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Agencies in this issue—

Agriculture Department
Agricultural Research Service
Air Force Department
Commodity Credit Corporation
Consumer and Marketing Service
Equal Employment Opportunity Commission
Federal Aviation Agency
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
Forest Service
Interstate Commerce Commission
Justice Department
Land Management Bureau
National Park Service
Securities and Exchange Commission

Detailed list of Contents appears inside.

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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Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—U.S. Standards for Grades of Pickles [1]

A proposal to revise the U.S. Standards for Grades of Pickles was published in the FEDERAL REGISTER of March 16, 1965 (30 F.R. 3444). Interested persons were given until March 16, 1966, to submit written data, views, or arguments for consideration in connection with the proposed revision.

Statement of consideration leading to the revised standards. Certain changes are made as a result of the comments of interested persons in connection with the proposal of March 16, 1965. Most important of these changes are:

(1) Slight changes in the amounts of recommended minimum quantity of pickle ingredient in relation to the amount of liquid in the container.

(2) Sizes and counts of whole cucumbers are based on the relationship of diameters to the count per U.S. gallon. This conforms more closely with commercial sizing of cucumbers by diameters instead of basing size on length.

(3) Fewer individual sizes of cucumbers are listed with provisions for "blend of sizes" and "mixed sizes".

(4) New subtypes of cured sweet pickles and relish—"mild sweet"—which contains less acid than regular sweets.

(5) Common U.S. units of weights and measures are included with equivalents in metric and Imperial systems.

Other changes include some reorganization of text and modification of wording for purposes of clarification of meaning.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following U.S. Standards for Grades of Pickles are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624).

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

The revision is as follows:

PRODUCT DESCRIPTION AND STYLES

Sec.
52.1681 Product description.
52.1682 Styles of pickles.

TYPES OF PACK

52.1683 Cured type.
52.1684 Fresh-pack type.

GRADES

52.1685 Grades of pickles.

FILL OF CONTAINER

52.1686 Recommended fill of container.
52.1687 Quantity of pickle ingredient.
52.1688 Compliance with recommended quantity of pickle ingredient.

SIZES AND COUNTS

52.1689 Sizes for whole pickles.

FACTORS OF QUALITY

52.1690 Ascertaining the grade of a sample unit.
52.1691 Ascertaining the rating for each factor.
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52.1695 Texture.

METHODS OF ANALYSIS AND DEFINITIONS

52.1696 Definitions of analytical terms.
52.1697 Definition of equalization.
52.1698 Definitions and measurement of pickles.
52.1699 Methods of determining quantity of pickle ingredient.

LOT COMPLIANCE

52.1700 Ascertaining the grade of a lot.

EXPLANATION OF WEIGHTS AND MEASURES

52.1701 Units of weights and measures.

SCORE SHEET

52.1702 Score sheet for pickles.

AUTHORITY: The provisions of this subpart issued under secs. 52.1681 to 52.1702 issued under sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

PRODUCT DESCRIPTION AND STYLES

§ 52.1681 Product description.

"Pickles" means the product prepared entirely or predominantly from cucumbers (Cucumis sativus L). Clean, sound ingredients are used which may or may not have been previously subjected to fermentation and curing in a salt brine (solution of sodium chloride NaCl). The prepared pickles are packed in a vinegar solution, to which may be added salt and other vegetable(s), nutritive sweetener(s), seasoning(s), flavoring(s), spice(s) and other ingredients permissible under the Federal Food, Drug, and Cosmetic Act. The product is packed in suitable containers and heat treated, or otherwise processed to assure preservation.

§ 52.1682 Styles of pickles.

(a) "Whole" means the cucumber ingredient is whole.

(b) "Sliced crosswise" or "crosscut" applies to cucumbers cut into slices transversely to the longitudinal axis. The cut surfaces may have flat-parallel or corrugated-parallel (waffle cut) surfaces.

(c) "Sliced lengthwise" means cut longitudinally into halves, quarters, or other triangular shapes, or otherwise into units with parallel surfaces with or without ends removed.

(d) "Cut" means cut or broken into units which may or may not be uniform in size or shape.

(e) "Relish" means finely cut or finely chopped pickles.

TYPES OF PACK

§ 52.1683 Cured type.

Pickles of cured type are cured by natural fermentation in a salt brine solution (NaCl) which may contain dill herb or other flavorings. The pickle ingredient may be partially desalted and is then processed or preserved in a vinegar solution with other ingredients of various compositions to give the characteristics of the particular type of pickle. The distinguishing characteristics of the various types of cured pickles are as follows:

(a) *Dill pickles (natural or genuine).* Dill pickles (natural or genuine) are cured in salt brine with dill herb.

(b) *Dill pickles (processed).* Dill pickles (processed) are cured pickles packed in a vinegar solution with dill flavoring(s).

(c) *Sour pickles.* Sour pickles are cured pickles packed in a vinegar solution.

(d) *Sweet pickles and mild sweet pickles.* Sweet pickles and mild sweet pickles are cured pickles packed in a vinegar solution with suitable nutritive sweetening ingredient(s).

(e) *Sour mixed pickles.* Sour mixed pickles are cured pickles packed in a vinegar solution. The pickles may be of any style or combination styles other than relish. Sour mixed pickles contain onions and cauliflower and other ingredients as outlined in Table I.

(f) *Sweet mixed pickles and mild sweet mixed pickles.* Sweet mixed pickles and mild sweet mixed pickles are cured pickles packed in a vinegar solution with suitable nutritive sweetening ingredient(s). The pickles may be of any style or combination of styles other than relish. Such pickles contain onions and cauliflower and other ingredients as outlined in Table I.

(g) *Sour mustard pickles or sour chow-chow pickles.* Sour mustard pickles or sour chow-chow pickles are cured pickles of the same styles and ingredients as sour mixed pickles, except that instead of liquid solution they are packed in a prepared mustard sauce of proper consistency. The pickle ingredients are as outlined in Table I.

(h) *Sweet mustard pickles or sweet chow-chow pickles.* Sweet mustard pickles or sweet chow-chow pickles are cured pickles of the same styles and ingredients as sweet mixed pickles, except that instead of liquid solution they are packed in a sweetened prepared mustard sauce of proper consistency. The pickle ingredients are as outlined in Table I.

(i) *Sour pickle relish.* Sour pickle relish consists of cured, finely cut or finely chopped cucumber pickles packed in a vinegar solution. Sour pickle relish may contain other finely cut or chopped vegetable ingredients as outlined in Table I.

(j) *Sweet pickle relish and mild sweet pickle relish.* Sweet pickle relish and mild sweet pickle relish consists of cured, finely cut or finely chopped cucumbers packed in a vinegar solution with suitable nutritive sweetening ingredient(s). Sweet pickle relish may contain other finely cut or chopped vegetable ingredients as outlined in Table I.

§ 52.1684 Fresh-pack type.

Pickles of fresh-pack type are prepared from uncured unfermented cucumbers and are packed in a vinegar solution with other ingredients of various compositions to give the characteristics of the particular type of pickle. They are sufficiently processed by heat to assure preservation of the product in hermetically-sealed containers. The distinguishing characteristics of the various types of fresh-pack pickles are as follows:

(a) *Fresh-pack dill pickles.* Fresh-pack dill pickles are packed in a vinegar solution with dill flavoring(s).

(b) *Fresh-pack sweetened dill pickles.* Fresh-pack sweetened dill pickles are packed in a vinegar solution with nutritive sweetening ingredient(s), and dill flavoring(s).

(c) *Fresh-pack sweetened dill relish.* Fresh-pack sweetened dill relish consists of finely cut or finely chopped cucumbers packed in a vinegar solution with suitable nutritive sweetening ingredient(s), and dill flavoring(s). The relish may contain other finely cut or finely chopped vegetable ingredients as outlined in Table I.

(d) *Fresh-pack sweet pickles and fresh-pack mild sweet pickles.* Fresh-pack sweet pickles and fresh-pack mild sweet pickles are packed in a vinegar solution with nutritive sweetening ingredient(s).

(e) *Fresh-pack sweet relish and fresh-pack mild sweet relish.* Fresh-pack sweet relish and fresh-pack mild sweet relish consists of finely cut or finely chopped cucumbers packed in a vinegar solution with suitable nutritive sweetening ingredient(s). The relish may contain other finely cut or finely chopped vegetable ingredients as outlined in Table I.

(f) *Fresh-pack dietetic pickles.* Fresh-pack dietetic pickles may be prepared in any style with or without the addition of sweetening ingredient(s), salt (NaCl), and other suitable ingredient(s) as declared and permitted under the Federal Food, Drug, and Cosmetic Act for foods purporting to be for special dietary uses.

TABLE I—PROPORTIONS OF PICKLE INGREDIENTS IN CERTAIN TYPES AND STYLES

Pickle ingredients and style	Cured type and fresh-pack type: Sour mixed; sweet mixed; sour mustard or sour chow chow; sweet mustard or sweet chow chow	Cured type and fresh-pack type: Sour relish; sweet relish; sweetened dill relish; hamburger relish; mustard relish
	Percent by weight of drained weight of product	
Cucumbers—any style other than relish.	60% to 80%	
Cucumbers—finely cut.		60% to 100%.
Cauliflower—pieces.	10% to 30%	
Cauliflower—finely cut.		10% to 30% (optional).
Onions—whole (maximum diameter of 1¼ inch).	5% to 12%	
Onions—sliced or cut.	do	
Onions—finely cut		5% to 12% (optional).
Green tomatoes—whole or pieces.	10% maximum.	
Green tomatoes—finely cut.		10% maximum (optional).
Red, green, or yellow peppers or pimientos—cut, finely cut, or pieces.	Optional	Optional.
Cabbage	do	Do.
Olives	do	Do.
Tomato paste		Required (hamburger relish).
Mustard or prepared mustard.	Required in chow chow and mustard pickles.	Required in mustard relish—optional in hamburger relish.

GRADES

§ 52.1685 Grades of pickles.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of pickles in which the cucumbers possess similar varietal characteristics; and that for the applicable type: (1) possess a good flavor; (2) possess a good color; (3) are reasonably uniform or practically uniform in size; (4) are practically free from defects; (5) possess a good texture; and (6) score not less than 90 points as outlined in this subpart.

(b) "U.S. Grade B" (or "U.S. Extra Standard") is the quality of pickles in which the cucumbers possess similar varietal characteristics; and that for the applicable type: (1) possess a reasonably good flavor; (2) possess a reasonably good color; (3) may or may not be at least reasonably uniform in size; (4) are reasonably free from defects; (5) possess a reasonably good texture; and (6) score not less than 80 points as outlined in this subpart.

(c) "Substandard" is the quality of pickles that fail to meet the requirements of U.S. Grade B.

FILL OF CONTAINER

§ 52.1686 Recommended fill of container.

It is recommended that each container be filled as full as practicable with product without impairment of quality. The pickle ingredient shall be covered or practically covered with the packing medium, and the product shall occupy not less than 90 percent of the total capacity of the container.

§ 52.1687 Quantity of pickle ingredient.

(a) The recommended minimum quantity of pickle ingredient is designated as a percentage of the declared volume of product in the container for all items except pickle relish. Minimum quantity of pickle relish is designated as a relationship of the drained weight of the pickle ingredient to the declared volume of the container (see § 52.1699). The minimum quantities of pickle ingredient recommended herein are not incorporated in the grades of the finished product, since minimum quantity, as such, is not a factor of quality for the purposes of these grades.

(1) (i) The percent volume of pickle ingredient is determined for all styles, except relish, by one of the following methods or any other method that gives equivalent results:

Method 1—Direct displacement (overflow-can method) (See § 52.1699).

Method 2—Displacement in graduated cylinder.

Method 3—Measurement of pickle liquid.

(ii) Copies of these methods and the procedure for the determination of percent weight/volume (w/v) of relish and recommended amounts for most container sizes are available upon request from:

Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

TABLE II—ALL STYLES (OTHER THAN RELISH)—RECOMMENDED PICKLE INGREDIENT

Type of Pack	Minimum Fill Percent (Volume)
Cured	55
Fresh-Pack	57

TABLE III—RELISH—RECOMMENDED DRAINED WEIGHT

Type of Pack	Minimum Percent (Weight/Volume)
Cured:	
Sweet	92
Other than sweet	88
Fresh-Pack:	
Sweet	85
Other than sweet	80

§ 52.1688 Compliance with recommended minimum quantity of pickle ingredient.

Compliance with the recommended minimum quantity of pickle ingredient is determined by averaging the values obtained from all the containers in the sample which represents a specific lot. The lot is considered as meeting the recommendations if the following criteria are met:

(a) The sample average meets the recommended minimum quantity of pickle ingredient; and

(b) There is no unreasonable shortage of pickle ingredient in any container.

SIZES AND COUNTS

§ 52.1689 Sizes for whole pickles.

Sizes of whole pickles are based on the diameter and the relationship of diameter to the count per gallon. Size designations and applicable counts and diameters are outlined in Table IV in this subpart. The diameter of a whole cucumber is the shortest diameter at the greatest circumference measured at right angles to the longitudinal axis of the cucumber.

TABLE IV—SIZES OF WHOLE PICKLES

Word designation	Count per gallon	Diameters
Midget	270 or more	¾ inch or less.
Small gherkin	135–269	Up to 1 5/16 inch.
Large gherkin	65–134	Up to 1 11/16 inches.
Small	40–64	Over 1 1/16 to 1 3/8 inches.
Medium	26–39	Over 1 3/8 to 1 1/2 inches.
Large	18–25	Over 1 1/2 to 1 3/4 inches.
Extra large	12–17	Over 1 3/4 to 2 1/8 inches.

Blend of sizes.... A combination of any two adjacent designated sizes.
Mixed sizes..... A combination of more than two adjacent designated sizes.

FACTORS OF QUALITY

§ 52.1690 Ascertaining the grade of a sample unit.

(a) *General.* The grade of a sample unit is ascertained by considering certain factors and analytical requirements which are not scored; the ratings for the factors of color, uniformity of size, defects, and texture which are scored; the total score; and the limiting rules which may apply.

(b) *Factors and analytical requirements not rated by score points.*

(1) Varietal characteristics.
(2) Acid content.
(3) Salt content.
(4) Brix value or Baumé value.
(5) Flavor (Palatability).

(c) *Factors rated by score points.* The relative importance of each factor is expressed numerically on a scale of 100. The maximum number of points that may be given each factor is:

Factors:	Points
Color	20
Uniformity of size	20
Defects	30
Texture	30
Total score	100

(d) *Flavor*—(1) *General.* In evaluating flavor for the respective types—cured and fresh-pack—consideration is given to (i) those flavor characteristics which serve to identify the type and flavor; (ii) the effects of curing, preparation, processing and storing; (iii) compliance with the requirements for acidity, salt and sweetener; and (iv) freedom from objectionable and off flavors of any kind.

(2) "Good flavor" means a good distinctive flavor for the type. The product meets the analytical requirements of Tables V or VI as applicable.

(3) "Reasonably good flavor" means a flavor somewhat lacking in distinctive flavor of the type but is free from objectionable flavors and odors.

TABLE V—CURED TYPE

ANALYTICAL LIMITS FOR "GOOD FLAVOR" IN GRADE A

Cured type	Acetic acid in gram per 100 ml. unless indicated otherwise		Salt			Brix	Baumé
			NaCl	Salometer			
	Minimum	*Maximum*	*Maximum*	*Minimum*	*Maximum*	*Minimum*	*Minimum*
Dills (natural or genuine).	Lactic 0.6			10°	19°		
Dills (processed)	0.6			10°	19°		
Sour, Sour mixed, Sour relish	1.7	2.7		10°	19°		
Sweets, Sweet mixed, Sweet relish	1.7	2.7	3 gms. (per 100 ml.).			32.64°	18.0°
Mild sweet, Mild sweet mixed, Mild sweet relish	1.0					20.0°	12.0°
Sour mustard or sour chow chow.	1.7 gms. (per 100 gms.)	2.7 gms. (per 100 gms.)	3 gms. (per 100 gms.).			28.0°	15.5°
Sweet mustard or sweet chow chow.	1.7 gms. (per 100 gms.)	2.7 gms. (per 100 gms.)	do				

TABLE VI—FRESH-PACK TYPE

ANALYTICAL LIMITS FOR "GOOD FLAVOR" IN GRADE A

Fresh-pack type	Acid (acetic) (grams per 100 ml.)		NaCl (salt) (grams per 100 ml.)		Brix	Baumé
	Minimum	*Maximum*	*Minimum*	*Maximum*	*Minimum*	*Maximum*
Fresh-pack dills	0.5	1.1	1.75	4.25		
Fresh-pack sweetened dills	.5	1.1	1.75	4.25	7.2°	4.0°
Fresh-pack sweetened dill relish	.5	1.1	1.75	4.25	7.2°	4.0°
Fresh-pack sweet and mild sweet pickles	.8	1.65	1.25	2.75	18.0°	10.0°
Fresh-pack sweet and mild sweet relish	.8	1.65	1.25	2.75	18.0°	10.0°
Fresh-pack dietetic						

§ 52.1691 Ascertaining the rating for each factor.

The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range for the rating of each factor is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.1692 Color.

(a) (*A*) *classification.* Pickles that possess a good color may be given a score of 18 to 20 points. "Good color" means that the overall color appearance is typical of pickles that have been properly prepared and properly preserved or processed; and has the following further meanings for the respective type:

(1) *Grade A Color—cured type.* (i) The typical skin color of the cucumber ingredient ranges from a translucent light green to dark green and is practically free from bleached areas. Not more than 10 percent, by weight, of the cucumber ingredient may vary markedly from such typical color.

(ii) In mixed pickles, chow chow pickles, and pickle relish all of the pickle ingredients possess a good, practically uniform typical color for the respective ingredient.

(iii) The pickles shall be free of ripe cucumbers or other off-color vegetable ingredients.

(2) *Grade A Color—fresh-pack type.* (i) The typical skin color of the cucumber ingredient ranges from an opaque yellow-green to green. Not more than 15 percent, by weight, of the cucumber ingredient may vary markedly from such typical color.

(ii) In pickle relish all of the pickle ingredients possess a good, reasonably uniform typical color for the respective ingredient.

(iii) The pickles shall be free of ripe cucumbers or other off-color vegetable ingredients.

(b) (*B*) *classification.* If the pickles possess a reasonably good color, a score of 16 or 17 points may be given. Pickles that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the overall color appearance is reasonably typical of pickles that have been properly prepared and properly preserved or processed; and has the following meanings for the respective type:

(1) *Grade B Color—cured type.* (i) The typical skin color of the cucumber ingredient ranges from light green to dark green and is reasonably free from bleached areas. Not more than 25 percent, by weight, of the cucumber ingredient may vary markedly from such typical color.

(ii) In mixed pickles, chow chow pickles, and pickle relish all of the pickle ingredients possess a reasonably good, reasonably uniform typical color for the respective ingredient.

(iii) The pickles shall be free from ripe cucumbers or other off-color vegetable ingredients.

(2) *Grade B Color—fresh-pack type.* (i) The typical skin color of the cucumber ingredient ranges from yellow-green to green. Not more than 30 percent, by weight, of the cucumber ingredient may vary markedly from such typical color.

(ii) In pickle relish all of the pickle ingredients possess a good, fairly uniform typical color for the respective ingredient.

(iii) The pickles shall be free of ripe cucumbers or other off-color vegetable ingredients.

(c) *(SStd.) classification.* Pickles that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 15 points and shall not be graded above substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1693 Uniformity of size.

(a) *Definitions of terms.* (1) "Diameter" of a whole pickle means the shortest diameter measured transversely to the longitudinal axis at the greatest circumference of the pickle.

(2) "Diameter" of a unit sliced crosswise is determined by measuring the shortest diameter of the largest cut surface of the unit.

(3) "Length" of a unit sliced lengthwise is the longest straight measurement at the approximate longitudinal axis.

(4) "Blend" of sizes is a combination of any two adjacent designated sizes.

(5) "Mixed" sizes is a combination of more than two adjacent designated sizes.

(b) *(A) classification.* Pickles that are practically uniform in size may be given a score of 18 to 20 points. "Practically uniform in size" means that the units within a single style may vary moderately in size but not to the extent that the overall appearance of the product is materially affected, and that further meet the criteria for variation in diameter, length, or weight for the style as stated in Table VII.

Small, odd sized units in the top of the container, which are added to insure well filled containers, shall not be deemed as detracting from the quality.

TABLE VII

LIMITS IN (A) CLASSIFICATION FOR UNIFORMITY OF SIZE

	Length variation		Diameter variation		Thickness	
	In all units (maximum)	In 90% of units (maximum)	In all units (maximum)	In 90% of units (maximum)	(Minimum)	(Maximum)
Whole styles:	*Inches*	*Inch*	*Inch*	*Inch*	*Inch*	*Inch*
Midget size	¾	½	5/16	3/16		
Gherkin size						
Small size	1	¾	⅜	¼		
Medium size						
Large size	1¼	1	7/16	5/16		
Blend of sizes	Full range of two adjacent sizes.		Full range of two adjacent sizes.			
Mixed sizes	Range of more than two adjacent sizes.		Range of more than two adjacent sizes.			
Sliced lengthwise:						
Halves or triangular shapes	1¾	1				
With parallel surfaces	1¾	1			1/8	3/8
Sliced crosswise	Maximum diameter		2⅛ inches		1/8	3/8
Cut pickles	Weight variations—Not more than 5 percent, by weight, of all cucumber units may be smaller than ½ ounce each; and in the remainder, the largest unit is no more than 4 times the weight of the smallest unit.					
Relish	Size appearance—The pickle ingredients may vary moderately in size. The presence of oversized pieces does not affect overall appearance.					

(c) *(B) classification.* If the cucumber pickles are reasonably uniform in size, a score of 16 or 17 points may be given. "Reasonably uniform in size" means that the units may vary considerably in size and may fail to meet in some respects the criteria for variation in diameter, length, or weight as stated in Table VII, but not to the extent that the overall appearance of the product is seriously affected.

(d) *(SStd.) classification.* Pickles that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 15 points and shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a partial limiting rule).

§ 52.1694 Defects.

(a) *General.* This factor is concerned with imperfections in the product, such as grit, attached stems, misshapen pickles, discoloration, or mechanical damage which affect its appearance or edibility.

(b) *Definitions.* (1) "Curved" pickles means whole cucumber pickles that are curved at an angle of 35° or more but not more than 60°.

(2) "Misshapen" pickles means whole cucumber pickles that are curved at more than a 60-degree angle, "nubbins", and other deformed pickles.

(3) "Grit, sand, or silt" means any particle of earthy material, whether in the liquid packing medium or imbedded in the skin or flesh of the pickle, that affects the edibility.

(4) "Blemished" means affected by discoloration, scars, scratches, skin breaks, or other similar imperfections. Pickles so affected are classified in varying degrees as:

(i) Minor blemishes—those which detract only slightly from the appearance of the unit, but which in increasing numbers affect the overall appearance of the product.

(ii) Major blemishes—those which detract, but not seriously, from the appearance and edibility of the product.

(iii) Serious blemishes—those which strongly detract from the appearance and edibility of the product.

(5) "Mechanical damage" means crushed or broken units, slices with missing centers, or similar damage which materially detracts from the appearance of the unit. Small odd-sized units in top of container are not considered mechanical damage when apparently added to insure well-filled containers.

(6) "Stem" means any attached stem longer than three-eighths inch.

(7) "Long stem" means any attached stem longer than three-fourths inch.

(8) "End cut" in sliced crosswise means a cucumber unit with only one cut surface.

(9) "Other defects" means any defects, or defective units, not specifically mentioned which affect the appearance or edibility, or both, of the product. These include, but are not necessarily limited to, abnormally colored pickle ingredients and harmless vegetable or other harmless material not associated with proper pickle preparation or packaging.

(c) *(A) Classification.* Pickles that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that:

(1) There may be present no more than a trace of grit;

(2) The product meets the requirements of Grade A as indicated in Table VIII; and

(3) Other defects, individually or collectively, do not materially affect the appearance or edibility of the product.

