plaza, Hartford, Conn. 06103; File No. 70-4398.

Notice is hereby given that the Connecticut Light & Power Co. ("CL&P"), the Hartford Electric Light Co. ("Hartford") and Western Massachusetts Electric Co. ("WMECO"), all public-utility subsidiary companies of Northeast Utilities (formerly named Western Massachusetts Cos.), a registered holding company, have filed a joint application pursuant to the Public Utility Holding Company Act of 1935 ("Act") with respect to the acquisition of shares of common stock of Connecticut Yankee Atomic Power Co. ("Connecticut Yankee"), and have designated sections 9(a) and 10 of the Act as applicable to the proposed transactions. All interested persons are referred to the said joint application, which is summarized below, for a complete statement of the proposed transactions.

Connecticut Yankee is a electric utility company and an indirect subsidiary company of Northeast Utilities and New England Electric System, also a registered holding company. Connecticut Yankee is presently constructing a single-unit nuclear powered electric generating plant at Haddam, Conn., to supply electric energy to eleven public-utility companies which sponsored its organization and own all of its common stock.

CL&P, Hartford, and WMECO own, respectively, 25 percent, 9.5 percent, and 9.5 percent of the outstanding 230,000 shares of common stock, par value $100 per share, of Connecticut Yankee, and each proposes to acquire, at the par value, the same percentage of an additional 120,000 shares out of a maximum of 200,000 shares which Connecticut Yankee was authorized to issue by order of the Commission dated January 6, 1965 (Holding Company Act Release No. 15172). The other sponsoring companies will also acquire additional stock so that the same relative percentage ownership by all the sponsors will continue.

It is stated that the Massachusetts Department of Public Utilities has jurisdiction over the acquisition of the common stock of Connecticut Yankee by WMECO and that its approval of such acquisition has been granted. It is further stated that no other State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Expenses in connection with the stock acquisitions are estimated at $2,000 and consist entirely of legal fees.

Notice is further given that any interested person may, not later than July 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 of law raised by the filing 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 applicants 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 said joint application, may be granted in the manner provided by 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. 66-7813; Filed, July 18, 1966; 8:47 a.m.]

[File No. 7-2581]

INTERNATIONAL HARVESTER CO.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 13, 1966.

In the matter of application of the Philadelphia-Baltimore-Washington Stock Exchange, for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

International Harvester Co., File 7-2581.

Upon receipt of a request, on or before July 29, 1966, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-7814; Filed, July 18, 1966; 8:48 a.m.]

[File No. 7-2582]

INTERNATIONAL HARVESTER CO.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 13, 1966.

In the matter of application of the Boston Stock Exchange, for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

International Harvester Co., File 7-2582.

Upon receipt of a request, on or before July 29, 1966, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-7815; Filed, July 18, 1966; 8:48 a.m.]

[File No. 7-2583]

INTERNATIONAL HARVESTER CO.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JULY 13, 1966.

In the matter of application of the Pacific Coast Stock Exchange, for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

International Harvester Co., File 7-2583.

Upon receipt of a request, on or before July 29, 1966, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-7816; Filed, July 18, 1966; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

NEW ORLEANS DISASTER OFFICE, NEW ORLEANS, LA.

Designation of Manager

Pursuant to the authority delegated to the Assistant Regional Director, New Orleans Disaster Office, by Delegation of Authority No. 30-6 (Revision 1) Southwest Area, Dallas, Tex., Disaster No. 7, the following SBA employee is designated to serve as Manager, New Orleans Disaster Office: Paul F. Kurucar.

This designation will remain in effect until revoked in writing.

Effective beginning of business July 5, 1966.

J. B. ALEXANDER, *Assistant Regional Director.*

[F.R. Doc. 66-7807; Filed, July 18, 1966; 8:47 a.m.]

NEW ORLEANS DISASTER OFFICE, NEW ORLEANS, LA.

Designation of Manager

Subject Designation, dated beginning of business June 17, 1966, naming Harvey W. Decker, as Manager, New Orleans Disaster Office, New Orleans, La., in connection with Hurricane Betsy Disaster Activities, is hereby canceled in its entirety.

Effective beginning of business July 5, 1966.