(d) *(B) Classification.* If the pickles are reasonably free from defects, a score of 24 to 26 points may be given. Pickles that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that:

(1) There may be present a small amount of grit which does not seriously affect the edibility of the product;

(2) The product meets the requirements of Grade B as indicated in Table VIII; and

(3) Other defects, individually or collectively, do not seriously affect the appearance or edibility of the product.

(e) *(SStd.) classification.* Pickles that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 23 points and shall not be graded above substandard, regardless of the total score for the product (this is a limiting rule).

(f) *Explanation of allowances.* For the purposes of Table VIII of this subpart the allowances specified for the respective type of defect and grade classification are applicable to individual containers, except that when a fractional unit results because of the application of the percentage allowance a whole unit is permitted in lieu of such fractional unit: *Provided,* That in all containers comprising the sample the average of such defective units does not exceed the allowance.

TABLE VIII

MAXIMUM ALLOWANCES FOR DEFECTS, OR DEFECTIVE UNITS

Defects or defective units (in all styles and types unless stated otherwise)	Grade A	Grade B
Curved pickles (in whole style or whole units in other styles).	10 percent, by count, of whole units.	20 percent, by count, of whole units.
Misshapen pickles (in whole style or whole units in other styles).	5 percent, by count, of whole units.	15 percent, by count, of whole units.
Units with attached stems (longer than ¾ inch).	10 percent, by count, of all cucumber units but no more than 1 percent, by count, of all cucumber units with "long stems."	20 percent, by count, of all cucumber units but no more than 4 percent, by count, of all cucumber units with "long stems."
End cuts (in sliced crosswise style or units sliced crosswise).	5 percent, by weight, of all cucumber units.	15 percent, by weight, of all cucumber units.
Damaged by mechanical injury	10 percent, by count, of all pickle units including vegetable ingredients other than cucumber.	15 percent, by count, of all pickle units including vegetable ingredients other than cucumber.
In cured type:		
Minor blemish	Reasonably free	
Major and serious blemish	10 percent, by count, but no more than 1 percent, by count, may be serious.	20 percent, by count, but no more than 3 percent, by count, may be serious.
In fresh-pack type:		
Minor blemish	Fairly free	
Major and serious blemish	20 percent, by count, but no more than 5 percent, by count, may be serious.	30 percent, by count, but no more than 10 percent, by count, may be serious.

§ 52.1695 Texture.

(a) *General.* The factor of texture refers to the firmness, crispness, and the condition of the cucumber ingredient and of any other vegetable ingredient(s) which may be present.

(b) *Definitions.* (1) "Chalky white area" means a pronounced opaque, chalky white internal portion of which, in cross-section, the chalky area exceeds ⅛ of the pickle area. Very pale green to translucent white internal areas are not considered "chalky white" areas.

(c) *(A) classification.* Pickles that possess a good texture may be given a score of 27 to 30 points. "Good texture" means that the cucumber and other vegetable ingredient(s) are firm and crisp, are practically free from cucumber pickle units with large objectionable seeds, detached seeds, and tough skins; and in addition has the following meanings for the respective type:

(1) *Grade A Texture—cured type.* Of the cucumber ingredient, there may be present not more than:

(i) 5 percent, by count, that are shriveled, soft, or slippery. Very slight shriveling is permitted in sweet pickles.

(ii) 5 percent, by count, of whole units with hollow centers; and

(iii) 10 percent, by count, of whole, sliced, or cut units with chalky white areas.

(2) *Grade A Texture—fresh-pack type.* Of the cucumber ingredient, there may be present not more than:

(i) 10 percent, by count, that are shriveled, soft, or flabby; and

(ii) 15 percent, by count, of whole units with hollow centers.

(d) *(B) classification.* If the pickles possess a reasonably good texture a score of 24 to 26 points may be given. "Reasonably good texture" means that the cucumber and other vegetable ingredients are reasonably firm and crisp; are reasonably free from cucumber pickle units with large objectionable seeds, detached seeds and tough skins; and in addition has the following meanings for the respective type:

(1) *Grade B texture—cured type.* Of the cucumber ingredient, there may be present not more than:

(i) 10 percent, by count, that are markedly shriveled, soft, or slippery;

(ii) 10 percent, by count, of whole units with hollow centers; and

(iii) 20 percent, by count, of whole, sliced, or cut units with chalky white areas.

(2) *Grade B texture—fresh-pack type.* Of the cucumber ingredient, there may be present not more than:

(i) 15 percent, by count, that are markedly shriveled, soft, or flabby; and

(ii) 25 percent, by count, of whole units with hollow centers.

(e) *(SStd.) classification.* Pickles that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 23 points and shall not be graded above substandard, regardless of the total score for the product (this is a limiting rule).

METHODS OF ANALYSIS AND DEFINITIONS

§ 52.1696 Definitions of analytical terms.

(a) *Degrees Baumé.* The density of the packing medium in terms of degrees Baumé is determined with a Baumé hydrometer (modulus 145) corrected to 20° C. (68° F.).

(b) *Brix value.* Brix value (or "Brix") is determined with a Brix hydrometer calibrated in percent sugar, by weight, corrected to 20° C. (68° F.).

(c) *Degrees Salometer.* Degrees salometer is determined with a salt hydrometer calibrated in Salometer degrees (0° to 100°) corrected to 20° C. (68° F.). Each degree Salometer corrected to 20° C. (68° F.) is equal to 0.2463 percent salt (NaCl), by weight, in solution. Each 1 percent salt, by weight, in solution at 20° C. (68° F.) corresponds to 3.7836° Salometer.

(d) *Salt.* Salt (NaCl) is determined by titration and the results expressed in terms of "grams per 100 milliliters" of the packing medium; except that salt in chow chow is determined and results expressed in terms of "grams per 100 grams" of product.

(e) *Acid.* Acid is determined by titration with standard sodium hydroxide solution, using phenolphthalein indicator; and the total acidity (calculated as lactic or acetic, as the case may be) is expressed in terms of "grams per 100 milliliters" of the packing medium; except that acid in chow chow is determined and results expressed in terms of "grams per 100 grams" of product.

§ 52.1697 Definition of equalization.

(a) *General.* The equalization of the soluble solids between the pickle ingredient and packing medium is brought about by natural or simulated means and the results of either is considered "after equalization" and is afforded the same significance.

(b) *Natural equalization.* A natural equalization of the finished product is brought about after a certain time has elapsed after processing and storage, as follows:

(1) *Sweetened pickles.* Sweetened pickles with nutritive sweetening ingredient(s) are considered to be equalized 15 days or more after packing.

(2) *Sour and dill pickles.* Sour and dill pickles are considered to be equalized 10 days or more after packing.

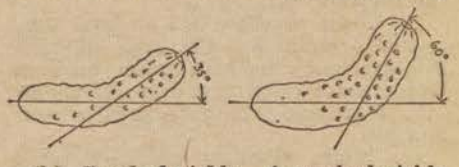
(c) *Simulated equalization.* This is a method of simulating equalization by comminuting the finished product in a mechanical blender, filtering the suspended material from the comminuted mixture and making the required test on the filtrate.

(1) *All styles and types of pickles.* (i) On all size containers the entire sample (pickle ingredient and packing medium) is used with an equal weight of distilled water. Cut the large units of pickle ingredient into smaller sections prior to placing in a blender. Comminute the mixture for about two minutes. Strain through a U.S. Standard No. 20 sieve (0.841 mm opening) and when necessary further filter to obtain a clear sample and make desired analytical determinations on filtrate. After appropriate calculation and corrections have been made multiply the reading by 2 to obtain the final values for Baumé, Brix, Salometer, salt (NaCl), and acidity.

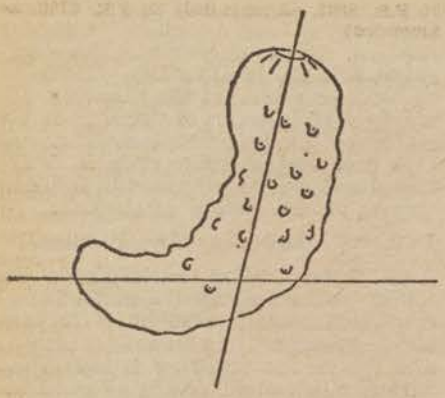
(ii) Analytical determinations for some pickles may be made from the undiluted slurry without prior addition of water during blending. Such values are direct and are not multiplied by 2 to obtain final values.

§ 52.1698 Definitions and measurement of pickles.

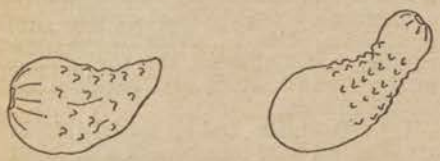
(a) *Curved pickle.* A curved pickle is one that is curved at an angle of 35 to 60 degrees when measured as illustrated.



(b) *Crooked pickle.* A crooked pickle is one that is curved at an angle greater than 60 degrees, similar to the following illustration:



(c) *Misshapen pickles.* Misshapen pickles include crooked, nubbins, and otherwise misshapen pickles. A nubbin pickle is one that is not cylindrical in form, is short and stubby, or is not well developed. Nubbins and otherwise misshapen pickles are similar to illustrations that follow:



§ 52.1699 Methods of determining quantity of pickle ingredient.

(a) *Direct displacement (overflow-can method).* (1) This method may be used for all types of pickles except relish. The can is a No. 10 or one to two gallon size with an overflow spout constructed from ⅛ to 3/16 inch inside diameter metal tubing. The tubing is soldered to opening inside of can about 1 inch from bottom and is bent upward parallel to sides. The tube is bent over and slightly downward from the can at upper end to form a spout about 1½ inches below top of can. The lower tip end of the spout is lower than the inside lower curve of the spout (point A). The upper tip end of the spout is higher than the inside lower curve of the spout (point A). The upper tip end of the spout is slightly shorter than the lower tip end of the spout. A brace near the top of the can holds tubing firmly in place. A woven wire basket made from screen wire with about 8 meshes to the inch with a handle is used for lowering the pickle ingredient into the overflow can.

(2) Place overflow can on level table so that overflow will discharge into sink. Fill overflow can with water at room temperature (approximately 20° C., 68° F.). Place empty basket into filled overflow can.

(3) When overflow ceases, place beaker or graduated cylinder under spout. Remove basket and place drained pickle ingredient (at room temperature) in basket and lower slowly into overflow can. When overflow ceases, record fluid overflow. The percent volume of pickle ingredient (volume occupied) is calculated for the declared container size as follows:

$$\frac{\text{Overflow}}{\text{Declared fluid content of container}} \times 100 = \text{percent volume of pickle ingredient}$$

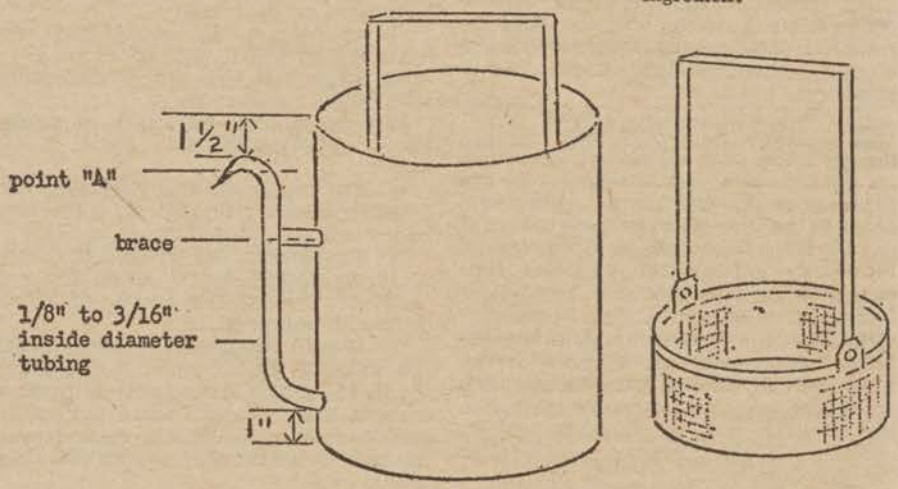
(4) Prior to determining the percent volume of pickle ingredient for chow chow pickles the drained pickle ingredient is prepared as follows: Empty the contents of the container upon a U.S. Standard No. 8 sieve of proper diameter so as to distribute the product evenly. Wash off all adhering sauce under a spray of water at a temperature of approximately 20° C. (68° F.). Incline the sieve to facilitate drainage and allow to drain for 2 minutes.

(b) *Drained weight/volume.* The percent weight/volume (w/v) of relish shown in Table III, is determined as follows:

(1) The drained weight of pickle relish of all types is determined by emptying the contents of the container upon a U.S. Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937 inch ±3 percent, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for 2 minutes. The drained weight is the weight of the sieve and the pickles less the weight of the dry sieve. A sieve 8 inches in diameter is used for 1 quart and smaller size containers and a sieve with 12 inches in diameter is used for containers larger than 1 quart in size.

(2) Minimum quantity of pickle ingredient is designated as percent weight/volume which for the purpose of these standards is calculated as follows:

$$\frac{\text{Drained weight avoirdupois ounces}}{\text{Declared U.S. fluid ounce contents of container}} \times 100 = \text{percent weight/volume of pickle ingredient}$$



OVERFLOW CAN

LOT COMPLIANCE

§ 52.1700 Ascertaining the grade of a lot.

The grade of a lot of pickles covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87).

EXPLANATION OF WEIGHTS AND MEASURES

§ 52.1701 Units of weights and measures.

(a) The following approximate equivalents are for reference only. They are not intended to replace more comprehensive works of authoritative technical standards or publications.

(b) Fluid (liquid) measures.

1 U.S. fluid ounce (fl. oz.) equals.	29.573 milliliters (ml.). 1.041 Imperial fluid ounces.
1 U.S. liquid gallon equals.	4 U.S. quarts. 128 U.S. fluid ounces. 3,785 milliliters (3,785 liters).
1 liter (1) equals.	0.833 Imperial gallon. 1,000 milliliters. 33.814 U.S. fluid ounces. 1.057 U.S. liquid quart. 0.26417 U.S. gallon. 0.21998 Imperial gallon.
1 Imperial liquid gallon equals.	160 Imperial ounces. 4 Imperial quarts. 4,546 milliliters (4,546 liters). 1.201 U.S. gallon.

(c) Mass or weight.

1 avoirdupois ounce equal.	28.3495 grams. 0.028 kilograms.
1 avoirdupois pound equal.	16 avoirdupois ounces. 453.592 grams. 0.453,592 kilograms.
1 kilogram equals.	1000 grams. 35.274 avoirdupois ounces. 2.205 avoirdupois pounds.

(d) Length.

1 inch equals--	2.54 centimeters. 25.4 millimeters.
1 millimeter equals.	0.03937 inch.
1 centimeter equals.	0.3937 inch.

SCORE SHEET

§ 52.1702 Score sheet for pickles.

Size and kind of container			
Container code or marking			
Label			
Net weight (ounces)			
Vacuum (inches)			
Quantity pickle ingredient (v/v or w/v)			
Type of pack ( ) cured; ( ) fresh-pack			
Type of pickle (dill, sweet, sour, etc.)			
Style of pickle (whole, sliced, etc.)			
Density of sirup (degrees Baumé or degrees Brix)			
Acidity—grams per 100 grams or 100 ml			
Salt (NaCl)—percent or degrees salometer			
Size, count (if whole)			
Ingredients (if mixed or chow chow):			
....Cucumbers			
....Onions			
....Other			
....Cauliflower			
....Peppers			

Factors	Score points		
Color	20	(A)	18–20
		(B)	[1] 16–17
		(SStd.)	[1] 0–15
Uniformity of size	20	(A)	18–20
		(B)	16–17
		(SStd.)	[2] 0–15
Defects	30	(A)	27–30
		(B)	[1] 24–26
		(SStd.)	[1] 0–23
Texture	30	(A)	27–30
		(B)	[1] 24–26
		(SStd.)	[1] 0–23
Total score	100		

Flavor: ( ) Good; ( ) Reasonably good; ( ) Off flavor	
Grade	

[1] Indicates limiting rule.
[2] Indicates partial limiting rule.

The U.S. Standards for Grades of Pickles (which is the third issue) contained in this subpart shall become effective on September 1, 1966, and thereupon will supersede the U.S. Standards for Grades of Cucumber Pickles which have been in effect since April 30, 1954.

Dated: July 22, 1966.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 66-8156; Filed, July 28, 1966; 8:45 a.m.]

PART 53—LIVESTOCK, MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

Fees for Grading Service

Pursuant to the authority of sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), the provisions of 7 CFR 53.29 (a) prescribing fees in connection with the performance of Federal meat grading services are hereby amended by changing the phrase "$7.80 per hour" to "$8.20 per hour."

The Agricultural Marketing Act of 1946 provides for the collection of fees equal as nearly as may be to the cost of the services, such as Federal meat grading services, rendered under its provisions. The Federal Salary and Fringe Benefits Act of 1966, (P.L. 89-504), and the 1966 amendment to the Administrative Expenses Act of 1946, (P.L. 89-516), liberalizing moving, travel, and transportation expenses for Federal employees and their families transferred to other geographical locations, have required increases in the salaries and other benefits paid to Federal employees engaged in the performance of Federal meat grading services. It has been determined that in order to cover these increased costs of the service, the hourly fee charges in connection with the performance of the services must be increased as soon as practicable as provided for herein. The need for the increase and the amount thereof are dependent upon facts within the knowledge of the Consumer and Marketing Service. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found that notices and other public procedure with respect to this amendment are impracticable and unnecessary and good cause is found for making the amendment effective less than 30 days after its publication in the FEDERAL REGISTER.

This amendment shall become effective July 31, 1966, with respect to all Federal meat grading services rendered on and after that date; including service under weekly contract whether heretofore or hereafter made.

(Secs. 203, 205, 60 Stat. 1087, 1090, 7 U.S.C. 1622, 1624)

Done at Washington, D.C., this 27th day of July 1966.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 66-8327; Filed, July 28, 1966; 8:49 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Nursery Stock, Plants, and Seeds

POSTENTRY QUARANTINE OF CHRYSANTHEMUM PLANTS

On March 29, 1966, there was published in the FEDERAL REGISTER (31 F.R. 5074) a notice of rule making concerning a proposed amendment of § 319.37-19(c) of the regulations relating to the importation of nursery stock, plants and seeds (7 CFR 319.37-19(c)). After due consideration of all relevant matters presented and pursuant to the provisions of sections 1 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 154, 162), § 319.37-19(c) is hereby amended by adding to the tabular material therein, in the proper alphabetical order, the following item:

§ 319.37-19 Postentry quarantine.

* * * * * * *

(c) * * *

Plants to be grown under postentry quarantine	*Where imported from*	
Chrysanthemum spp.	All foreign countries, except Canada.	

* * * * * * *

(Secs. 1 and 9, 37 Stat. 315, 318, as amended; 7 U.S.C. 154, 162; 29 F.R. 16210, as amended, 30 F.R. 5801, as amended; 30 F.R. 5799, as amended)

The foregoing amendment shall become effective October 1, 1966.

This amendment places further restrictions upon the importation of all plants of the genus Chrysanthemum, by imposing the postentry quarantine requirements set forth in § 319.37 upon the importation of such plants from all foreign countries except Canada. The purpose of the amendment is to prevent the entry into the United States of the "white rust" of chrysanthemums.

The notice of March 29, 1966, proposed the imposition of postentry quarantine requirements on chrysanthemum plants from all foreign countries. However, now reliable evidence indicates that the disease has not been introduced into Canada, and the Canada Department of Agriculture has already taken action under authority of the Canadian Destructive Insect and Pest Act to place under postentry quarantine imported chrysanthemum material from all countries except the United States. It is therefore deemed appropriate not to impose the postentry quarantine requirements on Canadian-grown chrysanthemum material.

It is believed that further notice and other public procedure regarding the amendment would not make any additional information available to this Department. Accordingly, it is found under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that further notice and other public procedure, relating to the amendment, are unnecessary.

To aid chrysanthemum growers in the United States in making the transition which the newly imposed restrictions will entail, the effective date thereof is being deferred until early autumn.

Done at Washington, D.C., this 26th day of July 1966.

[SEAL] R. J. ANDERSON,
Deputy Administrator,
Agricultural Research Service.

[F.R. Doc. 66-8296; Filed, July 28, 1966; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1446—PEANUTS

Subpart—1966 Crop Peanut Warehouse Storage Loan and Sheller Purchase Regulations

GENERAL

Sec.
1446.1630 General statement.
1446.1631 Administration.
1446.1632 Definitions.

WAREHOUSE STORAGE LOANS

1446.1633 Level of price support.
1446.1634 Availability of warehouse storage loans.
1446.1635 Producer indebtedness.
1446.1636 Eligible peanuts.
1446.1637 Eligible producer.

SHELLER PURCHASES

Sec.
1446.1638 CCC purchases from shellers.
1446.1639 Eligible sheller.
1446.1640 CCC purchases of eligible peanuts and prices.
1446.1641 Peanuts excluded from purchase.
1446.1642 Ineligible peanuts.
1446.1643 Period of offering—size of lots—grading.
1446.1644 Determination of compliance.
1446.1645 Delivery.
1446.1646 Passage of title.
1446.1647 Payment for peanuts.
1446.1648 Records and books.
1446.1649 Covenant against contingent fees.
1446.1650 Setoff.
1446.1651 Assignment.
1446.1652 Buy American.
1446.1653 Convict labor.
1446.1654 Disputes.
1446.1655 Officials not to benefit.
1446.1656 Equal employment opportunity.

AUTHORITY: The provisions of this subpart issued under secs. 4 and 5, 62 Stat. 1070, as amended; 15 U.S.C. 714 b and c. Interpret or apply secs. 101, 401, 63 Stat. 1051, as amended, 7 U.S.C. 1441, 1421.

GENERAL

§ 1446.1630 General statement.

(a) *Scope.* This subpart sets forth support prices for 1966 crops farmers stock peanuts and the terms and conditions under which (1) eligible producers acting collectively through specified cooperative marketing associations (referred to severally in this subpart as "the association") may obtain price support on their eligible 1966 crop farmers stock peanuts and (2) Commodity Credit Corporation (referred to in this subpart as "CCC") will purchase 1966 crop peanuts from eligible shellers.

(b) *Price support advances.* Eligible producers may obtain price support through, in the Southeastern area, GFA Peanut Association, Camilla, Ga.; Southwestern area, Southwestern Peanut Growers Association, Gorman, Tex.; and Virginia-Carolina area, Peanut Growers Cooperative Marketing Association, Franklin, Va. Each association will make price support advances on eligible peanuts delivered to it by eligible producers at warehouses operating under peanut receiving and warehouse contracts with the association. CCC will make a loan (referred to in this subpart as a "warehouse storage loan") to the association. Such loan will be secured by the eligible peanuts upon which the association has made advances to eligible producers.

(c) *Purchases from shellers.* CCC will purchase 1966 crop farmers stock and shelled peanuts from shellers who participate in the price support program and are parties to the peanut marketing agreement approved by the Secretary of Agriculture.

(d) *Farm storage loans; purchases from producers.* Regulations containing the terms and conditions under which CCC will make farm storage loans directly to producers on, and will make purchases directly from producers of, 1966 crop farmers stock peanuts will be published separately in the FEDERAL REGISTER.

§ 1446.1631 Administration.

(a) *Responsibility.* Under the general direction and supervision of the Executive Vice President, CCC, the Producer Associations Division, Agricultural Stabilization and Conservation Service (referred to in this subpart as "ASCS") will administer this subpart.

(b) *Limitation of authority.* County office managers, State and county ASC committees, and the associations do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements thereto.

(c) *Supervisory authority.* No delegation of authority in this subpart shall preclude the Executive Vice President, CCC, or his designee, from determining any questions arising under the regulations or from reversing or modifying any determination made pursuant to such delegation.

§ 1446.1632 Definitions.

As used in this subpart, and in instructions and documents in connection herewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) *County office.* The office of the ASC county committee where records for the farm are kept.

(b) *Effective farm allotment.* The effective farm acreage allotment for 1966 crop peanuts as defined in the marketing quota regulations.

(c) *Farm.* A farm as defined in the Regulations Governing Reconstitution of Farms, Allotments, and Bases, as amended, Part 719 of this title, which in general defines a farm as all adjoining or nearby farmland which is operated by one person.

(d) *Farmers stock peanuts.* Picked or threshed peanuts produced in the United States which have not been shelled, crushed, cleaned or otherwise changed (except for removal of foreign material, loose shelled kernels, and excess moisture) from the state in which picked or threshed peanuts are customarily marketed by producers.

(e) *Farm peanut acreage.* The 1966 farm peanut acreage determined in accordance with the marketing quota regulations which, in general, define such acreage as the total acreage of peanuts on the farm which is picked or threshed.

(f) *Form MQ–94.* Inspection Certificate and Sales Memorandum, Form MQ–94 Peanuts, or Form MQ–94 Peanuts V–C.

(g) *Inspector.* A Federal or Federal-State inspector authorized or licensed by the Secretary, U.S. Department of Agriculture.

(h) *Lot.* That quantity of peanuts for which one Form MQ–94 or Inspection Certificate (Peanuts) is issued.

(i) *Marketing quota regulations.* The Allotment and Marketing Quota Regulations for Peanuts of the 1963 and Subsequent Crops, as amended, issued by the Administrator, ASCS, Part 729 of this title.

(j) *Net weight.* That weight of farmers stock or shelled peanuts obtained by multiplying the gross scale weight of peanuts by a percentage equal to 100 percent minus the sum of the percentages of (1) foreign material, and (2) moisture in excess of 7 percent in the Southwestern and Southeastern areas or 8 percent in the Virginia-Carolina area.

(k) *Peanut receiving and warehouse contract.* Form CCC–1028 Identity Preserved (Segregation 1 and Segregation 2); Form CCC–1028–A (Commingled); or Form CCC–1028–B Identity Preserved (Segregation 3).

(l) *Price support value.* The value of a lot of farmers stock peanuts computed on the basis of the weight, quality and type of such peanuts and the support price for such peanuts under this subpart as shown on the Price Support Schedule for such type issued by CCC.

(m) *Segregation 1 peanuts.* Farmers stock peanuts with (1) at least 99 percent peanuts of one type, (2) not more than 2 percent damaged kernels and, (3) not more than 1 percent concealed damage caused by rancidity, mold or decay.

(n) *Sound mature kernels.* Kernels which are free from "damage" and "minor defects," as defined in the U.S. Standards for the applicable type of peanuts effective on the date of the inspection, and which will not pass through screens with the following openings:

(1) $^{15}/_{64}$ by $^{3}/_{4}$ inch in the case of Spanish and Valencia peanuts.

(2) $^{15}/_{64}$ by 1 inch in the case of Virginia type peanuts.

(3) $^{16}/_{64}$ by $^{3}/_{4}$ inch in the case of Runner type peanuts.

(o) *Extra large kernels.* Shelled Virginia type peanuts which will not pass through a screen having $^{21.5}/_{64}$- by 1-inch openings and which are "whole" and free from "minor defects" and "damage," as such terms are defined in the U.S. Standards for Shelled Virginia type peanuts effective on the date of inspection.

(p) *Type.* The generally known types of peanuts (i.e., Runner, Spanish, Valencia, and Virginia), as defined in the marketing quota regulations.

(q) *Valencia type peanuts suitable for cleaning and roasting.* Valencia type peanuts containing not more than 25 percent peanuts having shells damaged by (1) discoloration, (2) cracks or broken ends, or (3) both.

(r) *Within quota card.* Form MQ–76 (Peanuts), 1966 Peanut Within Quota Marketing card, issued pursuant to the marketing quota regulations.

WAREHOUSE STORAGE LOANS

§ 1446.1633 Level of price support.

(a) *Applicability.* The support prices specified in this section apply to 1966 crop farmers stock peanuts in bulk, or in bags, net weight basis, eligible for price support advances under this subpart. The support prices in this subpart will not be reduced but will be increased if a combination of the supply percentage as of August 1, 1966, and the parity price on that date requires a higher price.

(b) *National average price.* The national average support price for 1966 crop peanuts is $227 per ton.

(c) *Average support prices by type.* The support prices by type per average grade ton of 1966 crop peanuts are:

Type	Dollars per ton
Virginia	239.86
Runner	214.24
Southeast Spanish	231.98
Southwest Spanish	222.70
Valencia, suitable for cleaning and roasting	239.86

(d) *Calculation of support prices.* The support price per ton for peanuts of a particular type and quality shall be calculated on the basis of the following rates, premiums, and discounts. No value shall be assigned to damaged kernels.

(1) *Kernel value per net ton excluding loose shelled kernels.* (i) Price for each percent of sound mature and sound split kernels shall be:

Type	Dollars per ton
Virginia type	3.305
Runner type	3.110
Southeastern Spanish type	3.203
Southwestern Spanish type	3.178
Valencia type:	
Southwestern area—suitable for cleaning and roasting	3.578
Southwestern area—not suitable for cleaning and roasting	3.178
Areas other than Southwestern	3.203

(ii) Price for each percent of other kernels:

All types	$1.40

(iii) Premium for each 1 percent extra large kernels in Virginia type peanuts shall be 45 cents, except that no premium shall be applicable to any lot of such peanuts containing more than 7 percent damaged kernels.

(2) *Value of loose shelled kernels per pound.*

All types	$0.07

(3) *Damaged kernel discount.* For all types of peanuts, the discount per ton for damaged kernels shall be as follows:

Peanutes containing damaged kernels of—	Discount
1 percent	None
2 percent	$3.40
3 percent	7.00
4 percent	11.00
5 percent	25.00
6 percent	40.00
7 percent	60.00
8–9 percent	80.00
10 percent and over	100.00

(4) *Sound split kernel discount.* For all types of peanuts, the discount for sound split kernels shall be as follows:

Peanuts containing sound split kernels of—	Discount per ton
0.2 percent	None
3 percent	$0.60
4 percent and above	$1.20

Plus $1.00 for each percent of sound split kernels in excess of 4 percent.

(5) *Foreign material discount.* The discount for each full 1 percent foreign material in excess of 4 percent and not over 10 percent shall be $1 per ton.

(6) *Price adjustment for peanuts in Virginia-Carolina area sampled with other than a pneumatic sampler.* The support price for Virginia type peanuts in the Virginia-Carolina area sampled with other than a pneumatic sampler shall be reduced by one-tenth cent per pound net weight including loose shelled kernels.

(7) *Mixed types discount.* Individual lots of farmers stock peanuts containing mixtures of two or more types in which there is less than 90 percent of any one type will be supported at a rate which is $10 per ton less than the support price applicable to the type in the mixture having the lowest support price.

(8) *Location adjustments to support prices.* Farmers stock peanuts delivered to the association for price support advances in the States specified, where peanuts are not customarily shelled or crushed, shall be discounted as follows:

(i) Arizona, $25 per ton.
(ii) Arkansas, $10 per ton.
(iii) California, $33 per ton.
(iv) Louisiana, $7 per ton.
(v) Mississippi, $20 per ton.
(vi) Tennessee, $25 per ton.

(e) *Virginia type peanuts.* Virginia type peanuts, to receive peanut price support as Virginia type, must contain 40 percent or more "fancy" size peanuts, as determined by a presizer with the rollers set at a $^{34}/_{64}$-inch space. Virginia type peanuts so determined to contain less than 40 percent "fancy" size peanuts will be supported as though they were Runner type.

§ 1446.1634 Availability of warehouse storage loans.

(a) *Loans to associations.* CCC will make warehouse storage loans to the associations specified in § 1446.1630 which contract with CCC to arrange for the storing and handling of eligible farmers stock peanuts, make advances to eligible producers on such peanuts, and use such peanuts as collateral for loans to be obtained from CCC.

(b) *Areas.* Price support advances will be available in the following areas:

(1) The Southeastern area consisting of the States of Alabama, Georgia, Mississippi, Florida, and that part of South Carolina south and west of the Santee-Congaree-Broad Rivers.

(2) The Southwestern area consisting of the States of Arizona, Arkansas, California, Louisiana, New Mexico, Oklahoma, and Texas.

(3) The Virginia-Carolina area consisting of the States of Missouri, North Carolina, Tennessee, Virginia, and that part of South Carolina north and east of the Santee-Congaree-Broad Rivers.

(c) *Where available.* Price support advances will be available to eligible producers at warehouses which have entered into peanut receiving and warehouse contracts with an association. Such contracts will require the warehouses to inform producers that price support advances are available and to make advances to eligible producers on eligible peanuts tendered for price support as provided in paragraph (g) of this section. The names and locations of such warehouses may be obtained from the office of the appropriate association or from ASCS State and County offices. The associations shall pledge all eligible peanuts upon which they have made price support advances to CCC as security for loans obtained pursuant to agreements with CCC.

(d) *Time.* Price support advances to eligible producers will be available from time of harvest through January 31, 1967, or such later date as may be established by the Executive Vice President, CCC. If the final date of availability falls on a nonworkday for the association, the applicable final date shall be the next workday.

(e) *Inspection.* The type and quality of each lot of farmers stock peanuts delivered to an association for a price support advance shall be determined by an inspector when such peanuts are received at a warehouse under contract with an association. The fee for such determination shall be paid by the association.

(f) *Producer agreement.* To obtain a price support advance, the producer shall, in writing, authorize the association to pledge peanuts delivered to the association to CCC as collateral for a warehouse storage loan, and relinquish any right to redeem or obtain possession of such peanuts.

(g) *Advance to producer.* For each lot of eligible peanuts received, the association will make a price support advance to the producer in an amount equal to the price support value of such peanuts, except that, in addition to the deductions specified in § 1446.1635, (1) the association will deduct from such advances and pay over to the proper State authorities any assessments or excise taxes imposed by State law, and (2) the Southwestern Peanut Growers Association will, upon the prior agreement of the producer, deduct from such advance 50 cents per net weight ton of peanuts upon which such advance was made to be used in payment for its peanut activities outside the price support program.

(h) *Fraud of producer.* The making of any fraudulent representation by a producer in the loan documents or in obtaining a loan or advance shall render him subject to criminal prosecution under Federal law. The producer shall be personally liable to CCC, aside from any additional liability under criminal or civil frauds statutes, for the amount of such advance and for all costs which CCC would not have incurred except for the producer's fraudulent representation, together with interest upon such amounts at the rate of 6 percent per annum: *Provided*, That the producer shall be given credit for the proceeds received by CCC upon sale of the peanuts upon which such advance was made.

§ 1446.1635 Producer indebtedness.

(a) *Facility and drying equipment loans.* If any installment or installments on any loan made by CCC on farm storage facilities or drying equipment are payable under the provisions of the note evidencing such loan out of any amount due the producer under this subpart, the amount due the producer, after deduction of amounts due prior lien-

holders, shall be applied to such installment(s).

(b) *Producers listed on county debt record.* If the producer is indebted to CCC or to any other agency of the United States and such indebtedness is listed on the county debt record, amounts due the producer under this subpart, after deduction of amounts due prior lienholders and on farm storage facilities or drying equipment, shall be applied to such indebtedness as provided in the Secretary's Setoff Regulations, 29 F.R. 9425 and any amendments thereto.

(c) *Producer's right.* This section shall not deprive the producer of any right he would otherwise have to contest the justness of the indebtedness involved in the setoff action either by administrative appeal or by legal action.

§ 1446.1636 Eligible peanuts.

(a) *Eligible peanuts.* Peanuts eligible for price support advances shall be 1966 crop farmers stock peanuts:

(1) Which were produced in the United States;

(2) Which contain not more than 10 percent moisture, and which if they have been mechanically dried, contain at least 6 percent moisture;

(3) Which contain not more than 10 percent foreign material;

(4) Which are produced by an eligible producer on a farm on which the 1966 farm peanut acreage does not exceed the effective farm allotment determined in accordance with the marketing quota regulations or on which the farm peanut acreage exceeds the effective farm allotment (i) if the producer establishes to the satisfaction of the ASC County Committee, as provided in paragraph (c) of this section, that he did not knowingly exceed such farm allotment, or (ii) if a within quota marketing card is issued upon the execution of a Form MQ–92 Peanuts, Agreement by Operator of Overplanted Peanut Farm, by the ASC County Committee and the producer; the ASC County Committee may decline to execute such agreement in any case where it finds reasonable grounds to believe that it will be used as a device to evade the requirements of the price support program or the collection of marketing penalty;

(5) Which were not produced in violation of a restrictive lease on federally owned land, or on land owned by the Federal Government which was occupied by the producer without lease, permit, or other right of possession;

(6) Which are free and clear of all liens and encumbrances, including landlord's lien, or if liens or encumbrances exist on the peanuts, acceptable waivers are obtained; and

(7) In which the beneficial interest is in the producer who delivers them to the association and has always been in him or in him and a former producer whom he succeeded before they were harvested. To meet the requirements of succession to a former producer, the rights, responsibilities, and interest of the former producer with respect to the farm on which the peanuts were produced shall have been substantially assumed by the person claiming succession. Mere purchase of a crop prior to harvest, without acquisition of any additional interest in the farm on which the peanuts were produced, shall not constitute succession. Any producer in doubt as to whether his interest in the peanuts complies with the requirements of this section should, before applying for price support, make available to the ASC County Committee all pertinent information which will permit a determination with respect to succession to be made by CCC.

(8) Which are, if delivered to the association in bags in the Southwestern area, in new or thoroughly cleaned used bags which are made of material, other than mesh or net, weighing not less than 7½ ounces nor more than 10 ounces per square yard and containing no sisal fibers, are free from holes and are finished at the top with either the selvage edge of the material, binding or a hem. Such bags shall be of uniform size with approximately 2-bushel capacity.

(b) *Agreement by operator of overplanted peanut farm.* If a producer has executed a Form MQ–92 Peanuts, Agreement by Operator of Overplanted Peanut Farm, and (1) the farm peanut acreage exceeded the effective farm allotment by not more than the larger of one-tenth acre or 2 percent of such allotment, payment of the liquidated damages specified in the agreement will not be required if the ASCS State Executive Director, or in his absence, the Acting Executive Director, determines that the breach of such agreement was unintentional and occurred despite a bona fide effort by the operator and other producers on the farm to comply with such agreement, or (2) the farm peanut acreage exceeded the effective farm allotment by more than the larger of one-tenth acre or 2 percent of such allotment, payment of the liquidated damages will not be required if the ASC State Committee makes the determination specified in subparagraph (1) of this paragraph and also determines that the amount by which the farm peanut acreage exceeded the effective farm allotment was so small in relation to such allotment that it did not materially impair CCC's price support operations.

(c) *Determination that producer unknowingly exceeded the effective farm allotment.* A producer on a farm on which the farm peanut acreage exceeds the effective farm allotment shall be considered not to have knowingly exceeded such allotment, if (1) the excess acreage is determined, in accordance with the marketing quota regulations, to be zero, (2) payment of the liquidated damages provided for as the result of a breach of the terms of Form MQ–92—Peanuts is not required under paragraph (b) of this section, (3) an erroneous notice of measured acreage was issued to the producer and the farm peanut acreage is deemed to be equal to the effective farm allotment under the Determination of Acreage and Compliance Regulations, Part 718 of this title, or (4) the producer exceeded the effective farm allotment under circumstances which are not provided for under subparagraphs (1), (2), and (3) of this paragraph and the ASC County Committee determines that the producer unknowingly exceeded such allotment.

§ 1446.1637 Eligible producer.

An eligible producer is an individual, partnership, association, corporation, estate, trust, or other legal entity, and whenever applicable, a State, political subdivision of a State or any agency thereof, producing peanuts as a landowner, landlord, tenant, or sharecropper.

(a) *Estates and trusts.* A receiver of an insolvent debtor's estate, an executor or an administrator of a deceased person's estate, a guardian of an estate or of a ward or incompetent person, and trustees of a trust estate shall be considered to represent the insolvent debtor, the deceased person, the ward or incompetent, and the beneficiaries of a trust, respectively, and the production of the receiver, executor, administrator, guardian or trustees shall be considered to be the production of the person he represents. Loan documents executed by any such person shall be accepted by CCC only if they are legally valid and such person has the authority to sign the applicable documents.

(b) *Eligibility of minors.* A minor who is otherwise an eligible producer shall be eligible for price support only if he meets one of the following requirements: (1) The right of majority has been conferred on him by court proceedings or by statute; (2) a guardian has been appointed to manage his property and the applicable price support documents are signed by the guardian; or (3) a bond is furnished under which a surety guarantees to protect CCC from any loss incurred for which the minor would be liable had he been an adult.

SHELLER PURCHASES

§ 1446.1638 CCC purchases from shellers.

Sections 1446.1638 through 1446.1656 contain the terms and conditions under which CCC will purchase 1966 crop farmers stock and shelled peanuts from eligible shellers. Such shellers may offer peanuts to CCC through the appropriate association listed in § 1446.1630.

§ 1446.1639 Eligible sheller.

To be eligible to sell peanuts to CCC under this subpart the sheller shall:

(a) File with the appropriate association, not later than February 28, 1967, or such later date as may be approved by CCC, his notice of participation and the equal employment opportunity representation required by the regulations under Executive Order 11246 (the forms of which will be furnished by the association).

(b) Execute and comply with any peanut marketing agreement approved by the Secretary of Agriculture relating to 1966 crop peanuts.

(c) Cooperate with the association and CCC in making price support available to peanut producers by: (1) Informing each producer, upon request, of the price support value of his peanuts, (2) paying

producers not less than the price support value for each lot of farmers stock peanuts purchased which are represented by a within-quota marketing card, and (3) if requested by the association making price support advances available to producers by entering into peanut receiving and warehouse contract(s) with the association unless all his storage space is needed in his normal milling operations and other storage space is not available to him in his area at reasonable cost.

(d) Provide that the type and quality of each lot of farmers stock peanuts received by the sheller through purchase, loan or otherwise be determined by an inspector. The type and quality shall be shown on Form MQ-94 and be determined in accordance with procedures of the Consumer and Marketing Service, U.S. Department of Agriculture.

(e) Furnish CCC an assurance, in his notice of participation, that his cooperation with and participation in the 1966 crop peanut price support program will be conducted, and his facilities operated, in compliance with all requirements imposed by or pursuant to the regulations governing nondiscrimination in Federally assisted programs of the Department of Agriculture, Part 15 of this title, which effectuate Title VI of the Civil Rights Act of 1964.

§ 1446.1640 CCC purchases of eligible peanuts and prices.

(a) *Basis of purchase.* Except as otherwise provided in § 1446.1641, CCC will purchase from eligible shellers 1966 crop peanuts which meet the specifications contained in this section. The peanuts will be purchased on a net weight basis at the prices specified in paragraphs (b), (c), and (d) of this section. CCC will also pay a carrying charge for farmers stock and U.S. grade shelled peanuts only which are delivered to CCC after November 1966 in the Southeastern area, and December 1966 in the Southwestern and Virginia-Carolina areas. The carrying charge will commence on December 1, 1966, in the Southeastern area, and January 1, 1967, in the Southwestern and Virginia-Carolina areas, and will accrue at the rate of (1) $1 per ton net weight per calendar month or fraction thereof for farmers stock peanuts, but shall not exceed a total of $5 per ton net weight, and (2) $1.40 per ton net weight per calendar month or fraction thereof for U. S. grade shelled peanuts, but shall not exceed a total of $7 per ton net weight.

(b) *Farmers stock peanuts.* Farmers stock—Support price, out-weight-out-grade basis, plus $6 per net ton.

(c) *U.S. grade shelled peanuts.* (1) U.S. No. 1 (all types)—17.25 cents per pound.

(2) U.S. Extra Large Virginia—20.50 cents per pound.

(3) U.S. Medium Virginia—18.50 cents per pound.

(4) U.S. Splits (all types)—16.75 cents per pound.

U.S. grade shelled peanuts shall meet the U.S. Standards for such peanuts, except that they shall not contain more than 1.25 percent damaged or unshelled kernels other than minor defects and not more than 2 percent total damaged or unshelled and minor defects.

(d) *Shelled peanuts—not U.S. grade.* (1) No. 1 size (i.e., ride U.S. No. 1 screens)—17 cents per pound.

(2) Large whole kernels which will not pass through screens with the following size openings—16.25 cents per pound:

Virginia	$14/64$ x 1" slot.
Runner	$14/64$ x $3/4$" slot.
Spanish	$13/64$ x $3/4$" slot.

(3) Large split kernels (i.e., separated halves) which will not pass through screens with the following size openings—16.75 cents per pound:

Virginia	$17/64$" round.
Runner	$17/64$" round.
Spanish	$16/64$" round.

(4) Small whole kernels which will not pass through screens with the following size openings—12 cents per pound:

Virginia	$12/64$ x 1" slot.
Runner	$12/64$ x $3/4$" slot.
Spanish	$11/64$ x $3/4$" slot.

(5) Small split kernels (i.e., separated halves) which will not pass through screens with the following size openings—12 cents per pound:

Virginia and Runner	$16/64$" round.
Spanish	$15/64$" round.

(6) Quality conditions: Any lot of shelled peanuts of the sizes described in subparagraphs (1) through (5) of this paragraph (d) shall not contain more than (i) 4 percent damaged or unshelled kernels other minor defects, (ii) 8 percent total damaged or unshelled and minor defects, (iii) 9 percent moisture in the Southeastern and Southwestern areas, or 10 percent moisture in the Virginia-Carolina area, (iv) 6 percent fall through, as defined in subparagraph (8) of this paragraph (d) (but CCC will not pay for any fall through in excess of 3 percent), and (v) 2 percent foreign material. The peanuts in any bag(s) in any lot of such peanuts shall also meet the quality conditions set forth above in this subparagraph. If a sheller offers to CCC any lot of such peanuts which contains peanuts of different sizes (i.e., No. 1 size, large whole, small whole, large split or small split kernels) bagged separately, the sheller (*a*) shall mark or tag each bag in the lot to show the size of the peanuts therein, and (*b*) shall stack the bags of each size of peanuts separately to make them readily available for sampling.

(7) The prices specified for shelled peanuts described in this paragraph (d) shall be discounted (i) for damaged and unshelled kernels and minor defects at the rates prescribed in the table appearing at the end of this subpart, and (ii) for foreign material at the rate of one-tenth of 1 cent per pound for each full one-tenth of 1 percent by which the foreign material is in excess of 1 percent.

(8) In addition to the other prices specified in this paragraph (d), CCC shall pay the sheller for fall through not exceeding 3 percent at the rate of 6 cents per pound. Fall through means all kernels or portions thereof which will pass through screens with the following size openings:

	Whole kernels	Splits and portions
Virginia	$13/64$ x 1" slot	$16/64$" round.
Runner	$13/64$ x $3/4$" slot	$16/64$" round.
Spanish and Valencia	$13/64$ x $3/4$" slot	$15/64$" round.

§ 1446.1641 Peanuts excluded from purchase.

CCC will not purchase from a sheller (a) any 1966 crop peanuts eligible for indemnification, or which would be eligible for indemnification if sold commercially, under the peanut marketing agreement relating to 1966 crop peanuts approved by the Secretary of Agriculture, or (b) a quantity of peanuts (farmers stock equivalent as determined by CCC) which exceeds 90 percent of the quantity of 1966 crop Segregation 1 farmers stock peanuts purchased by the sheller for which producers received not less than their price support value, exclusive of any 1966 crop farmers stock peanuts purchased from CCC or an association for the restricted uses of crushing or export.

§ 1446.1642 Ineligible peanuts.

(a) *Rejection or sale.* (1) CCC may refuse to accept delivery of, or may reject to the sheller, any lot of peanuts or any portion thereof, which (i) fails to meet all of the applicable quality requirements of the subpart, (ii) was offered or delivered by a sheller who was not an eligible sheller, or (iii) was excluded from purchase under § 1446.1641. With respect to any peanuts rejected, the sheller shall reimburse CCC for any transportation, storage or handling charges incurred thereon by CCC.