J. B. ALEXANDER, *Assistant Regional Director.*

[F.R. Doc. 66-7808; Filed, July 18, 1966; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 14, 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. 40612—*Chlorine to Houston, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8873), for interested rail carriers. Rates on chlorine, in tank carloads, from Evans City, Ala., to Houston, Tex.

Grounds for relief—Market competition.

Tariff—Supplement 83 to Southwestern Freight Bureau, agent, tariff ICC 4610.

FSA No. 40613—*Bituminous coal to points in New Jersey.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2853), for interested rail carriers. Rates on bituminous or cannel coal, as described in the application, in carloads, from mine origins in Pennsylvania, to points on the NYS&W in New Jersey.

Grounds for relief—Rate relationship and carrier competition.

Tariff—Supplement to Baltimore & Ohio Railroad Co., tariff ICC 3322.

FSA No. 40614—*Anthracite coal to points in Pennsylvania.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2854), for interested rail carriers. Rates on anthracite coal and anthracite briquettes, in carloads, from mine origins in Pennsylvania, on the LV Railroad, to points in Pennsylvania, on the PRR.

Grounds for relief—Abandonment of a portion of Lehigh Valley Railroad Co. authorized by Finance Docket No. 23698.

Tariff—Supplement 3 to Lehigh Valley Railroad Co. tariff ICC D-2506.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-7833; Filed, July 18, 1966; 8:49 a.m.]

[Notice 214]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 14, 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 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.

No. MC 29886 (Sub-No. 228 TA), filed July 11, 1966. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 400 West Sample Street, South Bend, Ind. Applicant's representative: Charles Pieroni (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Show vehicles*, from Warren, Mich., to points in the United States, except Alaska and Hawaii, for 50 days. Supporting shipper: Chrysler Corp., Post Office Box 1976, Detroit, Mich. 48231. Send protests to: District Supervisor Heber Dixon, Bureau of Operations and Compliance, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 103654 (Sub-No. 115 TA), filed July 11, 1966. Applicant: SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 1145 Homer Street, St. Paul, Minn. 55116. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wax sizing emulsion*, in bulk, in tank vehicles, from Cloquet, Minn., to port of entry on the international boundary line between the United States and Canada at or near Pigeon River, Minn., for 180 days. Supporting shipper: Wood Conversion Co., Cloquet, Minn. 55720. Send protests to: A. E. Rathert, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 109689 (Sub-No. 177 TA), filed July 11, 1966. Applicant: W. S. HATCH CO., 643 South 800 West Street, Woods Cross, Utah 84087, Mail: Post Office Box 1825, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphorite concentrates*, in bulk, from Phoston (near Keetley), Utah, to Leefe (near Sage), Wyo., for 180 days. Supporting shipper: San Francisco Chemical Co., Montpelier, Idaho 83254. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 110525 (Sub-No. 794 TA), filed July 11, 1966. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Edwin H. van Deusen (address same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials*, in bulk, in tank vehicles, from Kenton, Ohio, to points in Georgia, Illinois, Indiana, Michigan, North Carolina, Tennessee, Virginia, and Wisconsin, for 150 days. Supporting shipper: Hooker Chemical Corp., Durez Plastics Division, North Tonawanda, N.Y. Send protests to: Peter R. Guman, District Supervisor, 900 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.