(2) If CCC has sold any lot of peanuts described in subparagraph (1) of this paragraph (a), the price paid the sheller shall be adjusted downward by CCC, in the case of peanuts described in subdivision (i) of subparagraph (1) of this paragraph, to reflect their reduced value due to the quality deficiencies, as determined by CCC, or in the case of peanuts described in subdivisions (ii) and (iii) of subparagraph (1) of this paragraph, to the final sales price of such peanuts received by CCC. The sheller shall promptly upon demand by CCC, pay to CCC all amounts due under this section.

(3) If CCC finds that a sheller has offered or delivered to CCC any lot of peanuts, or part thereof, which the sheller knew did not meet all of the applicable quality requirements of this subpart, CCC may thereafter terminate its obligation to purchase additional 1966 crop peanuts from such sheller.

(b) *Liquidated damages.* (1) CCC will incur administrative costs in connection with any peanuts described in subdivisions (i), (ii), and (iii) of subparagraph (1) of paragraph (a) of this section, as well as damages to its program of orderly disposition of surplus peanuts, the amount of which would be difficult to

ascertain exactly. The sheller shall, therefore, in addition to any other payment or price adjustment provided for in this section, pay to CCC as liquidated damages and not as a penalty, one cent ($.01) per net pound of such peanuts either rejected to the sheller or sold by CCC.

(2) The sheller agrees that the amount of liquidated damages specified is a reasonable estimate of the administrative costs and program damages which CCC may incur because of sale to it of such peanuts.

(c) *Other rights of the Government.* Nothing contained in this section shall be construed as waiving any other rights which CCC or the United States may have in the event of any unlawful or fraudulent act on the part of a sheller.

§ 1446.1643 Period of offering—size of lots—grading.

(a) *Offers of peanuts.* Unless a later date is approved in writing by CCC, written offers to sell peanuts to CCC, on the form prescribed by CCC, may be filed with the association from time of harvest through:

(1) July 31, 1967, for farmers stock peanuts described in § 1446.1640, paragraph (b), and for shelled peanuts not U.S. grade described in § 1446.1649, paragraph (d).

(2) December 31, 1967, for U.S. grade shelled peanuts described in § 1446.1640, paragraph (c).

(b) *Time of offer and acceptance.* The date the offer is received by the association shall be deemed to be the date of the offer. If peanuts (other than farmers stock peanuts) are inspected before they are offered to CCC, the offer must be received by the association within 9 days after the date of the inspection certificate, except that when the 9th day following the date of the inspection certificate is Saturday, Sunday, or a holiday, receipt of the offer by the association on the next regular working day will be considered timely. Offers will be accepted by CCC as soon as possible after receipt thereof.

(c) *Contract.* The sheller's offer, the acceptance, and the terms and conditions of §§ 1446.1638–1446.1656 shall constitute the sales contract between the sheller and CCC with respect to the lot(s) of peanuts covered by the acceptance.

(d) *Size of Lot.* CCC will, by written notice to eligible shellers, prescribe the quantity of peanuts to be included in any lot(s) offered to and delivered to CCC.

(e) *Inspection.* The type and grade of peanuts delivered to CCC shall be determined by an inspector, whose certificate shall be used for determining quality and net weight. Shelled peanuts which are not inspected before being offered to CCC shall be inspected at the time of delivery to CCC. If shelled peanuts have been inspected before being offered to CCC, the sheller may, at his expense, obtain from an inspector a certificate showing the percentage of moisture in the peanuts at the time of delivery, and such percentage shall be used in determining the net weight of peanuts delivered to CCC. Farmers stock peanuts shall be inspected at the time of delivery to CCC. The sheller shall pay the cost of all inspections under this paragraph. Nothing in this subpart shall preclule the sheller or CCC from applying for an appeal inspection under the regulations governing inspection of fresh fruits, vegetables and other products, §§ 51.1–57.67 of this title.

(f) *Identification.* Each bag of shelled peanuts purchased by CCC shall be positively identified with a tag or seal affixed in accordance with instructions issued by the Federal or Federal-State Inspection Service.

(g) *Weight.* The gross weight of the peanuts delivered to CCC shall be determined at the time of delivery in a manner satisfactory to CCC.

§ 1446.1644 Determination of compliance.

Authorized representatives of CCC or the association may enter and remain in the sheller's mill(s) and storage and other facilities to the extent deemed necessary by them to determine that the sheller is complying with all of the terms and conditions of this subpart.

§ 1446.1645 Delivery.

(a) *Place of delivery.* The sheller shall arrange with the association in his area for the delivery of lots of peanuts accepted by CCC. The sheller shall deliver all peanuts sold to CCC either f.o.b. cars or trucks (CCC's option) at sheller's mill or storage facility as CCC may direct: *Provided*, That the sheller may deliver such peanuts in store at a cold storage warehouse if such delivery is approved by CCC. The sheller shall deliver a quantity of peanuts which is not less than 95 percent or more than 105 percent of the quantity specified in the sheller's offer. Unless otherwise approved by CCC, all peanuts delivered to CCC on or after April 1, 1967, shall be fumigated at the time of delivery at the sheller's expense and in accordance with instructions issued by CCC. All deliveries of peanuts to CCC shall be made in accordance with shipping instructions issued by the association.

(b) *Bags.* The sheller shall deliver all shelled peanuts to CCC in bags of uniform size which are packed in accordance with instructions issued by the association. Such bags shall be made of new burlap of not less than 10 ounce weight material.

§ 1446.1646 Passage of title.

Title and risk of loss or damage to the peanuts purchased by CCC shall pass to CCC upon delivery. Title and risk of loss or damage to peanuts rejected to the sheller in accordance with § 1446.1642 shall revert to the sheller at the point of rejection as of the date of CCC's notice of rejection.

§ 1446.1647 Payment for peanuts.

(a) *Purchase price.* Payment for peanuts purchased by CCC shall be made on the basis of the net weight determined at time of delivery. For purposes of calculating the price of shelled peanuts, the percentage of each grade factor shall be rounded to the nearest tenth of a percent; fractions of five-hundreds or less shall be dropped.

(b) *Invoice.* Payment for peanuts delivered to CCC by the sheller shall be made after presentation to the association of an invoice and such supporting documents as may be required by CCC.

§ 1446.1648 Records and books.

(a) The sheller shall keep complete and accurate records with respect to all his transactions relating to 1966 crop peanuts, including but not limited to: (1) With respect to each lot of 1966 crop farmers stock or shelled peanuts purchased, the date and place received and the name and address of the vendor, the type and grade, or quality as determined by inspectors, the weight and price paid, and (2) with respect to each lot of 1966 crop peanuts sold, the date of sale, the name and address of the purchaser, the type and grade, or quality as determined by an inspector, and weight of peanuts involved in each sale. The sheller shall keep such records for a period of 3 years after the final delivery of peanuts to CCC pursuant to this subpart and make them available upon request to representatives of the association, the General Accounting Office or CCC for examination and audit. The sheller shall obtain and furnish to CCC a statement from any person from whom the sheller purchases farmers stock peanuts (other than a producer, an association, or another sheller participating in this program) to the effect that such person will keep until December 31, 1970, and make available to representatives of CCC, the General Accounting Office or the Association, records which will readily disclose the quality and price paid to producers for each lot of such peanuts.

(b) Upon request by CCC, the sheller shall also furnish CCC a written report summarizing, by type, quality and quantity, all purchases of 1966 crop farmers stock peanuts and all sales of 1966 crop shelled and cleaned in-shell peanuts.

§ 1446.1649 Covenant against contingent fees.

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

§ 1446.1650 Setoff.

If the sheller is indebted to CCC or any other agency of the United States, the amount of such indebtedness may be set off against any amount due the sheller under this subpart in accordance with the CCC Setoff and Withholding Regulations, 30 F.R. 8094, and any amendments thereto.

§ 1446.1651 Assignment.

No assignment shall be made by the sheller of any contract entered into pursuant to this subpart or any rights thereunder, except that the sheller may assign the proceeds of such contract to any bank, trust company, Federal lending agency, or other financial institution and, subject to the approval of CCC, assignment may be made to any other person: *Provided*, That such assignment shall be recognized only if and when the assignee files with CCC written notice of the assignment, together with a signed copy of the instrument of the assignment, in accordance with the instructions on Form CCC–251, "Notice of Assignment," which form must be used in giving notice of assignment to CCC: *Provided further*, That such assignment shall cover all amounts payable and not already paid under such contract, shall not be made to more than one person and shall not be subject to further assignment, except that such assignment may be made to one person as agent or trustee for two or more persons. The "Instrument of Assignment" may be executed on Form CCC–252, or the assignee may use his own form of assignment. Forms may be obtained from the Producer Associations Division, ASCS.

§ 1446.1652 Buy American.

The sheller warrants he will deliver to CCC only peanuts which have been produced in the United States.

§ 1446.1653 Convict labor.

The sheller, in the performance of any contract entered into pursuant to this subpart, agrees not to employ any person undergoing sentence of imprisonment at hard labor.

§ 1446.1654 Disputes.

(a) *Questions of fact.* Except as may otherwise be provided in this subpart, any dispute concerning a question of fact rising out of any sales contract entered into pursuant to this subpart, which is not disposed of by agreement shall be decided by the Director or Acting Director, Producer Associations Division, ASCS, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the sheller. Such decision shall be final and conclusive unless within 30 days from the date of receipt of such copy, the sheller mails or otherwise furnishes a written appeal addressed to the Contracts Dispute Board, CCC. Such Board shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this section, the sheller shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, if performance under any such sales contract has not been completed by the sheller or terminated by CCC, the sheller shall proceed diligently with the performance of the contract and in accordance with the decision of the Director or Acting Director, Producer Associations Division, ASCS.

(b) *Questions of law.* This "disputes" section does not preclude consideration of questions of law in connection with decisions provided for in paragraph (a) of this section: *Provided*, That nothing herein shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

§ 1446.1655 Officials not to benefit.

No member of or delegate to the Congress of the United States, or Resident Commissioner, shall be admitted to any share or part of any sales contract entered into pursuant to this subpart or to any benefit that may arise therefrom, but this provision shall not be construed to extend to such contract if made with a corporation for its general benefit, and shall not extend to any benefits that may accrue from such contract to a member of or delegate to Congress or a Resident Commisioner in his capacity as a farmer.

§ 1446.1656 Equal employment opportunity.

During the period between the date the sheller files his notice of participation pursuant to § 1446.1639 and December 31, 1967, or, if later, the date on which he completes delivery of the final lot of peanuts sold to CCC pursuant to this subpart, the sheller agrees as follows:

(a) *Nondiscrimination.* The sheller will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The sheller will take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to, the following: Employment upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The sheller agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Association setting forth the provisions of this nondiscrimination clause.

(b) *Advertisements.* The sheller, will, in all solicitations or advertisements for employees placed by or on behalf of the sheller, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(c) *Notice to labor union.* The sheller will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the said labor union or workers' representative of the sheller's commitments under this section and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) *Executive Order No. 11246.* The sheller will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) *Information and reports.* The sheller will furnish all information and reports required by Executive Order No. 10925 of March 6, 1961, as amended, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and order.

(f) *Noncompliance.* In the event of the sheller's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the sheller may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in the said Executive order or by rule, regulations, or order of the Secretary of Labor, or as otherwise provided by law.

(g) *Subcontracts.* The sheller will include the provisions of paragraphs (a) through this (g) of this section in every subcontract or purchase order, unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The sheller will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however*, That in the event the sheller becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the sheller may request the United States to enter into such litigation to protect the interests of the United States.

The reporting and recordkeeping requirements contained in this subpart have been approved by, and subsequent reporting requirements will be subject to approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effecive date. This subpart shall be effective on the date of its publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 25, 1966.

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

[F.R. Doc. 66-8283; Filed, July 28, 1966, 8:46 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 307—FACILITIES FOR INSPECTION

PART 340—SPECIAL SERVICES RELATING TO MEAT AND OTHER PRODUCT

PART 355—CERTIFIED PRODUCTS FOR DOGS, CATS, AND OTHER CARNIVORA; INSPECTION, CERTIFICATION, AND IDENTIFICATION AS TO CLASS, QUALITY, QUANTITY, AND CONDITION

Miscellaneous Amendments

Pursuant to the statutory authorities cited below the fees relating to inspection are hereby amended due to increased cost resulting from the Federal Salary and Fringe Benefits Act of 1966 (P.L. 89–504).

1. Section 307.4 is amended to read as follows:

§ 306.4 Assignment of inspectors where members of family employed; soliciting employment.

The management of an official establishment, an importer, or an exporter desiring to work under conditions which will require the services of an employee of the Division on any Saturday, Sunday, or holiday, or for more than 8 hours on any other day, shall, sufficiently in advance of the period of overtime, request the inspector in charge or his assistant to furnish inspection service during such overtime period, and shall pay the Administrator therefor $6.60 per hour to reimburse the Service for the cost of the inspection services so furnished. It will be administratively determined from time to time which days constitute holidays.

(34 Stat. 1264, sec. 306, 46 Stat. 689; 19 U.S.C. 1306, 21 U.S.C. 89)

2. Section 340.7(c) is amended to read as follows:

§ 340.7 Fees and charges.

* * * * *

(c) The fees to be charged and collected for service under the regulations in this part shall be at the rate of $6.28 per hour for base time, $6.60 per hour for overtime including Saturdays, Sundays, and holidays, and $7.20 per hour for laboratory service, to cover the costs of the service and shall be charged for the time required to render such service, including but not limited to the time required for the travel of the inspector or inspectors in connection therewith during the regularly scheduled administrative workweek.

* * * * *

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624)

3. Section 355.12 is amended to read as follows:

§ 355.12 Charge for service.

The fees to be charged and collected by the Administrator shall be $6.28 per hour for base time, $6.60 per hour for overtime including Saturdays, Sundays, and holidays, and $7.20 per hour for laboratory service to reimburse the Service for the cost of the inspection services so furnished.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624)

It has been determined that in order to cover these increased costs of the service, the hourly fee charges in connection with the performance of the services must be increased as soon as practicable as provided for herein. The need for the increase and the amount thereof are dependent upon facts within the knowledge of the Consumer and Marketing Service. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found that notices and other public procedure with respect to this amendment are impracticable and unnecessary and good cause is found for making the amendment effective less than 30 days after its publication in the FEDERAL REGISTER.

This amendment shall become effective July 31, 1966, with respect to all Federal meat inspection services rendered on and after that date.

Done at Washington, D.C., this 27th day of July 1966.

R. K. SOMERS,
Deputy Administrator, Consumer Protection, Consumer and Marketing Service.

[F.R. Doc. 66–8364; Filed, July 28, 1966; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT

[Docket No. 7518; Amdt. 39–267]

PART 39—AIRWORTHINESS DIRECTIVES

Air Cruisers Emergency Evacuation Slides

There have been instances in which certain Air Cruisers emergency evacuation slides installed on Boeing Model 727 Series airplanes have hung-up during operation. Since this condition is likely to exist or develop in other products of the same manufacture, an airworthiness directive is being issued to require modification of certain Air Cruisers emergency evacuation slides on Boeing Model 727 Series airplanes.

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

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

AIR CRUISERS. Applies to Emergency Evacuation Slides, P/Ns 15D22129 and 15D22129–1, manufactured before April 17, 1966, and installed on Boeing Model 727 Series airplanes.

Compliance required within the next 300 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent hang-up during operation, modify Air Cruisers emergency evacuation slides, P/Ns 15D22129 and 15D22129–1, manufactured before April 17, 1966, and installed on Boeing Model 727 Series airplanes, in accordance with Procedures 1 and 2 of Air Cruisers Service Bulletin SB–114–66–2, dated April 18, 1966, or later FAA-approved revision, or an equivalent approved by an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment becomes effective July 29, 1966.

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

Issued in Washington, D.C., on July 22, 1966.

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

[F.R. Doc. 66–8269; Filed, July 28, 1966; 8:45 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 65–SW–40]

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

Alteration of Federal Airways

On April 13, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 5709) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter VOR Federal airway No. 20N and establish a south alternate segment to V–20.

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

Subsequent to the publication of the notice, it has been determined that utilization of the Houston, Tex., 256° True radial in lieu of the Houston 255° True radial for the alignment of V–20N between Palacios, Tex., and Houston would permit the intersection of this north alternate segment to junction at the centerline of VOR Federal airway No. 180. Accordingly, action is taken herein to

reflect this minor realignment in this north alternate segment.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001, e.s.t., September 15, 1966, as hereinafter set forth.

In § 71.123 (31 F.R. 2009, 5055, 6984, 7352, 7507) V–20 is amended by deleting "including a 12 AGL N alternate via INT Palacios 016° and Houston 255° radials;" and substituting "including a 12 AGL N alternate via INT Palacios 031° and Houston 256° radials, and a 12 AGL S alternate via INT Palacios 064° and Houston 201° radials;" therefor.

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

Issued in Washington, D.C., on July 22, 1966.

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

[F.R. Doc. 66–8270; Filed, July 28, 1966; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7495; Amdt. 494]

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	
Briggs VOR	LOM (final)	Direct	2400	T–dn	300–1	300–1	200–½
Akron VOR	LOM	Direct	2800	C–dn	400–1	500–1	500–1½
				S–dn–1	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar available.
Procedure turn E side of crs, 186° Outbnd, 006° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to airport, 006°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing CA LOM, climb to 3000′ on heading of 006°, proceed direct to ACO VOR. Hold E, 1-minute right turns, 276° Inbnd.
MSA within 25 miles of facility: 000°–360°—2600′.

City, Akron; State, Ohio; Airport name, Akron-Canton; Elev., 1228′; Fac. Class., LOM; Ident., CA; Procedure No. 1, Amdt. 16; Eff. date, 20 Aug. 66; Sup. Amdt. No. 15; Dated, 7 Nov. 64

Asheville VOR	Broad River RBn	Direct	5500	T–dn*	800–1	800–1	800–1
Spartanburg VOR	Tuxedo Int	Direct	5000	C–d**	1500–2	1500–2	1500–2
Tuxedo Int	Broad River RBn (final)	Direct	5000	C–n	NA	NA	NA
Owen Int	Broad River RBn	Direct	5000	S–dn–34#	1200–2	1200–2	1200–2
				A–d	1500–2	1500–2	1500–2
				A–n	NA	NA	NA
				If OM or R 256°, AVL VOR received, on final, minimums become:			
				S–dn–34#	800–1	800–1	800–1

Procedure turn E side of crs, 161° Outbnd, 341° Inbnd, 5000′ within 10 miles of Broad River RBn.
Minimum altitude over Broad River RBn on final approach crs, 5000′; over OM, 3400′.
Crs and distance, Broad River RBn to airport, 341°—9.7 miles; OM to airport, 341°—4.7 miles; LMM to airport, 341°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.7 miles after passing BRA RBn, climb on crs of 340° to ABN RBn and continue climb, if necessary, in holding pattern S of ABN RBn (right turns, 1 minute) to 5000′ or higher as directed by ATC before returning to Broad River RBn or continuing climb on crs, or when directed by ATC, climb on crs of 341° from BRA RBn to 8000′ within 20 miles.
*IFR departure procedures: Takeoffs to the N will comply with missed approach procedure when climbing to altitude. Takeoffs to the S will climb on crs of 161° over the OM and continue on crs of 161° to Broad River RBn. Upon reaching 5000′ or higher as directed by ATC, continue climb on crs.
**CAUTION: Terrain rises rapidly 2 miles W of airport. All maneuvering for circling approach must be accomplished E of airport.
#No reduction authorized.
MSA within 25 miles of facility: 000°–090°—8700′; 090°–180°—5500′; 180°–270°—6600′; 270°–360°—8400′.

City, Asheville; State, N.C.; Airport name, Asheville Municipal; Elev., 2161′; Fac. Class., HW; Ident., BRA; Procedure No. 1, Amdt. 4; Eff. date, 20 Aug. 66; Sup. Amdt. No. 3; Dated, 22 Jan. 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	
Weaverville Int	ABN RBn	Direct	6000	T-dn*	800-1	800-1	800-1
Asheville VOR	ABN RBn	Direct	6000	C-d**	1500-2	1500-2	1500-2
Broad River RBn	ABN RBn	Direct	6000	C-n	NA	NA	NA
Owen Int	ABN RBn	Direct	6000	S-dn-16#	1200-1	1200-1	1200-1
				A-d	1500-2	1500-2	1500-2
				A-n	NA	NA	NA

Procedure turn E side of crs, 340° Outbnd, 160° Inbnd, 5500′ within 10 miles.
Minimum altitude over facility on final approach crs, 4200′.
Crs and distance, facility to airport, 160°—5.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing ABN RBn, climb to 5500′ on crs of 161° to Broad River RBn. Hold SE, 1-minute right turns.
IFR departure procedures: Takeoffs to the N will climb on crs, 340° to ABN RBn and continue climb, if necessary, in holding pattern S of ABN RBn (right turns, 1 minute) to 5000′ or higher as directed by ATC, before returning to BRA RBn or continuing climb on crs, or when directed by ATC, climb on crs, 341° from BRA RBn to 8000′ within 20 miles. Takeoffs to the S will climb on crs, 161° over the OM and continue on crs, 161° to Broad River RBn. Upon reaching 5000′ or higher as directed by ATC, continue climb on crs.
**CAUTION: Terrain rises rapidly 2 miles W of airport. All maneuvering for circling approach must be accomplished E of airport. Abrupt changes in terrain adjacent to procedure areas. During periods of thunderstorm activity, station passage (ABN RBn) will be additionally identified as passing the AVL VOR, R 298°. Final approach from holding pattern not authorized. Procedure turn required.
#No reduction authorized.
MSA within 25 miles of facility: 000°-090°—8700′; 090°-180°—6500′; 180°-270°—8500′; 270°-360°—8300′.

City, Asheville; State, N.C.; Airport name, Asheville Municipal; Elev., 2161′; Fac. Class., MHW; Ident., ABN; Procedure No. 2, Amdt. 5; Eff. date, 20 Aug. 66; Sup. Amdt. No. 4; Dated, 22 Jan. 66

Bismarck RBn	LOM	Direct	3300	T-dn%	300-1	300-1	200-½
Bismarck VOR	LOM	Direct	3300	C-d	400-1	500-1	500-1¼
Lincoln Int	LOM	Direct	3300	C-n	400-1½	500-1½	500-1½
Bell Int	LOM	Direct	3300	S-dn-30	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 126° Outbnd, 306° Inbnd, 3300′ within 10 miles.
Crs and distance, facility to airport, 306°—5.8 miles.
Minimum altitude over LOM Inbnd on final approach crs, 3000′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing BI LOM, climb to 3800′ on 286° bearing from BI LOM or to 3800′ on R 263°, BIS VOR within 20 miles, or when directed by ATC, make right-climbing turn to 3800′ on R 336°, BIS VOR within 20 miles.
%When weather is below 1800-2, aircraft departing southwestbound, flight below 3900′ beyond 5 miles from airport is prohibited between R 175° and 230° inclusive of the BIS VOR due to 3373′ tower, 10 miles SSW of airport.
MSA within 25 miles of facility: 000°-090°—3400′; 090°-180°—3300′; 180°-270°—4400′; 270°-360°—3400′.

City, Bismarck; State, N. Dak.; Airport name, Bismarck Municipal; Elev., 1677′; Fac. Class., LOM; Ident., BI; Procedure No. 1, Amdt. 18; Eff. date, 20 Aug. 66; Sup. Amdt. No. 17; Dated, 19 Mar. 66

Bismarck VOR	Bismarck RBn	Direct	3400	T-dn%	300-1	300-1	200-½
				C-d	500-1	500-1	500-1¼
				C-n	500-1½	500-1½	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 074° Outbnd, 254° Inbnd, 3400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2700′.
Crs and distance, facility to airport, 254°—1.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.9 miles after passing BIS RBn, climb to 3800′ on 265° bearing from BIS RBn within 20 miles.
NOTE: Final approach from holding pattern at RBn facility not authorized. Procedure turn required.
%When weather is below 1800-2, aircraft departing southwestbound, flight below 3900′ beyond 5 miles from airport is prohibited between R 175° and 230° inclusive of the BIS VOR due to 3373′ tower, 10 miles SSW of airport.
MSA within 25 miles of facility: 000°-090°—3400′; 090°-180°—3800′; 180°-270°—4400′; 270°-360°—3400′.

City, Bismarck; State, N. Dak.; Airport name, Bismarck Municipal; Elev., 1677′; Fac. Class., BH; Ident., BIS; Procedure No. 2, Amdt. 3; Eff. date, 20 Aug. 66; Sup. Amdt. No. 2; Dated, 19 Mar. 66

Boise VOR	LOM	Direct	4300	T-dn%	300-1	300-1	200-½
Parma Int	LOM (final)	Direct	4000	C-dn	400-1	500-1	500-1¼
Reynolds Int	LOM	Direct	5000	S-dn-10R-L	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn S side of crs, 276° Outbnd, 096° Inbnd, 4300′ within 10 miles.
Minimum altitude over facility on final approach crs, 4000′.
Crs and distance, facility to airport, 096°—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, climb to 5500′ on crs o 111° from Boise LOM within 10 miles, all turns S.
%Takeoff all runways: Shuttle climb on the 212° radial of BOI VORTAC within 20 miles to minimum crossing altitude required for direction of flight, or as directed by ATC.

Direction of flight	*MCA*
N, V-253	6,500
E, 096° radial	5,000
E, 087° radial	7,000

MSA within 25 miles of facility: 000°-090°—10,200′; 090°-180°—8700′; 180°-270°—8300′; 270°-360°—9600′.

City, Boise; State, Idaho; Airport name, Boise Air Terminal; Elev., 2858′; Fac. Class., LOM; Ident., BO; Procedure No. 1, Amdt. 15; Eff. date, 20 Aug. 66; Sup. Amdt. No. 14; Dated, 12 June 65

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	
Mason Int	Madeira RBn (final)	Direct	2700	T-dn#	600-1	600-1	600-1
Hamilton Int	Madeira RBn	Direct	2700	C-dn	800-1	800-1	800-1½
Alexandria Int	Madeira RBn	Direct	2700	S-dn	700-1	700-1	700-1
CVG VOR	Madeira RBn	Direct	2700	A-dn	800-2	800-2	800-2

Radar available.
Procedure turn S side of crs, 021° Outbnd, 201° Inbnd, 2700′ within 10 miles of Madeira RBn.
Minimum altitude over facility on final approach crs, 2700′; over OM, 1600′.
Crs and distance, facility to airport, 201°—7.2 miles; OM to airport, 201°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.2 miles after passing MDE RBn, climb to 2700′ to California Int on heading, 201° to intercept CVG, R 105°. Proceed to California Int, hold E, 1-minute left turns, 285° Inbnd.
#300-1 takeoff authorized Runways 2R and 6. 400-1 takeoff authorized Runways 20L and 24.
MSA within 25 miles of facility: 000°-090°—2600′; 090°-180°—2200′; 180°-270°—2800′; 270°-360°—2200′.

City, Cincinnati; State, Ohio; Airport name, Cincinnati Municipal-Lunken Field; Elev., 488′; Fac. Class., MHW; Ident., MDE; Procedure No. 1, Amdt. 1; Eff. date, 20 Aug. 66; Sup. Amdt. No. Orig.; Dated 9 July 66

Dallas VOR	LOM	Direct	2000	T-dn	300-1	300-1	200-½
Ross Ave Int	LOM	Direct	2000	C-dn	400-1	500-1	500-1½
Lakeside Int	LOM	Direct	2000	S-dn-13L	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn N side of crs, 308° Outbnd, 128° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach, 1500′.
Crs and distance, facility to airport, 128°—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 LOM, climb to 2000′ on track of 128° within 20 miles, or when directed by ATC, turn left, proceed to DAL VOR, climbing to 2000′.
CAUTION: Procedure turn maneuvering must be completed N of final approach crs, 128°-308°. Standard clearance not provided over 1221′ radio tower, 5.6 miles WNW of LOM.
MSA within 25 miles of facility: 160°-250°—3400′; 250°-160°—2300′.

City, Dallas; State, Tex.; Airport name, Dallas Love Field; Elev., 485′; Fac. Class., LOM; Ident., DA; Procedure No. 1, Amdt. 7; Eff. date, 20 Aug. 66; Sup. Amdt. No. 6; Dated 10 Apr. 65

				T-dn	300-1	300-1	300-1
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn E side of crs, 170° Outbnd, 350° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 351°—3.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.1 miles after passing Babylon RBn, climb on a crs of 350° to 1600′ within 10 miles, make left turn, proceed direct to BBN RBn. Hold S, BBN RBn, 1-minute right turns, Inbnd crs, 350°.
NOTE: Final approach approved on a crs of 350° to the Babylon RBn within 10 miles as determined by surveillance radar. Procedure approved only during the hours that the control tower is in operation.
MSA within 25 miles of the facility: 270°-000°—1900′; 090°-270°—1400′.

City, Farmingdale; State, N.Y.; Airport name, Republic Airport; Elev., 82′; Fac. Class., MHW; Ident., BBN; Procedure No. 1, Amdt. 5; Eff. date, 20 Aug. 66; Sup. Amdt. No. 4; Dated, 4 July 64

Holland Int	HNB RBn	Direct	2100	T-d	300-1	300-1	200-½
St. Marks Int	HNB RBn	Direct	2100	C-d	700-1	700-1	700-1½
Augusta Int	HNB RBn	Direct	2100	A-d	NA	NA	NA

Procedure turn S side of crs, 245° Outbnd, 065° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1225′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2100′ on 065° crs within 10 miles, left turn, and return to HNB RBn.
NOTE: Use Evansville altimeter setting.
MSA within 25 miles of facility: 000°-360°—2100′.

City, Huntingburg; State, Ind.; Airport name, Huntingburg; Elev., 525′; Fac. Class., MHW; Ident., HNB; Procedure No. 1, Amdt. Orig.; Eff. date, 18 Aug. 66

Rhinelander VOR	LNL RBn	Direct	3500	T-dn¢	300-1	300-1	200-½
				C-d¢	700-1	700-1	700-1½
				C-n¢	700-1½	700-1½	700-1½
				S-dn-14*¢	700-1	700-1	700-1
				A-dn	NA	NA	NA

Procedure turn W side of crs, 310° Outbnd, 130° inbnd, 3200′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of LNL RBn, make left-climbing turn to 3200′ on 310° bearing from LNL RBn within 10 miles.
NOTE: Use Rhinelander altimeter setting. Procedure authorized only during hours of Rhinelander, Wis., control zone operation.
CAUTION: Runways 5-23 unlighted.
¢These minimums apply at all times for air carriers with approved weather reporting service, alternate day/night minimums of 800-2 also authorized.
*Reduction not authorized.
MSA within 25 miles of facility: 000°-090°—2700′; 090°-360°—3400′.

City, Land O'Lakes; State, Wis.; Airport name, Kings Land O'Lakes Municipal; Elev., 1706′; Fac. Class., MHW; Ident., LNL; Procedure No. 1, Amdt. 1; Eff. date, 20 Aug. 66; Sup. Amdt. No. Orig.; Dated, 25 Dec. 65

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	
JST VORTAC	AOO RBn	Direct	4600	T-dn	1000-1	1000-1	1000-1
Coalfax Int	AOO RBn	Direct	4500	C-d	1100-1	1010-1	1100-2
Huntingdon Int	AOO RBn	Direct	4100	C-n	1100-2	1100-3	1100-3
				A-dn	1500-2	1500-3	1500-3

Procedure turn W side of crs, 020° Outbnd, 200° Inbnd, 3800′ within 10 miles.
Minimum altitude over facility on final approach crs, 3100′.
Crs and distance, facility to airport, 200°—1.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.2 miles after passing AOO RBn, climb straight ahead on 200° heading to 4500′ within 10 miles of AOO RBn.
Return to AOO RBn. Hold NE, 1-minute right turns, 200° Inbnd.
AIR CARRIER NOTE: No reductions authorized; Temporary procedure; to be canceled on or about Aug. 28, 1966, with decommissioning of AOO RBn.
MSA within 25 miles of facility: 270°–180°—3900′; 180°–270°—4200′.

City, Martinsburg; State, Pa.; Airport name, Blair County; Elev., 1504′; Fac. Class., MHW; Ident., AOO; Procedure No. 1, Amdt. Orig.; Eff. date, 18 Aug. 66

MTW VOR	SBM RBn	Direct	2400	T-dn	300-1	300-1	200-½
OSH VOR	SBM RBn	Direct	2700	C-dn	600-1	600-1	600-1½
				S-dn	600-1	600-1	600-1
				A-dn	NA	NA	NA

Procedure turn W side of crs, 020° Outbnd, 200° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1346′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2200′ on crs, 200° from RBn within 10 miles, turn right and return to RBn.
NOTE: Use Green Bay altimeter setting.
MSA within 25 miles of facility: 000°–270°—2200′; 270°–360°—2700′.

City, Sheboygan; State, Wis.; Airport name, Sheboygan County Memorial; Elev., 746′; Fac. Class., MHW; Ident., SBM; Procedure No. 1, Amdt. Orig.; Eff. date, 18 Aug. 66

FSD RBn	LOM	Direct	2700	T-dn%	300-1	300-1	200-½
FSD VOR	LOM	Direct	2700	C-dn	500-1	500-1	500-1½
Bestland Int	LOM	Direct	2700	S-dn-3	500-1	500-1	500-1
Lennox Int	LOM	Direct	2700	A-dn	800-2	800-2	800-2
Russell Int	LOM	Direct	2700				

Procedure turn S side of crs, 206° Outbnd, 026° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 026°—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, climb to 2700′ on 026° bearing from LOM within 15 miles.
%300-1 required for takeoff Runway 15.
%For southeastbound aircraft, when weather is below 2100-2, flight below 3900′ beyond 5 miles E and SE of airport is prohibited between R 095° and R 135° of the FSD VOR. Restriction due to 3444′ tower, 10 miles SE of airport.
MSA within 25 miles of facility: 000°–090°—4500′; 090°–180°—3700′; 180°–360°—3000′.

City, Sioux Falls; State, S. Dak.; Airport name, Joe Foss Field; Elev., 1428′; Fac. Class., LOM; Ident., FS; Procedure No. 1, Amdt. 10; Eff. date, 20 Aug. 66; Sup. Amdt. No. 9; Dated, 5 Dec. 64

Thornhurst VOR	LOM	Direct	3600	T-dn*	600-1	600-1	600-1
Hazleton RBn	LOM	Direct	3600	C-d	1200-1	1200-1½	1200-2
Crystal Lake RBn#	LOM (final)	Direct	3100	C-n	1300-2	1300-2	1300-2
				S-dn	NA	NA	NA
				A-d	1400-2	1400-2	1400-2
				A-n	1600-3	1600-3	1600-3

Radar available.
Procedure turn W side of crs, 223° Outbnd, 043° Inbnd, 3600′ within 10 miles of LOM.**
Minimum altitude over facility on final approach crs, 3100′.
Crs and distance, facility to airport, 043°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing Wilkes-Barre LOM, climb to 3600′ on crs, 043° from the Wilkes-Barre LOM, then proceed to Wilkes-Barre VOR, maintain 4000′, hold E, 1-minute right turns, Inbnd crs, 268°, or when directed by ATC, (1) climb to 3600′ on crs, 043° from the Wilkes-Barre LOM, turn left and proceed direct to Wilkes-Barre LOM, maintain 3600′, hold SW, 1-minute left turns, Inbnd crs, 043°, (2) hold W of the Wilkes-Barre LOM at 3600′, 1-minute right turns, Inbnd crs, 100°.
AIR CARRIER NOTE: Sliding scale not authorized.
CAUTION: High terrain to E, SE, and S of airport within 2.5 miles. Circling approaches are prohibited in that area SE of Runways 4/22 centerline extended."
*Takeoff Runways 10 and 16, day, 600-2; night, 800-2.
**Nonstandard procedure turn and holding pattern due to terrain considerations and to provide separations from en route traffic.
#This transition authorized only for aircraft dual ADF equipped.
MSA within 25 miles of facility: 000°–360°—3700′.

City, Wilkes-Barre; State, Pa.; Airport name, Wilkes-Barre-Scranton; Elev., 956′; Fac. Class., LOM; Ident., AV; Procedure No. 1, Amdt. 7; Eff. date, 20 Aug. 66; Sup. Amdt. No. 6; Dated, 7 Aug. 65

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		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Bismarck RBn	BIS VOR	Direct	3800	T-dn%	300-1	300-1	200-½
R 050°, BIS VOR, clockwise	R 093°, BIS VOR	Via 6-nautical mile DME Arc.	3400	C-d	400-1	500-1	500-1½
				C-n	400-1½	500-1½	500-1½
R 192°, BIS VOR, counterclockwise	R 093°, BIS VOR	Via 6-nautical mile DME arc.	3400	A-dn	800-2	800-2	800-2
6-mile Fix, R 093°	BIS VORTAC (final)	Direct	2700				

Procedure turn N side of crs, 093° Outbnd, 273° Inbnd, 3400′ within 10 miles.
Minimum altitude over 6-mile DME Fix, R 093° on final approach crs, 3400′; over facility, 2700′.
Crs and distance, facility to airport, 273°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing BIS VOR climb to 4000′ on R 263°, BIS VOR within 20 miles, or when directed by ATC, make right-climbing turn to 4000′ on R 336° BIS VOR within 20 miles.
Final approach from holding pattern at VOR not authorized, procedure turn required.
%When weather is below 1800-2, aircraft departing southwestbound, flight below 3900′ beyond 5 miles from airport is prohibited between R 175° and 230°, inclusive, of the BIS VOR due to 3373′ tower, 10 miles SSW of airport.
MSA within 25 miles of facility: 000°–090°—3400′; 090°–180°—3600′; 180°–270°—4400′; 270°–360°—3400′.

City, Bismarck; State, N. Dak.; Airport name, Bismarck Municipal; Elev., 1677′; Fac. Class., LBVORTAC; Ident., BIS; Procedure No. 1, Amdt. 8; Eff. date, 20 Aug. 66; Sup. Amdt. No. 7; Dated, 19 Mar. 66

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-17L*	400-1	400-1	400-1
				A-dn#	800-2	800-2	800-2

Procedure turn W side of crs, 352° Outbnd, 172° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 172°—1.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles after passing GLH VOR, make left-climbing turn to 1700′, proceed direct to GLH VOR, hold N, right turns, 1-minute pattern.
#Alternate minimums authorized only from 0700 to 2000 hours, local time, daily. Weather service available only from 0700 to 2000 hours, local time, daily.
*400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°–090°—1600′; 090°–180°—2300′; 180°–270°—1600′; 270°–360°—1700′.

City, Greenville; State, Miss.; Airport name, Greenville Municipal/AFB; Elev., 130′; Fac. Class., T-BVOR; Ident., GLH; Procedure No. 1, Amdt. 1; Eff. date, 18 Aug. 66; Sup. Amdt. No. Orig.; Dated, 28 Aug. 65

La Habra Int	Spike Int, 24-mile DME Fix, LAX R 081°.	Direct	3000	T-dn	300-1	300-1	300-1
				C-dn	600-1	600-1	600-1½
Spike Int, 24-mile DME Fix, LAX R 081°	Norwalk Int, 15-mile MDE Fix, LAX R 081°.	Direct	2500	S-dn-25	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2
Norwalk Int, 15-mile DME Fix, LAX R 081°.	Bell Int (final), 10.8-mile DME Fix, LAX R 081°.	Direct	2000				

Radar available.
Procedure turn not authorized.
Minimum altitude over Bell Int, 10.8-mile DME Fix, LAX R 081°, on final approach crs, 2000′.
Crs and distance, Bell Int, 10.8-mile DME Fix, LAX R 081°, to airport, 261°—5.5-mile breakoff point to runway, 252°—0.3 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing Bell Int, 5.3-mile DME Fix, LAX R 081°, climb to VOR, then climb via LAX, R 170° to 2000′ within 10 miles or, when directed by ATC, climb via 225° bearing from LAX LOM to intercept and climb via LAX VOR, R 170° to 2000′ within 10 miles.
When authorized by ATC, DME may be used at 16 miles at 4500′ from LAX, R 342° clockwise R 046° and at 2500′ between LAX R 046° and R 170° to position aircraft for straight-in approach.
MSA within 25 miles of facility: 000°–090°—7200′; 090°–180°—2500′; 180°–270°—2400′; 270°–360°—5200′.

City, Hawthorne; State, Calif.; Airport name, Hawthorne Municipal; Elev., 64′; Fac. Class., H-BVORTAC; Ident., LAX; Procedure No. 1, Amdt. 3; Eff. date, 20 Aug. 66; Sup. Amdt. No. 2; Dated, 28 Nov. 64

				T-dn	300-1	300-1	300-1
				C-dn	600-1	600-1	600-1½
				S-dn-7	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2
				DME minimums; DME equipment required:*			
				S-dn-7*	500-1	500-1	500-1

Radar available.
Procedure turn S side of crs, 262° Outbnd, 082° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′; over 2.5-mile DME Fix, 664′.
Crs and distance, facility to airport, 083°—4.5 miles; 2.5-mile DME Fix to airport, 083°—2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles of LAX VOR, turn left, climb via R 068° to 2000′ to Downey Int.
NOTES: (1) Final approach from holding pattern at LAX VOR not authorized. Procedure turn required. (2) When authorized by ATC, DME may be used at 10 miles at 4000′ from LAX, R 342° counterclockwise R 276° and at 2000′ between LAX, R 170° and R 276° to position aircraft for a straight-in approach with the elimination of procedure turn.
MSA within 25 miles of facility: 000°–090°—7200′; 090°–180°—2500′; 180°–270°—2400′; 270°–360′—5200′.

City, Hawthorne; State, Calif.; Airport name, Hawthorne Municipal; Elev., 64′; Fac. Class., H-BVORTAC; Ident., LAX; Procedure No. 2, Amdt. 1; Eff. date, 20 Aug 66; Sup. Amdt. No. Orig.; Dated, 25 June 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	
North Plains VHF Int	UBG VOR	Direct	3000	T-dn%	500-1	500-1	500-1
Oswego VHF Int	UBG VOR	Direct	3000	C-d	1000-1	1000-1	1000-1½
Aurora VHF Int	UBG VOR	Direct	3000	C-n	1000-2	1000-2	1000-2
Gladstone VHF Int	UBG VOR	Direct	3500	A-dn*	1000-2	1000-2	1000-2

Procedure turn W side of crs, 166° Outbnd, 346° Inbnd, 2700′ within 10 miles.
Final approach from holding pattern at UBG VOR not authorized, procedure turn required.
Minimum altitude over facility on final approach crs, 2600′.
Crs and distance, facility to airport, 346°—11.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing UBG VOR, turn right to crs, 110° to intercept UBG VOR, R 014° thence direct to UBG VOR climbing to 2700′. Operations from 6 miles to airport must be conducted in accordance with visual flight rules.
CAUTION: VOR reception not available over the airport below 700′.
%Takeoffs all runways: Climb visually to 500′ over airport thence direct to UBG VORTAC.
*Weather service not available 2200-0600 local time. Alternate minimums not authorized 2200-0600.
Air carrier use not authorized.
MSA within 25 miles of facility: 000°-180°—3100′; 180°-270°—4500′; 270°-360°—4600′.

City, Hillsboro; State, Oreg.; Airport name, Portland-Hillsboro; Elev., 204′; Fac. Class., H-BVORTAC; Ident., UBG; Procedure No. 1, Amdt. 4; Eff. date, 18 Aug. 66; Sup. Amdt. No. 3; Dated, 16 Apr. 66

				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 minimums; 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°, 4399′.
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 mimimums 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., 3699′; Fac. Class., H-BVOR; Ident., LAA; Procedure No. 1, Amdt. 2; Eff. date, 20 Aug. 66; Sup. Amdt. No.1; Dated, 6 Aug. 66

				T-d	300-1	300-1	NA
				C-d	800-1	800-1	NA
				S	NA	NA	NA
				A	NA	NA	NA
				The following minimums apply if Red Bank, N.J., operations altimeter issued by New York ARTOC:#			
				C-d	600-1	600-1	NA

Procedure turn NW side of crs, 342° Outbnd, 162° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 162°—6.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing COL VOR, make right-climbing turn, proceed direct to COL VOR, climbing to 1900′, hold S, R 190°, 1-minute right turns.
#Red Bank operations altimeter normally available 0600-2400 daily.
MSA within 25 miles of facility: 000°-090°—2000′; 090°-360°—1600′.

City, Neptune; State, N.J.; Airport name, Asbury Park-Neptune; Elev., 100′; Fac. Class., L-VORTAC; Ident., COL; Procedure No. 1, Amdt. 1; Eff. date, 20 Aug. 66; Sup. Amdt. No. Orig.; Dated, 18 Dec. 65

				T-dn%	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-5*	600-1	600-1	600-1
				A-dn**	800-2	800-2	800-2

Procedure turn N side of crs, 208° Outbnd, 028° Inbnd, 4300′ within 10 miles.
Minimum altitude over facility on final approach crs, 3800′.
Crs and distance, facility to airport, 028°—6.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.2 miles after passing PUW VOR, turn left, climb to 4300′ on R 208° of PUW VOR within 10 miles of PUW VOR.
%Takeoffs Runways 5/23, turn S, climb direct PUW VOR before proceeding on crs.
*Sliding scale not authorized.
**Alternate minimums authorized only when control zone operative.
MSA within 25 miles of facility: 350°-080°—6000′; 080°-170°—5200′; 170°-260°—5700′; 260°-350°—4700′.

City, Pullman; State, Wash.; Airport name, Pullman-Moscow Regional; Elev., 255′; Fac. Class., L-BVOR; Ident., PUW; Procedure No. 1, Amdt. Orig.; Eff. date, 18 Aug. 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	
FSD RBn	FSD VOR	Direct	2700	T-dn%	300-1	300-1	200-½
R 269°, FSD VOR, clockwise	R 327°, FSD VOR	Via 6-nautical mile DME Arc.	2700	C-dn	500-1	500-1	500-1½
				S-dn-15¢	500-1	500-1	500-1
R 061°, FSD VOR, counterclockwise	R 327°, FSD VOR	Via 6-nautical mile DME Arc.	2700	A-dn	800-2	800-2	800-2
6-mile DME Fix, R 327°	FSD VORTAC (final)	Direct	2600				

Procedure turn W side of crs, 327° Outbnd, 147° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 2600′.
Crs and distance, facility to airport, 147°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums of if landing not accomplished within 4.1 miles, after passing FSD VOR, climb to 3000′ on R 061° within 20 miles.
%300-1 required for takeoff on Runway 15.
%For southeastbound aircraft when weather is below 2100-2, flight below 3900′ beyond 5 miles E and SE of airport is prohibited between R 095° and R 135° of the FSD VOR. Restriction due to 3444′ tower, 10 miles SE of airport.
¢Reduction not authorized for nonstandard REIL.
MSA within 25 miles of facility: 000°-090°—3800′; 090°-180°—4500′; 180°-270°—2800′; 270°-360°—3100′.

City, Sioux Falls; State, S. Dak.; Airport name, Joe Foss Field; Elev., 1428′; Fac. Class., BVORTAC; Ident., FSD; Procedure No. 1, Amdt. 5; Eff. date, 20 Aug. 66; Sup. Amdt. No. 4; Dated, 4 Dec. 65

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

TERMINAL 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	
				T-dn	300-1	300-1	NA
				C-dn	600-1	600-1	NA
				A-dn#	800-2	800-2	NA
				If Beldon Int/Radar Fix received, minimums become:			
				C-dn	500-1	500-1	NA

Radar available.
Procedure turn S side of crs, 061° Outbnd, 241° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′; 1000′ if Beldon Int/Radar Fix identified.
Facility on airport, Beldon Int/Radar Fix to airport, 241°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of CKV VOR, make immediate left-climbing turn to 2000′, and hold S on R 179°, Clarksville VOR, 1-minute right turns, 359° Inbnd.
CAUTION NOTE: Night landings not authorized on Runways 5 or 23 due to obstructions in the approach areas.
#Alternate minimums authorized for air carriers only, provided such air carriers have approval of their arrangement for weather service at this airport. Weather service not available to the general public.
Use Fort Campbell altimeter setting.
MSA within 25 miles of facility: 000°-360°—2200′.