No. MC 112617 (Sub-No. 237 TA), filed July 11, 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: *Chemicals*, in bulk, in tank vehicles, from the plantsite of Pennsalt Chemicals Corp., near Calvert City, Ky., to points in California, for 180 days. Supporting shipper: J. G. Robison, manager, transportation and distribution, Pennsalt Chemicals Corp., 3 Penn Center, Philadelphia, Pa. 19102. 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 114364 (Sub-No. 123 TA), filed July 11, 1966. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box 1191, Cushing, Okla. Applicant's representative: Frank Jobe (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant and warehouse sites of Fort Morgan Dressed Beef, Inc., Fort Morgan, Colo., and Sterling Colorado Beef Packers at Sterling, Colo., restricted to traffic originating at such sites, to points in Arizona, Kansas, New Mexico, Oklahoma, and Texas, for 180 days. Supporting shippers: Colorado Beef Packers, Sterling, Colo. (Garland Wilson III); Fort Morgan Dressed Beef Inc., Fort Morgan, Colo. (Fred B. Hartman). Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 115814 (Sub-No. 4 TA), filed July 11, 1966. Applicant: ROBERT M. YODER AND MARK J. SMOKER, a partnership, doing business as YODER & SMOKER, Trella Street, Belleville, Pa. Applicant's representative: Albert Houck, 5 West Market Street, Lewistown, Pa. 17044. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream mix, condensed milk and cream* in containers by refrigerated trailer, for Abbotts Dairies Division, Fairmont Foods Co., from Belleville, Pa., to Wildwood, N.J., and empty containers used in the transportation of said commodities, from Wildwood, N.J., to Belleville, Pa., for 180 days. Supporting shipper: Abbotts Dairies Division, Fairmont Foods Co., Belleville, Pa. 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 118336 (Sub-No. 1 TA), filed July 11, 1966. Applicant: W. B. GIBSON, Grantsville, W. Va. Applicant's representative: John Friedman, Charleston Traffic Service, Hurricane, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pneumatic mattresses, life preservers, liferafts* and *equipment*, from the plantsite of Rubber Fabricators, Inc., Grantsville, W. Va., to points in Georgia, Massachusetts, New York, Pennsylvania, Rhode Island, Tennessee, and Virginia; *coated cloth, cements, cardboard and wooden cartons, rubber, and various types of hardware*, from points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Virginia, to the plantsite of Rubber Fabricators, Inc., Grantsville, W. Va., for 180 days. Supporting shipper: Rubber Fabricators, Inc., Grantsville, W. Va. Send protests to: H. R. White, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 3202 Federal Office Building, Charleston, W. Va. 25301.

No. MC 119777 (Sub-No. 65 TA), filed July 11, 1966. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer 31, U.S. Highway 41 South, Madisonville, Ky. 42431. Applicant's representative: Fred F. Bradley, Suite 202–204, Court Square Office Building, 213 St. Clair Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Kokomo, Ind., to points in Tennessee and points in Kentucky, on and west of U.S. Highway 31E, except those in the commercial zone of Louisville, Ky., including Louisville, for 180 days. Supporting shipper: Robert M. Hamilton, director of transportation, Continental Steel Corp., 1109 South Main Street, Kokomo, Ind. 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 120562 (Sub-No. 2 TA), filed July 11, 1966. Applicant: O. K. TRANSFER AND STORAGE COMPANY OF LAWTON, 202 East D Avenue, Lawton, Okla. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household* goods, as defined by the Commission, between points in Oklahoma, restricted to shipments

having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments, for 180 days. Supporting shippers: Willism Sahlstrand, executive director, Northwest Consolidators, 1110 North 175th, Post Office Box 3583, Terminal Annex, Seattle, Wash. 98124; R. F. Erickson, executive vice president, Door to Door International, Inc., International Forwarders, 308 Northeast 72d Street, Seattle, Wash. 98115; Jim Yarbrough, executive vice president, Jet Forwarding, Inc., 1415 West Torrance Boulevard, Torrance, Calif.; Bonnie Lee Shepard, agency relations manager, Convan Corp., 24 Stone Street, New York, N.Y. 10004; B. A. McOsker, president, Trans Ocean Van Service, Post Office Box 7331, Long Beach, Calif. 90807; Douglas Burrell, vice president, operations, Home-Pack Transport, Inc., 57–48 49th Street, Maspeth, N.Y. 11378; Harry Freud, treasurer, Express Forwarding & Storage Co., Inc., 17 Battery Place, New York, N.Y. 10004; Davidson Forwarding Co., 3180 V Street NE., Washington, D.C. 20018. Send protests to: Ralph Benzer, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 816 T. & P. Building, Fort Worth, Tex. 76102.