City, Clarksville; State, Tenn.; Airport name, Outlaw Field; Elev., 548′; Fac. Class., T-BVOR; Ident., CKV; Procedure No. TerVOR (R-061), Amdt. 1; Eff. date, 20 Aug. 66; Sup. Amdt. No. Orig.; Dated, 2 Oct. 65

				T-dn%	300-1	300-1	200-½
				C-d#$	500-1	500-1	500-1½
				C-n#$	500-2	500-2	500-2
				S-dn-31#$	500-1	500-1	500-1
				A-dn#$	800-2	800-2	800-2
				Dual VOR minimums; dual VOR receivers required:			
				C-d#$	500-1	500-1	500-1½
				C-n#$	500-2	500-2	500-2
				S-dn-31#$	400-1	400-1	400-1

Procedure turn E side of crs, 125° Outbnd, 305° Inbnd, 3100′ within 10 miles.
Minimum altitude over East Chain Int on final approach crs, ¢1661′ (¢1961′ when control zone not effective).
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of FRM VOR, climb to 3100′ on R 312° within 10 miles. Return to VOR and hold SE on R 125°.
NOTE: Use Mason City, Iowa, altimeter setting when control zone not effective.
CAUTION: Runways 3/21 unlighted.
%Takeoffs Runways 13/31: Westbound aircraft maintain takeoff heading until reaching 2200′. Takeoffs Runway 21: Weather of 500-2 required for westbound aircraft. Restrictions due to 1653′ tower, 2.2 miles W.
$These minimums authorized at all times for air carriers with weather reporting service.
#Circling and straight-in ceiling minimums are raised 300′ and alternate minimums not authorized when control zone not effective.
MSA within 25 miles of facility: 000°-090°—2400′; 090°-270°—2800′; 270°-360°—3200′.

City, Fairmont; State, Minn.; Airport name, Fairmont Municipal; Elev., 1161′; Fac. Class., T-BVOR; Ident., FRM; Procedure No. TerVOR-31, Amdt. 1; Eff. date, 20 Aug. 66; Sup. Amdt. No. Orig.; Dated, 28 Apr. 66

TERMINAL 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	
Elizabeth VHF/DME Int	FFM VOR	Direct	3000	T-dn% C-d C-n S-dn-1 A-dn	300-1 800-1 800-1½ 500-1 NA	300-1 800-1 800-1½ 500-1 NA	200-½ 800-1½ 800-1½ 500-1 NA

Procedure turn E side of crs, 179° Outbnd, 359° Inbnd, 2900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1685′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of FFM VOR, make left-climbing turn to 2900′ on R 179° of FFM VOR, hold S on R 179° at 2900′.
NOTE: Use Alexandria altimeter setting.
CAUTION: Runways 9–27, 15–33 unlighted.
%Takeoffs Runways 19, 1, 15 maintain takeoff heading until reaching 2000′ before turning eastbound. 400–2 required for takeoffs Runway 9. Restrictions due to 1550′ tower, 1.3 miles E.
MSA within 25 miles of facility: 000°–180°—2900′; 180°–360°—2400′.

City, Fergus Falls; State, Minn.; Airport name, Einar Mickelson; Elev., 1185′; Fac. Class., L-VOR; Ident., FFM; Procedure No. TerVOR-1, Amdt. Orig.; Eff. date, 18 Aug. 66

				T-dn% C-dn A-dn	300-1 600-1 800-2	300-1 600-1 800-2	300-1 600-1½ 800-2

Procedure turn S* side of crs, 070° Outbnd, 250° Inbnd, 9700′ within 12 miles.
VOR on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of FLG VOR, turn left, climb via R 082° to 10,000′ within 17 miles.
NOTE: Final approach from holding pattern at FLG VOR not authorized. Procedure turn required.
%Takeoffs all runways (northbound, 310° through 035°), climb via R 175° to recross FLG VOR at 12,500′, then via assigned route.
*All turns S side of crs, high terrain N.
MSA within 25 miles of facility: 045°–135°—9700′; 135°–225°—9100′; 225°–315°—11,200′; 315°–045°—13,600′.

City, Flagstaff; State, Ariz.; Airport name, Pulliam; Elev., 7012′; Fac. Class., L-BVOR; Ident., FLG; Procedure No. VOR R-070, Amdt. Orig.; Eff. date, 18 Aug. 66

				T-dn% C-dn S-dn-3 A-dn*	300-1 600-1 500-1 NA	300-1 600-1 500-1 NA	200-½ 600-1½ 500-1 NA

Procedure turn #W side of crs, 196° Outbnd, 016° Inbnd, 8500′ within 10 miles.
Facility on airport, breakoff point to runway, 026°—0.8 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of GCN VOR, turn left, climb via R 196° to 9000′ within 15 miles.
NOTE: Final approach from holding pattern at GCN VOR not authorized. Procedure turn required.
#All turn W side of crs, high terrain E.
*800–2 authorized for air carriers with weather service.
%Eastbound (040° through 150°) IFR departures: Climb via GCN VOR, R 177 within 10 miles to recross GCN VOR at 7500′ minimum.
MSA within 25 miles of facility: 000°–090°—8700′; 090°–180°—8300′; 180°–270°—7800′; 270°–360°—10,300′.

City, Grand Canyon; State, Ariz.; Airport name, Grand Canyon National Park; Elev., 6611′; Fac. Class., L-BVOR; Ident., GCN; Procedure No. VOR-3, Amdt. Orig.; Eff. date, 18 Aug. 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	
R 343°, BTM VOR, counterclockwise	R 306°, BTM VOR	Via 6-mile DME Arc.	9000	T-d% T-n%	1500-1 1500-2	1500-1 1500-2	1500-1 1500-2
6-mile DME Fix, R 306°	BTM VOR (final)	Direct	8000	C-d C-n A-dn	2000-1½ 2000-2 2000-2	2000-1½ 2000-2 2000-2	2000-1½ 2000-2 2000-2

Procedure turn N side of crs, 306° Outbnd, 126° Inbnd, 10,000′ within 10 miles.
Minimum altitude over facility on final approach crs, 8000′.
Crs and distance, facility to airport, 096°—11.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 10-mile DME Fix on R 096°, make immediate right-climbing turn, return to VOR via R 096°, continue climb on R 343° in 1-minute holding pattern to 9000′, left-hand turns.
NOTE: Final approach from holding pattern at VOR not authorized. Procedure turn required.
CAUTION: Landing must be assured at 10-mile DME Fix.
%Climb clear of clouds over the airport to at least 7000′. If unable to continue, climb to MEA clear of clouds over the airport, climb to BTM VOR on R 094°, then climb to MEA in 1-minute holding pattern on R 343°, left-hand turns.
MSA within 25 miles of facility: 000°–090°—9900′; 090°–180°—11,300′; 180°–270°—11,700′; 270°–360°—11,200′.

City, Butte; State, Mont.; Airport name, Silver Bow County; Elev. 5554′; Fac. Class., L-BVORTAC; Ident., BTM; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. date, 18 Aug. 66

PROCEDURE CANCELED, EFFECTIVE 20 AUG, 1966.

City, Hawthorne; State, Calif.; Airport name, Hawthorne Municipal; Elev., 64′; Fac. Class., H-BVORTAC; Ident., LAX; Procedure No. 1, Amdt. 1; Eff. date, 2 Jan. 65; Sup. Amdt. No. Orig.; Dated, 28 Nov. 64

VOR/DME 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	
North Plains Int/11-miles DME Fix, R 334°	UBG VOR	Direct	3000	T-dn%	500-1	500-1	500-1
Oswego Int/11-mile DME Fix, R 048°	UBG VOR	Direct	3000	C-d	1000-1	1000-1	1000-1½
Aurora Int/10-mile DME Fix, R 111°	UBG VOR	Direct	3000	C-n	1000-2	1000-2	1000-2
10-mile DME Fix, R 183°	5-mile DME Fix, R 183°	Direct	2700	A-dn*	1000-2	1000-2	1000-2
5-mile DME Fix, R 183°	UBG VOR (final)	Direct	2600				
Gladstone Int/17-mile DME Fix, R 085°	UBG VOR	Direct	3500				

Procedure turn W side of crs, 166° Outbnd, 346° Inbnd, 2700′ within 10 miles.
Final approach from holding pattern at UBG VOR not authorized, procedure turn required.
Minimum altitude over facility on final approach crs, 2600′.
Crs and distance, facility to airport, 346°—11.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing UBG VOR, or at the 6-mile DME Fix, R 346°, turn right to crs, 110° to intercept UBG VOR, R 014°, thence direct to UBG VOR climbing to 2700′. Operations from 6 miles to airport must be conducted in accordance with visual flight rules.
CAUTION: VOR reception not available over airport below 700′.
%Takeoffs all runways: Climb visually to 500′ over airport, thence direct to UBG VORTAC.
*Weather service not available 2200-0600 local time. Alternate minimums not authorized 2200-0600.
Air carrier use not authorized.
MSA within 25 miles of facility: 000°-180°—3100′; 180°-270°—4500′; 270°-360°—4600′.

City, Hillsboro; State, Oreg.; Airport name, Portland-Hillsboro; Elev., 204′; Fac. Class., H-BVORTAC; Ident., UBG; Procedure No. VOR/DME No. 1, Amdt. 3; Eff. date, 18 Aug. 66; Sup. Amdt. No. 2; Dated, 16 Apr. 66

				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-13*	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn W side of crs, 324° Outbnd, 144° Inbnd, 2000′ within 10 miles of Frances Int/3.5-miles DME Fix.
Facility on airport.
Minimum altitude over 3.5-miles DME Fix or Frances Int on final approach crs, 1200′.
Crs and distance, breakoff point to approach end of Runway 13, 129°—0.22 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, turn right, and climb to 2000′ on R 324° within 16 miles, or when directed by ATC, make right-climbing turn to 2000′. Intercept, R 190° within 15 miles.
NOTE: When authorized by ATC, DME may be used within 16 miles at 2200′ in all directions to position aircraft for a final approach with the elimination of a procedure turn.
*Reduction below ¾ mile not authorized.
MSA within 25 miles of facility: 000°-090°—2200′; 090°-180°—2500′; 180°-270°—1900′; 270°-360°—2100′.

City, Macon; State, Ga.; Airport name, Macon Municipal; Elev., 354′; Fac. Class., BVORTAC; Ident., MCN; Procedure No. VOR/DME No. 1, Amdt. 6; Eff. date, 20 Aug. 66; Sup. Amdt. No. 5; Dated, 14 May 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	
ABI VOR	University Int	Direct	3300	T-dn	300-1	300-1	200-½
Dyess VOR	ABI LOM	Direct	3900	C-dn	400-1	500-1	500-1½
ABI LOM	University Int	Direct	3300	S-dn-17*	400-1	400-1	400-1
Nugent Int	Fort Int	Direct	3100	A-dn	800-2	800-2	800-2
Fort Int	University (final)	Direct	2800				

Radar available.
Procedure turn E side of crs, 350° Outbnd, 170° Inbnd, 3300′ within 10 miles of University Int.
Minimum altitude over University Int on final approach crs, 2800′; over Fort Int, 3100′.
Crs and distance, University Int to airport, 170°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing University Int, climb to 3900′ on S crs of ILS within 20 miles, or when directed by ATC, turn left and climb to 3900′ on R 110° of ABI VOR within 20 miles.
Radar may be used to position aircraft over Fort Int at 3100′, with elimination of procedure turn.
CAUTION: Towers, 2032′—2.6 miles WNW; 2115′—5.2 miles NW; 2067′—6.8 miles NW.
*400-¾ authorized, except for 4-engine turbojet, with operative high-intensity runway lights.

City, Abilene; State, Tex.; Airport name, Abilene Municipal; Elev., 1778′; Fac. Class., ILS; Ident., I-ABI; Procedure No. ILS-17 (back crs), Amdt. 6; Eff. date, 20 Aug. 66; Sup. Amdt. No. 5; Dated, 23 July 66

Akron VOR	CA LOM	Direct	2800	T-dn	300-1	300-1	200-½
Briggs VOR	CA LOM (final)	Direct	2500	C-dn	400-1	500-1	500-1½
				S-dn-1*	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar available.
Procedure turn E side S crs, 186° Outbnd, 006° Inbnd, 2500′ within 10 miles.
Minimum altitude at glide slope interception inbnd, 2500′.
Altitude of glide slope and distance to approach end of runway at OM, 2415′—3.7 miles; at MM, 1450′—0.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing CA LOM, climb to 3000′ on N crs of ILS to Derby Int. Hold N, 1-minute left turns, 186° Inbnd.
*400-¾ required with glide slope inoperative. 400-½ authorized with operative ALS, except for 4-engine turbojet aircraft.

City, Akron; State, Ohio; Airport name, Akron-Canton; Elev., 1228′; Fac. Class., ILS; Ident., I-CAK; Procedure No. ILS-1, Amdt. 18; Eff. date, 20 Aug. 66; Sup. Amdt. No. 17; Dated, 23 Apr. 66

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	
Asheville VOR	Broad River RBn	Direct	5500	T-dn*	400-1	400-1	400-¾
Owen Int	Broad River RBn	Direct	5000	C-d**	1000-2	1000-2	1000-2
Spartanburg VOR	Tuxedo Int	Direct	5000	C-n	NA	NA	NA
Tuxedo Int	Broad River RBn (final)	Direct	5000	S-dn-34@#	400-¾	400-¾	400-¾
				A-dn**	1000-2	1000-2	1000-2

Procedure turn E side of crs, 161° Outbnd, 341° Inbnd, 5000′ within 10 miles of Broad River RBn.
Minimum altitude at glide slope interception Inbnd, 5000′ (Broad River RBn).
Altitude of glide slope and distance to approach end of runway at Broad River RBn, 5000′—9.7 miles; at OM, 3519′—4.7 miles; at MM, 2329′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.7 miles after passing BRA RBn climb on crs of 340° to ABN RBn and continue climb, if necessary, in holding pattern S of ABN RBn (right turns, 1 minute) to 5000′ or higher as directed by ATC before returning to Broad River RBn or continuing climb on crs, or when directed by ATC, climb on crs of 341° from BRA RBn to 8000′ within 20 miles.
*IFR departure procedures: Takeoffs to the N will comply with missed approach procedure when climbing to altitude. Takeoffs to S will climb on crs of 161° over the OM and continue on crs of 161° to Broad River RBn. Upon reaching 5000′ or higher, as directed by ATC, continue climb on crs.
**CAUTION: Terrain rises rapidly 2 miles W of airport. All maneuvering for circling approach must be accomplished E of airport. Night alternate predicated on landing straight-in Runway 34.
#800-1 required when glide slope not utilized.
@Reduction not authorized.

City, Ashville; State, N.C.; Airport name, Asheville Municipal; Elev., 2161′; Fac. Class., ILS; Ident., I-AVL; Procedure No. ILS-34, Amdt. 6; Eff. date, 20 Aug. 66; Sup. Amdt. No. 5; Dated, 22 Jan. 66

Bismarck RBn	LOM	Direct	3300	T-dn%	300-1	300-1	200-½
Bismarck VOR	LOM	Direct	3300	C-d	400-1	500-1	500-1½
Lincoln Int	LOM	Direct	3300	C-n	400-1½	500-1½	500-1½
Bell Int	LOM	Direct	3300	S-dn-30#	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Procedure turn E side SE crs, 126° Outbnd, 306° Inbnd, 3300′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 3300′.
Altitude of glide slope and distance to approach end of runway at OM, 3260′—5.8 miles; at MM, 1830′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing LOM, climb to 3800′ on 286° bearing from BI LOM or to 3800′ on R 263°, BIS VOR within 20 miles, or when directed by ATC, make right-climbing turn to 3800′ on R 336, BIS VOR within 20 miles.
%When weather is below 1800-2, aircraft departing southwestbound, flight below 3900′ beyond 5 miles from airport is prohibited between R 175° and 230°, inclusive of the BIS VOR due to 3373′ tower, 10 miles SSW of airport.
#300-¾ required when glide slope not utilized. 300-½ authorized with operative ALS except for 4-engine turbojet.
When authorized by ATC, BIS DME may be used to position aircraft for straight-in approach at 3300′ from R 050°, BIS VOR clockwise to R 140°, BIS VOR via 10-mile DME Arc with elimination of procedure turn.

City, Bismarck; State, N. Dak.; Airport name, Bismarck Municipal; Elev., 1677′; Fac. Class., ILS; Ident., I-BIS; Procedure No. ILS-20, Amdt. 19; Eff. date, 20 Aug. 66; Sup. Amdt. No. 18; Dated, 19 Mar. 66

Mason Int	Madeira RBn (final)	Direct	2700	T-dn#	600-1	600-1	600-1
Hamilton Int	Madeira RBn	Direct	2700	C-dn	800-1	800-1	800-1½
Alexandria Int	Madeira RBn	Direct	2700	S-dn-20L*	400-1	400-1	400-1
CVG VOR	Madeira RBn	Direct	2700	A-dn	800-2	800-2	800-2
Scott DME Int	Madeira RBn	Direct	2700				

Radar available.
Procedure turn S side of crs, 021° Outbnd, 201° Inbnd, 2700′ within 10 miles of Madeira RBn.
Crs and distance, Madeira RBn to airport, 201°—7.2 miles.
Minimum altitude at glide slope interception Inbnd, 2700′.
Altitude of glide slope and distance to approach end of runway at OM, 1601′—3.4 miles; at MM, 681′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.2 miles after passing Madeira RBn, climb to 2700′ to California Int on 201° heading to intercept CVG, R 105°. Proceed to California Int. Hold E, 1-minute left turns, 285° Inbnd.
*500-1 required with glide slope inoperative—visibility reduction below ¾ mile not authorized.
#300-1 takeoff authorized Runways 2R and 6, 400-1 takeoff authorized Runways 20L and 24.

City, Cincinnati; State, Ohio; Airport name, Cincinnati Municipal Lunken Field; Elev., 488′; Fac. Class., ILS; Ident., I-LUK; Procedure No. ILS-20L, Amdt. 1; Eff. date, 20 Aug. 66; Sup. Amdt. No. Orig.; Dated, 16 Apr. 66

Dallas VOR	LOM	Direct	2000	T-dn*	300-1	300-1	200-½
Ross Ave Int	LOM	Direct	2000	C-dn	400-1	500-1	500-1½
Lakeside Int	LOM	Direct	2000	S-dn-13L#	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar available.
Procedure turn N side NW crs, 308° Outbnd, 128° 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, 1783′—4.1 miles; at MM, 711′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ on SE crs, ILS (128°) within 20 miles, or when directed by ATC, turn left, proceed to DAL VOR, climbing to 2000′.
CAUTION: Procedure turn maneuvering must be completed N of ILS localizer crs. Standard clearance not provided over 1221′ radio tower, 5.6 miles WNW of LOM.
#400-¾ (RVR 4000′) required when glide slope inoperative, 400-½ (RVR 2400′) authorized with operative ALS except for 4-engine turbojet.
#RVR 2400′, descent below 685′ not authorized unless approach lights are visible.
*RVR 2400′, authorized Runway 13L.
Glide slope unusable below 677′.

City, Dallas; State, Tex.; Airport name, Dallas Love Field; Elev., 485′; Fac. Class., ILS; Ident., I-DAL; Procedure No. ILS-13L, Amdt. 12; Eff. date, 20 Aug. 66; Sup. Amdt. No. 11; Dated, 10 Apr. 65

MUL VORTAC	5-mile DME Fix on MLU localizer BC.	MLU, R 036°	1900	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-22	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 039° Outbnd, 219° Inbnd, 1700′ within 10 miles of 5-mile DME Fix.
Minimum altitude over 9-mile DME Fix on final approach crs, 1100′.
Crs and distance, 9-mile DME Fix to airport, 219°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished upon reaching 5-mile DME Fix, climb to 2000′ on the SW crs, ILS (219°) within 20 miles.
NOTES: 15-mile DME Arc, 1700′ authorized radially, 262° clockwise through 134° from the Monroe VORTAC to intercept final approach crs eliminating procedure turn. Not authorized for air carrier use.

City, Monroe; State, La.; Airport name, Selman Field; Elev., 79′; Fac. Class., ILS; Ident., I-MLU; Procedure No. ILS-22, Amdt. Orig.; Eff. date, 20 Aug. 66

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	
Bay Point Int	Hayward RBn	Direct	6000	T-dn%	300-1	300-1	200-½
Altamont Int	Hayward RBn	Direct	5000	C-dn**	500-1	500-1	500-1½
OAK VOR	Hayward RBn	Direct	4000	S-dn-27R#	200-½	200-½	200-½
Decoto Int	Hayward RBn	Direct	4000	S-dn-27L##	500-1	500-1	500-1
Sunol Int	Hayward RBn	Direct	*4000	A-dn	600-2	600-2	600-2

Radar available.
Procedure turn S side of crs, 095° Outbnd, 275° Inbnd, 4000' within 10 miles of HWD RBn.
Procedure turn S side of crs, high terrain to N.
Minimum altitude at glide slope interception Inbnd, 2700'. Without glide slope, procedure turn required; minimum altitude over Hayward RBn, 2700'.
Altitude of glide slope and distance to approach end of runway at HWD RBn, 2590'—8.2 miles; at OM, 1320'—4.2 miles; at MM, 230'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.5 mile after passing MM, proceed direct to OAK VOR, climbing to 3000' on OAK VOR R 313° to Richmond Int.
NOTES: *Descent on glide slope authorized to cross Hayward RBn at 2590'.
%300-1 required for takeoff on Runway 33.
**700' ceiling required for circling to Runway 15 due to 362' tank, 1.6 miles N of Runways 15/33.
#400-¾ required if glide slope not utilized. 400-½ authorized, except for 4-engine turbojets, with operative ALS.
##Crs and distance OM to Runway 27L, 273°—4.2 miles.

City, Oakland; State, Calif.; Airport name, Metropolitan Oakland International; Elev., 6'; Fac. Class., ILS; Ident., I-OAK; Procedure No. ILS-27R, Amdt. 21; Eff. date, 20 Aug. 66; Sup. Amdt. No. ILS-27R, 20; Dated, 23 Oct. 65

SAT VOR	LOM	Direct	3000	T-dn*	300-1	300-1	200-½
				C-dn	##400-1	500-1	500-1½
				S-dn-12#%	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar available.
Procedure turn W side of NW crs, 303° Outbnd, 123° Inbnd, 3000' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2600'.
Altitude of glide slope and distance to approach end of runway at LOM, 2600'—5.9 miles; at MM, 1028'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right, climb to 3000' on SAT VOR, R 158° within 20 miles.
*RVR 2400' authorized for takeoff Runway 12.
#500-¾ required when glide slope not utilized.
%RVR 2400', descent below 1008' not authorized unless ALS is visible.
##500-1 required when glide slope not utilized.

City, San Antonio; State, Tex.; Airport name, San Antonio International; Elev., 808'; Fac. Class., ILS; Ident., I-ANT; Procedure No. ILS-12, Amdt. 9; Eff. date, 20 Aug. 66; Sup. Amdt. No. 8; Dated, 25 June 66

Sioux Falls RBn	LOM	Direct	2700	T-dn%	300-1	300-1	200-½
Sioux Falls VOR	LOM	Direct	2700	C-dn	500-1	500-1	500-1½
Bestland Int	LOM	Direct	2700	S-dn-3¢#	200-½	200-½	200-½
Lennox Int	LOM	Direct	2700	A-dn	600-2	600-2	600-2
Russell Int	LOM	Direct	2700				

Procedure turn S side of crs, 206° Outbnd, 026° Inbnd, 2700' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2600'.
Altitude of glide slope and distance to approach end of runway at OM, 2526'—3.8 miles; at MM, 1623'—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 LOM, climb to 2700' on NE crs of ILS within 10 miles.
NOTE: When authorized by ATC, FSD DME may be used to position aircraft for straight-in approach at 3000' between R 160° clockwise to R 300° and 3400' between R 145° clockwise to R 160°, via 14-mile DME Arc with the elimination of procedure turn.
%For southeastbound aircraft when weather is below 2100-2, flight below 3900' beyond 5 miles E and SE ofairport is prohibited between R 095° and R 135° of the FSD VOR. Restriction due to 3444' tower 10 miles SE of airport.
%300-1 required for takeoff Runway 15.
¢500-1 required when glide slope not utilized.
#When aircraft equipped to receive ILS and VOR simultaneously and Marie Int received, following minimums apply for all aircraft except 4-engine turbojet. 400-¾ with high-intensity runway lights; 400-½ with ALS in operation.

City, Sioux Falls; State, S. Dak.; Airport name, Joe Foss Field; Elev., 1428'; Fac. Class., ILS; Ident., I-FSD; Procedure No. ILS-3, Amdt. 12; Eff. date, 20 Aug. 66; Sup. Amdt. No. 11; Dated, 4 Dec. 65

Sioux Falls RBn	Renner Int	Direct	2700	T-dn%	300-1	300-1	200-½
Sioux Falls VOR	Renner Int	Direct	2700	C-dn	500-1	500-1	500-1½
Baltic Int	Renner Int (final)	Direct	2500	S-dn-21*	400-1	400-1	400-1
Sherman Int	NE crs, ILS (final)	Via R 046°, FSD VOR.	2500	A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 026° Outbnd, 206° Inbnd, 2700' within 10 miles of Renner Int.
Crs and distance, Renner Int to airport, 206°—3.7 miles.
No glide slope. Minimum altitude over Renner Int, 2500'. No outer marker. No middle marker.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing Renner Int, climb to 2700' on SW crs, ILS, within 10 miles of LOM. Return to LOM and hold on 206° bearing.
NOTE: Procedure authorized only for those aircraft equipped to receive VOR and ILS simultaneously. When authorized by ATC, FSD DME may be used to position aircraft for straight-in approach at 3000' between R 269° clockwise to R 050° via 9-mile DME Arc with the elimination of procedure turn.
%300-1 required for takeoff Runway 15.
%For southeastbound aircraft, when weather is below 2100-2, flight below 3900' beyond 5 miles E and SE of airport prohibited between R 095° and R 135° of the FSD VOR. Restriction due to 3444' tower, 10 miles SE of airport.
*400¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
Reduction below ¾ not authorized.

City, Sioux Falls; State, S. Dak.; Airport name, Joe Foss Field; Elev., 1428'; Fac. Class., ILS; Ident., I-FSD; Procedure No. ILS-21 (back crs), Amdt. 8; Eff. date, 20 Aug. 66; Sup. Amdt. No. 7; Dated, 7 Aug. 65

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	
Sweet Valley Int	CYE RBn	Direct	3800	T-dn#	600-1	600-1	600-1
Thornhurst VOR	CYE RBn	Direct	3800	C-d	900-1½	1000-1½	100-2
Effort Int	CYE RBn	Direct	3800	C-n	1300-2	1300-2	1300-2
Pocono Int	CYE RBn	Direct	3800	S-dn-4**	600-1	600-1	600-1
Scranton Int	CYE RBn	Direct	4000	A-d	1200-2	1200-2	1200-2
Lopez Int	CYE RBn	Direct	3800	A-n	1600-3	1600-3	1600-3
Hazelton RBn	CYE RBn	Direct	3800				
Hazleton VOR	CYE RBn	Direct	3800				

Radar available.
Procedure turn W side SW crs, 223° Outbnd, 043° Inbnd, 3800′ within 10 miles of Crystal Lake RBn.
Minimum altitude at glide slope interception Inbnd final, 3775′ over Crystal Lake RBn.
Altitude of glide slope and distance to approach end of runway at CYE RBn, 3775′—8.6 miles; at OM, 2229′—3.9 miles; at MM, 1177′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing Wilkes-Barre LOM or 8.6 miles after passing Crystal Lake RBn, climb to 3800′ on crs, 043° from the Wilkes-Barre LOM, then proceed direct to the Wilkes-Barre VOR, maintain 4000′. Hold E, 1-minute right turns, Inbnd crs, 268°, or when directed by ATC, (1) climb to 3800′ on crs, 043° from the LOM, turn left and proceed direct to Crystal Lake RBn, maintain 3800′, hold SW, 1-minute left turns, inbnd crs, 043°, (2) hold W of Crystal Lake RBn, 3800′, 1-minute right turns, Inbnd crs, 100°.
AIR CARRIER NOTE: Sliding scale not authorized.
NOTES: (1) This approach is authorized only when Crystal Lake Radio Beacon is operating, or when Radar is utilized. (2) High terrain to E, SE, and S of airport within 2.5 miles. "Circling approaches are prohibited in that area SE of Runways 4/22 centerline extended."
#Takeoff minimums for Runways 10 and 16: Day, 600-2; night, 800-2.
**If glide slope inoperative, maintain 2600′ until past LOM; circling minimums apply.

City, Wilkes-Barre; State, Pa.; Airport name, Wilkes-Barre-Scranton; Elev., 956′; Fac. Class., ILS; Ident., I-AVP; Procedure No. ILS-4, Amdt. 19; Eff. date, 20 Aug. 66; Sup. Amdt. No. 18; Dated, 19 Feb. 66

MIP VOR	Picture Rocks RBn/Int	Direct	3700	T-dn%	800-1	800-1	800-1
IPT VOR	Picture Rocks RBn/Int	Direct	3700	C-dn#	900-1½	900-1½	900-1½
Hillsgrove Int	Picture Rocks RBn (final)	Direct	3600	S-dn-27*	800-1½	800-1½	800-1½
Linden Int	Picture Rocks RBn/Int	Direct	4000	A-d	1500-2	1500-2	1500-2
Muncy Int	Picture Rocks RBn (final)	Direct	3600	A-n	1500-3	1500-3	1500-3

Procedure turn S side of crs, 086° Outbnd, 266° Inbnd, 3700′ within 10 miles of Picture Rocks RBn or Int.
Minimum altitude over Picture Rocks RBn or Int on final approach crs, 3600′.
Minimum altitude at glide slope interception Inbnd, 3600′.
Altitude of glide slope and distance to approach end of runway at Picture Rocks RBn/Int, 3600′—9.4 miles; at OM, 1812′—3.8 miles; at MM, 766′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing outer marker or 9.4 miles after passing Picture Rocks RBn or Int, make immediate right (N) climbing turn to 3700′, proceed to Picture Rocks RBn. Hold E, 1-minute left turns, Inbnd crs, 266°, or when directed by ATC, make a right (NW) climbing turn to 4000′ to intercept the MIP VOR, R 325°, proceed to Trout Run Int. Hold W, Trout Run Int, 1-minute right turns Inbnd crs, 110′.
#CAUTION: 2000′ ridge, approximately 2 miles S of airport. All circling approaches are prohibited in the area S of Runways 9-27.
NOTE: Procedure restricted to aircraft capable of receiving ILS and VOR simultaneously when Picture Rocks RBn inoperative.
AIR CARRIER NOTE: Sliding scale not authorized for takeoffs and landings. Runways 15-33 closed to air carrier operations.
*If glide slope inoperative, maintain 2000′ until past OM; circling minimums apply.
%ATC will assign departure routing.
Departure procedures: Caution: High terrain underlies the departure routes.
All runways: Climb VFR to 1300′ in the immediate vicinity of the airport in order to depart IFR climbing on a crs. ¢%†.
¢To intercept a 300 magnetic bearing from the "PT" LMM, thence via the 300 magnetic bearing to intercept the 325° radial of the Milton VOR. Climb Outbnd on the Milton VOR, 325° radial to 2100′ before proceeding as cleared.
%To intercept the IPT localizer front crs climbing toward the PIX BRn/Int. Cross the PIX BRn/Int at or above 2100′ before proceeding as cleared.
†Direct to the IPT VORTAC. Cross the IPT VORTAC, 4-nautical mile DME Arc at or above 2000′ before proceeding as cleared.

City, Williamsport; State, Pa.; Airport name, Williamsport-Lycoming County; Elev., 528′; Fac. Class., ILS; Ident., I-IPT; Procedure No. ILS-27, Amdt. 6; Eff. date, 20 Aug. 66; Sup. Amdt. No. 5; Dated, 12 June 65

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	

PROCEDURE CANCELED, EFFECTIVE 20 AUG. 1966.

City, Bedford; State, Mass.; Airport name, Hanscom; Elev., 133′; Fac. Class and Ident., Hanscom Radar; Procedure No. 1, Amdt. 2; Eff. date, 5 June 65; Sup. Amdt. No. 1 Dated, 4 Jan. 64

RADAR 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	
		Within:		Surveillance approach			
All sectors	Radar site	7 miles	**1900	T-dn	300-1	300-1	200-½
All sectors	Radar site	10-25 miles	2800	C-dn	500-1	500-1	500-1½
All sectors	Radar site	7-10 miles	*2400	S-dn-1%$	400-1	400-1	400-1
160° clockwise to 200°	Radar site	7-14 miles	#2000	S-dn-7R	400-1	400-1	400-1
				S-dn-13, 19%%	500-1	500-1	500-1
				S-dn-25L and 31	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 1: Climb to 2700′ on 006° bearing from MK LOM within 20 miles to the Cardinal Int. Runway 19: Climb to 2100′ on S crs, ILS within 10 miles of MK LOM. Runways 7R-13: Right turn, climb to 2100′ and proceed to LOM. Runways 25L-31: Left turn, climb to 2100′ and proceed to LOM.

%Do not descend below 1200′ on approach to Runway 1 until controller advises passing the AC spark plug tower.

%%Do not descend below 1800′ on approach to Runway 19 until controller advises passing 5-mile Radar Fix.

*3-mile lateral separation required from 1720′ tower, 7.8 miles N of airport; 1735′ tower, 9.2 miles N of airport; and 1549′ tower, 11 miles NW of airport.

**3-mile lateral separation required from 1261′ tower, 4.8 miles N of airport; 1175′ tower, 6.1 miles NW or airport; 1050′ tower, 3.6 miles W of airport; 1266′ towers, 7 miles W of airport; 1141′ stack, 6 miles SSE of airport; 1720′ tower, 7.8 miles N of airport; 1735′ tower, 9.2 miles N of airport; 1091′ tower, 8 miles SW of airport; 1449′ tower, 5.2 miles N of airport.

#3-mile lateral separation required from 1141′ stack, 6 miles SSE of airport.

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

$400-½ authorized, except for 4-engine turbojet aircraft, with operative ALS.

City, Milwaukee; State, Wis.; Airport name, General Mitchell Field; Elev., 723′; Fac. Class. and Ident., Milwaukee Radar; Procedure No. 1, Amdt. 13; Eff. date, 20 Aug. 66; Sup. Amdt. No. 12; Dated, 12 June 65

		Within:					
334°	088°	30 miles	7500	T-dn	300-1	300-1	200-1½
088°	172°	30 miles	4600	C-dn 8LR	800-1	800-1	800-1½
172°	293°	30 miles	6500	C-dn 26/L	700-1	700-1	700-1½
293°	334°	30 miles	5500	A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, runway 26L: Climb to 4000′ on PHX VOR, R258°/258° bearing from RBn within 20 miles. Runways 8L/R: Climb to 4000′ on PHX VOR, R 076°/076° bearing from RBn within 10 miles.

City, Phoenix; State, Ariz.; Airport name, Sky Harbor Municipal; Elev., 1122′; Fac. Class. and Ident., Phoenix Radar; Procedure No. 1, Amdt. Orig.; Eff. date, 20 Aug. 66

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 15, 1966.

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

[F.R. Doc. 66-7939; Filed, July 28, 1966; 8:45 a.m.]

SUBCHAPTER I—AIRPORTS

[Docket No. 7524; Amdt. 151-12]

PART 151—FEDERAL AID TO AIRPORTS

Equal Employment Opportunity

The purpose of this amendment is to reflect the changes in the equal employment opportunity regulations incorporated in this part brought about by Executive Order 11246 and subsequent action thereunder by the Secretary of Labor.

Section 151.54 reflects the equal employment opportunity requirements applicable to contractors and subcontractors under Federal-aid to Airports grants of the regulations of the President's Committee on Equal Employment Opportunity, 28 F.R. 9812, 11305. By Executive Order 11246, 30 F.R. 12319, the President abolished the Committee and transferred its functions to the Secretary of Labor. The Secretary established an Office of Federal Contract Compliance for the discharge of these responsibilities (31 F.R. 6921). He also adopted as his own the rules of the Committee "to the extent not inconsistent with Executive Order 11246 of September 24, 1965" and replaced the references to officers of the Committee in these rules by references to the Director of the Office of Federal Contract Compliance, effective October 24, 1965 (30 F.R. 13441). These changes should therefore be reflected in § 151.54.

Since this amendment merely reflects rule making action already taken by the Secretary of Labor, notice and public procedure thereon are not required and the amendment may be made effective immediately.

Accordingly, § 151.54 of Part 151 of the Federal Aviation Regulations, 14 CFR 151.54, is amended, effective immediately, as follows:

1. By amending the introductory paragraph to read as follows:

In conformity with Executive Order 11246 of September 24, 1965 (30 F.R. 12319) the regulations of the former President's Committee on Equal Employment Opportunity, 41 CFR Part 60-1 (28 F.R. 9812, 11305), as adopted "to the extent not inconsistent with Executive Order 11246" by the Secretary of Labor ("Transfer of Functions," Oct. 19, 1965, 30 F.R. 13441), are incorporated by reference into Subparts B and C of this part as set forth below. They are referred to in this section by section numbers of Part 60-1 of Title 41.

2. By amending § 151.54(d) by striking out the words "President's Committee on Equal Employment Opportunity" and "Executive Vice Chairman of the President's Committee" and inserting in place thereof, respectively, the words "Office of Federal Contract Compliance in the United States Department of Labor" and "Director of the Office of Federal Contract Compliance".

3. By striking out the word "Committee" in § 151.54(e) and inserting the words "Office of Federal Contract Compliance" in place thereof; and

4. By striking out the words "the Committee Regulations refer" in § 151.54(g) and inserting the words "Part 60-1 refers" in place thereof.

(Federal Airport Act (49 U.S.C. 1101-1114, 1116-1119); Executive Order 11246; Regulations of Secretary of Labor (30 F.R. 13441, 31 F.R. 6921))

Issued in Washington, D.C., on July 26, 1966.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 66-8293; Filed, July 28, 1966; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8647 o.]

PART 13—PROHIBITED TRADE PRACTICES

Clairol, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses;* § 13.825 *Allowances for services or facilities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Clairol, Inc., New York, N.Y., Docket 8647, June 24, 1966]

Order requiring a New York City manufacturer of beauty preparations, to cease paying discriminatory promotional allowances to competing customers in two channels of trade, beauty salons and regular retailers, in the sale of its hair coloring products, in violation of section 2(d) of the Clayton Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent, Clairol, Inc., its officers, agents, representatives and employees, directly or indirectly, through any corporate or other device, in or in connection with the offering for sale, sale or distribution of its products, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith:

1. (a) Cease and desist from paying or contracting to pay anything of value to or for the benefit of any retailer customer engaged in the resale of respondent's hair care products to home use consumers as compensation or consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale or offering for sale of respondent's products unless such payment or consideration is available on proportionally equal terms to all other retailer customers of respondent competing with the favored retailer customer in the distribution of such products to the consumer for home use.

(b) Cease and desist from making or contracting to make any such payment to or for the benefit of any such retailer customer unless such payment is available on proportionally equal terms to all other customers of respondent who resell such products of respondent to retailers who compete with the favored retailer customer in the resale of respondent's hair care products to consumers for home use.

2. (a) Cease and desist from paying or contracting to pay anything of value to or for the benefit of any customer engaged in rendering hair care services, in the course of which such customer uses respondent's hair care products, for advertising services furnished by or through such customer in the promotion of such products unless such payment or consideration is available on proportionally equal terms to all beauty salon customers of respondent competing with the favored customer in the rendering of hair care services and the use of respondent's hair care products.

(b) Cease and desist from making or contracting to make any such payment to or for the benefit of any such customer unless such payment is available on proportionally equal terms to all other customers of respondent who resell such products of respondent to beauty salons who compete with the favored customer in the rendering of hair care services and the use of respondent's hair care products.

It is further ordered, That the initial decision, as modified and supplemented by the accompanying opinion of the Commission, be, and it hereby is, adopted as the decision of the Commission.

It is further ordered, That respondent, Clairol, Inc., a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission, a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: June 24, 1966.

By the Commission.[1]

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

[F.R. Doc. 66-8278; Filed, July 28, 1966; 8:46 a.m.]

[Docket No. 8648 o.]

PART 13—PROHIBITED TRADE PRACTICES

Wilmington Chemical Corp. and Joseph S. Klehman

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1395 *Connections and arrangements with others.* Misrepresenting oneself and goods—Goods: § 13.1615 *Earnings and profits;* § 13.1647 *Guarantees;* § 13.1745 *Source of origin:* § 13.1745-60 Maker or seller; § 13.1762 *Tests, purported.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Wilmington Chemical Corp. et al., Chicago, Ill., Docket 8648, June 17, 1966]

Order requiring a Chicago, Ill., manufacturer of a water repellent product, to cease misrepresenting the origin and waterproofing qualities of its product and making deceptive claims about testing, profitability, discount of notes, and guarantee coverage.

The order to cease and desist is as follows:

It is ordered, That the respondent, Wilmington Chemical Corp., a corporation, and its officers, and respondent Joseph S. Klehman, individually and as an officer of the corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of water repellent coatings, paints, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. Respondents are a subsidiary, exclusive licensee, or division of, or affiliated in any manner with, E. I. du Pont de Nemours & Co., Inc., either by that name or the abbreviated name of Du Pont; or in any other manner suggesting a relationship with the Du Pont company other than that of seller and purchaser; or that the respondents are affiliated with any company or organization with which, in fact, they are not so affiliated; or that X-33 or any other product sold by respondent was manufactured, developed, or tested by E. I. du Pont de Nemours & Co., Inc., either by that name or the abbreviated name of Du Pont; or that such products were developed or manufactured by any company or organization which, in fact, has not developed or manufactured such products.

2. Respondents' products are guaranteed, unless the nature, conditions, and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

3. Franchise dealers will earn, or are likely to earn, any specific amount in dollars, or will earn any amount in excess of that usually earned by respondents' dealers in the normal course of business in a similar trade area.

4. The contract or franchise may be cancelled by the franchise dealer at any time; or that respondents will pick up any unsold quantities of respondents' products, transfer them to another dealer, or make refund to the dealers for unsold merchandise, or that the contract is other than an outright sale of respondents' product to the dealer.

5. Respondents' product will be sold by the customer before payment therefor becomes due.

6. Respondents' products were tested by E. I. du Pont de Nemours & Co., Inc., either by that name or the abbreviated name of Du Pont, by the corporate respondent, or by an independent laboratory.

7. Respondents' products are waterproof or will cause any surface to which they are applied to become waterproof, or in any other way misrepresenting the uses or efficacy of any of their products.

8. Any trade acceptances or any other form of commercial paper or obligation given in payment for merchandise will be retained by the corporate respondent and not sold to, or discounted by, a third party.

B. Furnishing to, or otherwise placing in the hands of, others, including salesmen, retailers, or dealers, the means or instrumentalities by or through which

[1] Commissioner Elman dissenting.

they may mislead or deceive the public in the manner or as to the things prohibited by this order.

It is further ordered, That the charges contained in paragraphs 6 (8) and (10) and 7 (8) and (10) of the complaint be, and they hereby are, dismissed.

By order of the Commission further order requiring report of compliance is as follows:

It is further ordered, That respondents Wilmington Chemical Corp., a corporation, and Joseph S. Klehman, individually and as an officer of said corporation, shall, within sixty (60) days after service of this order upon them, file with the Commission a report in writing, signed by each respondent named in this order, setting forth in detail the manner and form of their compliance with the order to cease and desist.

Issued: June 17, 1966.

By the Commission.

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

[F.R. Doc. 66-8279; Filed, July 28, 1966; 8:46 a.m.]

[Docket No. C-1078]

PART 13—PROHIBITED TRADE PRACTICES

Guild Mills Corp. and Lawrence W. Guild

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Guild Mills Corp. et al., Laconia, N.H., Docket C-1078, June 27, 1966]

Consent order requiring a Laconia, N.H., textile importer to cease importing or selling any highly flammable fabric dangerous to the individual wearer.

The order to cease and desist, including further order requiring report of compliance therewith is as follows:

It is ordered, That respondents Guild Mills Corp., and its officers, and Lawrence W. Guild, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device to forthwith cease and desist from:

(a) Importing into the United States; or

(b) Selling, offering for sale, introducing, delivering for introduction, transporting, or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce,

any fabric which, under the provisions of section 4 of the said Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 27, 1966.

By the Commission.

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

[F.R. Doc. 66-8280; Filed, July 28, 1966; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Y]

PART 222—BANK HOLDING COMPANIES

Investment by Bank Holding Company Subsidiary

§ 222.121 Acquisition of Edge corporation affiliate by State member banks of registered bank holding company.

(a) The Board has been asked whether it is permissible for the commercial banking affiliates of a bank holding company registered under the Bank Holding Company Act of 1956, as amended, to acquire and hold the shares of the holding company's Edge corporation subsidiary organized under section 25(a) of the Federal Reserve Act.

(b) Section 9 of the Bank Holding Company Act amendments of 1966 (Public Law 89-485, approved July 1, 1966) repealed section 6 of the Bank Holding Company Act of 1956. That rendered obsolete the Board's interpretation of section 6 that was published in the March 1966 Federal Reserve Bulletin, page 339 (§ 222.120). Thus, so far as Federal banking law applicable to State member banks is concerned, the answer to the foregoing question depends on the provisions of section 23A of the Federal Reserve Act, as amended by the 1966 amendments to the Bank Holding Company Act. By its specific terms, the provisions of section 23A do not apply to an affiliate organized under section 25(a) of the Federal Reserve Act.

(c) Accordingly, the Board concludes that, except for such restrictions as may exist under applicable State law, it would be legally permissible by virtue of paragraph 20 of section 9 of the Federal Reserve Act for any or all of the State member banks that are affiliates of a registered bank holding company to acquire and hold shares of the Edge corporation subsidiary of the bank holding company within the amount limitation in the last sentence of paragraph 12 of section 25(a) of the Federal Reserve Act.

(12 U.S.C. 248(i). Interprets 12 U.S.C. 24, 335, 371c, 611, and 618)

Dated at Washington, D.C., this 20th day of July 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 66-8277; Filed, July 28, 1966; 8:45 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2,6-Dichloro-4-Nitroaniline

A petition (PP 6FO490) was filed with the Food and Drug Administration by the Upjohn Co., Kalamazoo, Mich. 49001, proposing the establishment of a tolerance for residues of the fungicide 2,6-dichloro-4-nitroaniline in or on the raw agricultural commodity cottonseed at 0.05 part per million. The petitioner later increased the proposed tolerance to 0.1 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purpose for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material, it is concluded that the tolerance established in this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2), and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120; 31 F.R. 3008), § 120.200 is amended by adding thereto a new tolerance as follows:

§ 120.200 2,6-Dichloro-4-nitroaniline; tolerances for residues.