No. MC 124032 (Sub-No. 4 TA), filed July 11, 1966. Applicant: REED'S FUEL COMPANY, 138 Fifth Street, Springfield, Oreg. Applicant's representative: Henry J. Camarot, Taylor Building, Springfield, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Eugene, Springfield, Cottage Grove, Culp Creek, and Vaughn, Oreg., to Coos Bay and Portland, Oreg., for 150 days. Supporting shippers: Western Distributors, Inc., Post Office Box 948, Eugene, Oreg.; Seneca Sawmill Co., Post Office Box 851, Eugene, Oreg.; Mauk Oregon Lumber Co., 33 East 10th Avenue, Eugene, Oreg.; A. R. Brooks Lumber Co., Ardel Building, Post Office Box 546, Eugene, Oreg.; Starr-Carter Lumber Sales, Post Office Box 1618, Eugene, Oreg.; Cascadian Co., Inc., Post Office Box 12, Eugene, Oreg. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 124605 (Sub-No. 2 TA), filed July 11, 1966. Applicant: HOWELL TRANSPORTATION, INC., 201 Platt Street, West Lafayette, Ohio. Applicant's representative: Richard H. Brandon, 810 Hartman Building, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap paper*, from Dunkirk, Ind., to Coshocton, Ohio, under contract with St. Regis Paper Co., for 180 days. Supporting shipper: Hunt-Crawford Division, St. Regis Paper Co., Coshocton, Ohio 43812. Send protests to: A. J. Stevens, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 236 New Post Office Building, Columbus, Ohio 43215.

No. MC 126563 (Sub-No. 4 TA), filed July 11, 1966. Applicant: S. B. PLATT III, Highway 45 North, Columbus, Miss. Applicant's representative: Rubel Phillips, First National Bank Building, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Wood chips*, in bulk, from Laurel, Miss., to Jackson, Ala., for 180 days. Supporting shippers: Allied Paper Corp., Jackson, Ala.; Andrew Gatlin Timber Co., Inc., Post Office Box 2703, Laurel, Miss. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 320 U.S. Post Office Building, Jackson, Miss. 39201.

No. MC 128351 (Sub-No. 1 TA), filed July 11, 1966. Applicant: WILLIAM MOSS, 25 West Jefferson, Winchester, Ill. 62694. Applicant's representative: Robert T. Lawley, 306–308 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, tile, clay products, and refractory cements*, from Alsey, Ill., to points in Iowa, Indiana, Kentucky, Michigan, Missouri, Nebraska, and Wisconsin, for the account of Alsey Refractories Co., for 150 days. Supporting shipper: Alsey Refractories Co., Alsey, Ill. 62610. Send protests to: Harold Jolliff, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

No. MC 128384 TA, filed July 11, 1966. Applicant: JUNIOR EVERETT DEPRIEST, doing business as JUNIOR E. DEPRIEST TRUCKING CO., Birch Tree, Mo. Applicant's representative: Richard D. Moore, 25 Court Square, Post Office Box 484, West Plains, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Finished and unfinished oak flooring*, from Birch Tree, Mo., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Ohio, Wisconsin, and Arkansas, for 180 days. Supporting shipper: Missouri Hardwood Flooring Co., Edward F. Kercher, Jr., president, 8866 Ladue Road, St. Louis, Mo. 63124. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248–B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 128385 TA, filed July 11, 1966. Applicant: LEO HULSHOF, Route No. 5, Lewisburg, Tenn. 37091. Applicant's representative: William N. Lloyd, Post Office Box 209, Lewisburg, Tenn. 37091. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough lumber*, from Lewisburg, Tenn., to Atlanta, Ga., and a 50-mile radius of High Point, N.C., and return, for 180 days. Supporting shipper: Dalton & Smith, Route No. 5, Lewisburg, Tenn. 37091. Send protests to: J. S. Gamble, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn. 37203.

No. MC 128386 TA, filed July 11, 1966. Applicant: VITO MENGA, doing business as VITO MENGA TRUCKING, 18 Granniss Road, Orange, Conn. Applicant's representative: Joseloff, Murrett & Knierim, 410 Asylum Street, Hartford, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pumice stone*, in bulk, in dump trailers, from Bridgeport, Conn., to points in Nassau, Suffolk, Rockland, Duchess, and Westchester Counties, N.Y., and Bergen, Hudson, Union, Monmouth and Passaic Counties, N.J. No compensation on return except as otherwise authorized, for 180 days. Supporting shipper: Pumice Aggregate Corp., 101 Park Avenue, New York, N.Y. 10017. Send protests to: District Supervisor David J. Kiernan, Bureau of Operations and Compliance, Interstate Commerce Commission, 324 Post Office Building, 135 High Street, Hartford, Conn. 06101.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66–7834; Filed, July 18, 1966; 8:49 a.m.]

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