* * * * *

0.1 part per million in or on cottonseed.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the ob-

jections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: July 22, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-8286; Filed, July 28, 1966; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

POLYOXYETHYLENE (20) SORBITAN TRISTEARATE; POLYSORBATE 80; SORBITAN MONOSTEARATE; POLYSORBATE 60 (POLYOXYETHYLENE (20) SORBITAN MONOSTEARATE); CALCIUM STEARYL-2-LACTYLATE

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 6A1893) filed by Germantown Manufacturing Co., 5100 Lancaster Avenue, Philadelphia, Pa. 19131, and other relevant data, has concluded that the food additive regulations should be amended to provide for the safe use of polyoxyethylene (20) sorbitan tristearate, polysorbate 80, sorbitan monostearate, polysorbate 60 (polyoxyethylene (20) sorbitan monostearate), and calcium stearyl-2-lactylate in whipped vegetable oil topping. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), Part 121 is amended:

1. By adding to § 121.1008(c)(3) a new subdivision (iii), as follows:

§ 121.1008 **Polyoxyethylene (20) sorbitan tristearate.**

* * * * *

(c) * * *

(3) * * *

(iii) Polysorbate 80;

* * * * *

2. By adding to § 121.1009(c) a new subparagraph (9), as follows:

§ 121.1009 **Polysorbate 80.**

* * * * *

(c) * * *

(9) As an emulsifier in whipped vegetable oil topping with or without one or a combination of the following:

(i) Sorbitan monostearate;

(ii) Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate);

(iii) Polyoxyethylene (20) sorbitan tristearate;

whereby the maximum amount of the additive or additives used does not exceed 0.4 percent of the weight of the finished whipped vegetable oil topping.

* * * * *

3. By adding to § 121.1029(c)(1) a new subdivision (iii), as follows:

§ 121.1029 **Sorbitan monostearate.**

* * * * *

(c) * * *

(1) * * *

(iii) Polysorbate 80.

* * * * *

4. By adding to § 121.1030(c)(1) a new subdivision (iii), as follows:

§ 121.1030 **Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate).**

* * * * *

(c) * * *

(1) * * *

(iii) Polysorbate 80.

* * * * *

5. By adding to § 121.1047(c)(2) a new subdivision (iii), as follows:

§ 121.1047 **Calcium stearyl-2-lactylate.**

* * * * *

(c) * * *

(2) * * *

(iii) Whipped vegetable oil topping at a level not to exceed 0.3 percent of the weight of the finished whipped vegetable oil topping.

* * * * *

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

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

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

Dated: July 22, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-8288; Filed, July 28, 1966; 8:47 a.m.]

PART 121—FOOD ADDITIVES

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

SANITIZING SOLUTIONS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5H1665) filed by West Chemical Products, 42-16 West Street, Long Island City, N.Y. 11101, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of an additional sanitizing solution on food-processing equipment and utensils. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), § 121.2547 is amended by adding a new paragraph (b)(5) and by revising paragraph (c)(3) and (4), as follows:

§ 121.2547 **Sanitizing solutions.**

* * * * *

(b) * * *

(5) An aqueous solution containing elemental iodine, hydriodic acid, isopropyl alcohol, polyoxyethylene (4–12 moles) nonylphenol with a maximum average molecular weight of 748, and/or polyoxyethylene - polyoxypropylene block polymers (having a minimum average molecular weight of 1900), together with components generally recognized as safe.

(c) * * *

(3) Solutions identified in paragraph (b)(3) of this section will provide not more than 25 parts per million of titratable iodine. The solutions will contain the components potassium iodide, sodium *p*-toluenesulfonchloramide, and sodium lauryl sulfate at a level not in excess of the minimum required to produce their intended functional effect.

(4) Solutions identified in paragraph (b)(4) and (5) of this section will contain iodine to provide not more than 25 parts per million of titratable iodine. The adjuvants used with the iodine will not be in excess of the minimum amounts required to accomplish the intended technical effect.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the

objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

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

Dated: July 22, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-8287; Filed, July 28, 1966; 8:46 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 365-66]

PART 42—NONDISCRIMINATION; EQUAL EMPLOYMENT OPPORTUNITY; POLICIES AND PROCEDURES

Subpart C—Nondiscrimination in Federally Assisted Programs—Implementation of Title VI of the Civil Rights Act of 1964

IMPLEMENTATION OF TITLE VI OF CIVIL RIGHTS ACT OF 1964 WITH RESPECT TO FEDERALLY ASSISTED PROGRAMS ADMINISTERED BY DEPARTMENT OF JUSTICE

By virtue of the authority vested in me by section 161 of the Revised Statutes (5 U.S.C. 22), section 2 of Reorganization Plan No. 2 of 1950, Title VI of the Civil Rights Act of 1964 (78 Stat. 252), and the Law Enforcement Assistance Act of 1965 (79 Stat. 828), it is hereby ordered as follows:

SECTION 1. The heading of Part 42 of Title 28 of the Code of Federal Regulations is hereby amended to read as set forth above.

SEC. 2. Part 42 is hereby amended by adding at the end thereof a new Subpart C to read as follows:

Subpart C—Nondiscrimination in Federally Assisted Programs—Implementation of Title VI of the Civil Rights Act of 1964 [1]

Sec.
42.101 Purpose.
42.102 Definitions.
42.103 Application of this subpart.
42.104 Discrimination prohibited.
42.105 Assurance required.
42.106 Compliance information.
42.107 Conduct of investigations.
42.108 Procedure for effecting compliance.
42.109 Hearings.
42.110 Decisions and notices.
42.111 Judicial review.
42.112 Effect on other regulations; forms and instructions.

Appendix A—Programs and Activities of the Department of Justice to Which This Subpart Applies.

[1] See also 28 CFR 50.3, Guidelines for enforcement of Title VI, Civil Rights Act.

AUTHORITY: The provisions of this Subpart C issued under sec. 161, Revised Statutes (5 U.S.C. 22); sec. 2, Reorganization Plan No. 2 of 1950; Title VI, Civil Rights Act of 1964 (78 Stat. 252); Law Enforcement Assistance Act of 1965 (79 Stat. 828).

§ 42.101 Purpose.

The purpose of this subpart is to implement the provisions of Title VI of the Civil Rights Act of 1964, 78 Stat. 252 (hereafter referred to as the "Act"), to the end that 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 otherwise be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Justice.

§ 42.102 Definitions.

As used in this subpart—

(a) The term "responsible Department official" with respect to any program receiving Federal financial assistance means the Attorney General, or Deputy Attorney General, or such other official of the Department as has been assigned the principal responsibility within the Department for the administration of the law extending such assistance.

(b) The term "United States" includes the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and all other territories and possessions of the United States, and the term "State" includes any one of the foregoing.

(c) The term "Federal financial assistance" includes (1) grants and loans of Federal funds, (2) the grant or donation of Federal property and interests in property, (3) the detail of Federal personnel, (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and (5) any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(d) The term "program" includes any program, project, or activity for the provision of services, financial aid, or other benefits to individuals (including education or training, rehabilitation, or other services or disposition, whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities and cash or loan or other assistance to individuals), or for the provision of facilities for furnishing services, financial aid, or other benefits to individuals. The disposition, services, financial aid, or benefits provided under a program receiving Federal financial assistance shall be deemed to include any disposition, services, financial aid, or benefits provided with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include any disposition, services, financial aid, or benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(e) The term "facility" includes all or any portion of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

(f) The term "recipient" means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or other entity, or any individual, in any State, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assign, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

(g) The term "primary recipient" means any recipient which is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(h) The term "applicant" means one who submits an application, request, or plan required to be approved by a responsible Department official, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and the term "application" means such an application, request, or plan.

(i) The term "academic institution" includes any school, academy, college, university, institute, or other association, organization, or agency conducting or administering any program, project, or facility designed to educate or train individuals.

(j) The term "disposition" means any treatment, handling, decision, sentencing, confinement, or other prescription of conduct.

(k) The term "governmental organization" means the political subdivision for a prescribed geographical area.

§ 42.103 Application of this subpart.

This subpart applies to any program for which Federal financial assistance is authorized under a law administered by the Department. It applies to money paid, property transferred, or other Federal financial assistance extended under any such program after the date of this subpart pursuant to an application whether approved before or after such date. This subpart does not apply to (a) any Federal financial assistance by way of insurance or guaranty contracts, or (b) any employment practice concerning which the primary purpose of the Federal assistance is not that of providing employment as described in § 42.104(c).

§ 42.104 Discrimination prohibited.

(a) *General.* 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 to which this subpart applies.

(b) *Specific discriminatory actions prohibited.* (1) A recipient under any program to which this subpart applies may not, directly or through contractual or other arrangements, on the ground of race, color, or national origin:

(i) Deny an individual any disposition, service, financial aid, or benefit provided under the program;

(ii) Provide any disposition, service, financial aid, or benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any disposition, service, financial aid, or benefit under the program;

(iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any disposition, service, financial aid, or benefit under the program;

(v) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which individuals must meet in order to be provided any disposition, service, financial aid, function or benefit provided under the program; or

(vi) Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program (including the opportunity to participate in the program as an employee but only to the extent set forth in paragraph (c) of this section).

(2) A recipient, in determining the type of disposition, services, financial aid, benefits, or facilities which will be provided under any such program, or the class of individuals to whom, or the situations in which, such will be provided under any such program, or the class of individuals to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.

(3) For the purposes of this section the disposition, services, financial aid, or benefits provided under a program receiving Federal financial assistance shall be deemed to include any portion of any program or function or activity conducted by any recipient of Federal financial assistance which program, function, or activity is directly or indirectly improved, enhanced, enlarged, or benefited by such Federal financial assistance or which makes use of any facility, equipment or property provided with the aid of Federal financial assistance.

(4) The enumeration of specific forms of prohibited discrimination in this paragraph and in paragraph (c) of this section does not limit the generality of the prohibition in paragraph (a) of this section.

(c) *Employment practices.* Whenever a primary objective of the Federal financial assistance to a program, to which this subpart applies, is to provide employment, a recipient of such assistance may not (directly or through contractual or other arrangements) subject any individual to discrimination on the ground of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, employment, layoff, or termination, upgrading, demotion, or transfer, rates of pay or other forms of compensation, and use of facilities). That prohibition also applies to programs as to which a primary objective of the Federal financial assistance is (1) to assist individuals, through employment, to meet expenses incident to the commencement or continuation of their education or training, or (2) to provide work experience which contributes to the education or training of the individuals involved.

§ 42.105 Assurance required.

(a) *General.* Every application for Federal financial assistance to carry out a program to which this subpart applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this subpart. In the case of an application for Federal financial assistance to provide real property or structures thereon, or personal property or equipment of any kind, such assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for any other purpose involving the provisions of similar services or benefits. In all other cases, such assurance shall obligate the recipient for the period during which Federal financial assistance is extended pursuant to the application. The responsible Department official shall specify the form of the foregoing assurances for each program, and the extent to which like assurances will be required of subgrantees, contractors, and subcontractors, transferees, successors in interest, and other participants in the program. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(b) *Assurances from government agencies.* In the case of any application from any department, agency, or office of any State or local government for Federal financial assistance for any specified purpose, the assurance required by this section shall extend to any other department, agency, or office of the same governmental unit if the policies of such other department, agency, or office will substantially affect the project for which Federal financial assistance is requested. That requirement may be waived by the responsible Department official if the applicant establishes, to the satisfaction of the responsible Department official, that the practices in other agencies or parts or programs of the governmental unit will in no way affect (1) its practices in the program for which Federal financial assistance is sought, or (2) the beneficiaries of or participants in or persons affected by such program, or (3) full compliance with this subpart as respects such program.

(c) *Assurance from academic and other institutions.* (1) In the case of any application for Federal financial assistance for any purpose to an academic institution, the assurance required by this section shall extend to admission practices and to all other practices relating to the treatment of students.

(2) The assurance required with respect to an academic institution, detention or correctional facility, or any other institution or facility, insofar as the assurance relates to the institution's practices with respect to admission or other treatment of individuals as students, patients, wards, inmates, persons subject to control, or clients of the institution or facility or to the opportunity to participate in the provision of services, disposition, treatment, or benefits to such individuals, shall be applicable to the entire institution or facility unless the applicant establishes, to the satisfaction of the responsible Department official, that the practices in designated parts or programs of the institution or facility will in no way affect its practices in the program of the institution or facility for which Federal financial assistance is sought, or the beneficiaries of or participants in such program. If, in any such case, the assistance sought is for the construction of a facility or part of a facility, the assurance shall in any event extend to the entire facility and to facilities operated in connection therewith.

§ 42.106 Compliance information.

(a) *Cooperation and assistance.* Each responsible Department official shall, to the fullest extent practicable, seek the cooperation of recipients in obtaining compliance with this subpart and shall provide assistance and guidance to recipients to help them comply voluntarily with this subpart.

(b) *Compliance reports.* Each recipient shall keep such records and submit to the responsible Department official or his designee timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the responsible Department official or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this subpart.

In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient or subcontracts with any other person or group, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this subpart.

(c) *Access to sources of information.* Each recipient shall permit access by the responsible Department official or his designee during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities, as may be pertinent to ascertain compliance with this subpart. Whenever any information required of a recipient is in the exclusive possession of any other agency, institution, or person and that agency, institution, or person fails or refuses to furnish that information, the recipient shall so certify in its report and set forth the efforts which it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this subpart and its applicability to the progam under which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the responsible Department official finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this subpart.

§ 42.107 Conduct of investigations.

(a) *Periodic compliance reviews.* The responsible Department official or his designee shall from time to time review the practices of recipients to determine whether they are complying with this subpart.

(b) *Complaints.* Any person who believes himself or any specific class of individuals to be subjected to discrimininationation prohibited by this subpart may by himself or by a representative file with the responsible Department official or his designee a written complaint. A complaint must be filed not later than 90 days from the date of the alleged discrimination, unless the time for filing is extended by the responsible Department official or his designee.

(c) *Investigations.* The responsible Department official or his designee will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this subpart. The investigation should include, whenever appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this subpart occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this subpart.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this subpart, the responsible Department official or his designee will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 42.108.

(2) If an investigation does not warrant action pursuant to subparagraph (1) of this paragraph, the responsible Department official or his designee will so inform the recipient and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this subpart, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subpart. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this subpart, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

§ 42.108 Procedure for effecting compliance.

(a) *General.* If there appears to be a failure or threatened failure to comply with this subpart and if the noncompliance or threatened noncompliance cannot be corrected by informal means, the responsible Department official may suspend or terminate, or refuse to grant or continue, Federal financial assistance, or use any other means authorized by law, to induce compliance with this subpart. Such other means include, but are not limited to, (1) appropriate proceedings brought by the Department to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

(b) *Noncompliance with assurance requirement.* If an applicant or recipient fails or refuses to furnish an assurance required under § 42.105, or fails or refuses to comply with the provisions of the assurance it has furnished, or otherwise fails or refuses to comply with any requirement imposed by or pursuant to Title VI or this subpart, Federal financial assistance may be suspended, terminated, or refused in accordance with the procedures of Title VI and this subpart. The Department shall not be required to provide assistance in such a case during the pendency of administrative proceedings under this subpart, except that the Department will continue assistance during the pendency of such proceedings whenever such assistance is due and payable pursuant to a final commitment made or an application finally approved prior to the effective date of this subpart.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* No order suspending, terminating, or refusing to grant or continue Federal financial assistance shall become effective until (1) the responsible Department official has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means, (2) there has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this subpart, (3) the action has been approved by the Attorney General pursuant to § 42.110, and (4) the expiration of 30 days after the Attorney General has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

(d) *Other means authorized by law.* No action to effect compliance by any other means authorized by law shall be taken until (1) the responsible Department official has determined that compliance cannot be secured by voluntary means, (2) the action has been approved by the Attorney General, and (3) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance.

§ 42.109 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 42.108(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. That notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for that action. The notice shall (1) fix a date, not less than 20 days after the date of such notice, within which the applicant or recipient may request that the responsible Department official schedule the matter for hearing, or (2) advise the applicant or recipient that a hearing concerning the matter in question has been scheduled and advise the applicant or recipient of the place and time of that hearing. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing afforded by section

602 of the Act and § 42.108(c) and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Department in Washington, D.C., at a time fixed by the responsible Department official, unless he determines that the convenience of the applicant or recipient or of the Department requires that another place be selected. Hearings shall be held before the responsible Department official or, at his discretion, before a hearing examiner designated in accordance with section 11 of the Administrative Procedure Act.

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the Department shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with sections 5 through 8 of the Administrative Procedure Act (5 U.S.C. 1004 through 1007), and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Department and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this subpart, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied whenever reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this subpart with respect to two or more programs to which this subpart applies, or noncompliance with this subpart and the regulations of one or more other Federal departments or agencies issued under Title VI of the Act, the Attorney General may, by agreement with such other departments or agencies, whenever appropriate, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedure not inconsistent with this subpart. Final decisions in such cases, insofar as this subpart is concerned, shall be made in accordance with § 42.110.

§ 42.110 Decisions and notices.

(a) *Decisions by person other than the responsible Department official.* If the hearing is held by a hearing examiner, such hearing examiner shall either make an initial decision, if so authorized, or certify the entire record, including his recommended findings and proposed decision, to the responsible Department official for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient. Whenever the initial decision is made by the hearing examiner, the applicant or recipient may, within 30 days of the mailing of such notice of initial decision, file with the responsible Department official his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the responsible Department official may on his own motion, within 45 days after the initial decision, serve on the applicant or recipient a notice that he will review the decision. Upon filing of such exceptions, or of such notice of review, the responsible Department official shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall constitute the final decision of the responsible Department official.

(b) *Decisions on the record or on review by the responsible Department official.* Whenever a record is certified to the responsible Department official for decision or he reviews the decision of a hearing examiner pursuant to paragraph (a) of this section, or whenever the responsible Department official conducts the hearing, the applicant or recipient shall be given a reasonable opportunity to file with him briefs or other written statements of its contentions, and a copy of the final decision of the responsible Department official shall be given in writing to the applicant or recipient and to the complainant, if any.

(c) *Decisions on the record whenever a hearing is waived.* Whenever a hearing is waived pursuant to § 42.109(a), a decision shall be made by the responsible Department official on the record and a copy of such decision shall be given in writing to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of a hearing officer or responsible Department official shall set forth his ruling on each findings, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this subpart with which it is found that the applicant or recipient, has failed to comply.

(e) *Approval by Attorney General.* Any final decision of a responsible Department official (other than the Attorney General) which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this subpart or the Act, shall promptly be transmitted to the Attorney General, who may approve such decision, vacate it, or remit or mitigate any sanction imposed.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue, Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with, and will effectuate the purposes of, the Act and this subpart, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this subpart, or to have otherwise failed to comply with this subpart, unless and until, it corrects its noncompliance and satisfies the responsible Department official that it will fully comply with this subpart.

§ 42.111 Judicial review.

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

§ 42.112 Effect on other regulations; forms and instructions.

(a) *Effect on other regulations.* Nothing in this subpart shall be deemed to supersede any provision of Subpart A or B of this part or of any other regulation or instruction which prohibits discrimination on the ground of race, color, or national origin in any program or situation to which this subpart is inapplicable, or which prohibits discrimination on any other ground.

(b) *Forms and instructions.* Each responsible Department official, other than the Attorney General or Deputy Attorney General, shall issue and promptly make available to interested persons forms and detailed instructions and procedures for effectuating this subpart as applied to programs to which this subpart applies and for which he is responsible.

(c) *Supervision and coordination.* The Attorney General may from time to time assign to officials of the Department, or to officials of other departments or agencies of the Government, with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of Title VI of the Act and this subpart (other than responsibility for final decision as provided in § 42.110(d), including the achievement of the effective coordination and maximum uniformity within the Department and within the Executive Branch of the Government in the application of Title VI of the Act and this subpart to similar programs and in similar situations.

This subpart shall become effective on the 30th day following the date of its publication in the FEDERAL REGISTER.

Dated: July 5, 1966.

NICHOLAS DEB. KATZENBACH,
Attorney General.

Approved: July 25, 1966.

LYNDON B. JOHNSON,
President of the United States.

APPENDIX A—PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF JUSTICE TO WHICH THIS SUBPART APPLIES

Law Enforcement Assistance Act of 1965.

[F.R. Doc. 66-8285; Filed, July 28, 1966; 8:46 a.m.]

Title 29—LABOR

Chapter XIV—Equal Employment Opportunity Commission

PART 1601—PROCEDURAL REGULATIONS

Miscellaneous Amendments

By virtue of the authority vested in it by section 713(a) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e-12(a), the Equal Employment Opportunity Commission hereby amends Part 1601 of its regulations as set forth below.

The purpose of this amendment is to describe more clearly the present Commission policy with respect to the filing and amendment of charges and to standardize the procedures for the investigation and disposition of charges and the reconsideration of Commission determinations with respect to charges.

Because the amendments herein adopted are procedural in nature the provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, for public notice and delay in effective date are inapplicable, and these regulations shall become effective immediately.

1. The table of contents of Part 1601 is revised to read as follows:

Sec.
1601.1 Purpose.

Subpart A—Definitions

1601.2 Terms defined in Title VII of the Civil Rights Act of 1964.
1601.3 Title VII: Commission.
1601.4 Region; subregion.

Subpart B—Procedure for the Prevention of Unlawful Employment Practices

1601.5 Submission of information.
1601.6 Charges by aggrieved persons.
1601.7 Where to file.
1601.8 Forms; jurat.
1601.9 Withdrawal of charge by an aggrieved person.
1601.10 Charges by members of the Commission.
1601.11 Contents; amendment.
1601.12 Referrals to State and local authorities.
1601.13 Service of charge.

INVESTIGATION OF A CHARGE

1601.14 By whom made.
1601.15 Documentary evidence to be produced by a respondent.
1601.16 Witnesses.
1601.17 Payment of witness fees and mileage.
1601.18 Right to inspect or copy data.
1601.19 Determination of reasonable cause.
1601.20 Confidentiality.
1601.21 [Deleted]
1601.22 Conciliation; settlements.

PROCEDURE TO RECTIFY UNLAWFUL EMPLOYMENT PRACTICES

Sec.
1601.23 Refusal of respondent to cooperate.
1601.24 Confidentiality of endeavors.

PROCEDURE AFTER FAILURE OF CONCILIATION

1601.25 Notice to respondent and aggrieved person.
1601.26 Referral to the Attorney General.

Subpart C—Notices to Employees, Applicants for Employment and Union Members

1601.27 Notices to be posted.

Subpart D—Interpretations and Opinions by the Commission

1601.28 Request for interpretation or opinion; who may file.
1601.29 Contents of request; where to file.
1601.30 Issuance of interpretation or opinion.

Subpart E—Construction of Rules

1601.31 Rules to be liberally construed.

Subpart F—Issuance, Amendment or Repeal of Rules

1601.32 Petitions.
1601.33 Action on Petition.

AUTHORITY: The provisions of this Part 1601 are issued under sec. 713(a) of the Civil Rights Act of 1964, 42 U.S.C. 2000e-12(a).

2. Section 1601.11 is revised to read as follows:

§ 1601.11 Contents; amendment.

(a) Each charge should contain the following:

(1) The full name and address of the person making the charge.

(2) The full name and address of the person against whom the charge is made (hereinafter referred to as the respondent).

(3) A clear and concise statement of the facts, including pertinent dates, constituting the alleged unlawful employment practice.

(4) If known, the approximate number of employees of the respondent employer or the approximate number of members of the respondent labor organization, as the case may be.

(5) A statement disclosing whether proceedings involving the alleged unlawful employment practice have been commenced before a State or local authority charged with the enforcement of fair employment practice laws, and, if so, the date of such commencement and the name of the authority.

(b) Notwithstanding the provisions of paragraph (a) of this section, a charge is deemed filed when the Commission receives from the person aggrieved a written statement sufficiently precise to identify the parties and to describe generally the action or practices complained of. A charge may be amended to cure technical defects or omissions, including failure to swear to the charge, or to clarify and amplify allegations made therein, and such amendments relate back to the original filing date. However, an amendment alleging additional acts constituting unlawful employment practices not directly related to or growing out of the subject matter of the original charge will be permitted only where at the date of the amendment the allegation could have been timely filed as a separate charge.

3. Section 1601.13 is revised to read as follows:

§ 1601.13 Service of charge.

Upon the filing of a charge or the amendment of a charge, the Commission shall furnish the respondent with a copy thereof by certified mail or in person.

4. Section 1601.14 is revised to read as follows:

INVESTIGATION OF A CHARGE

§ 1601.14 By whom made.

The investigation of a charge shall be made by the Commission. During the course of such investigation, the Commission may utilize the services of State and local agencies which are charged with the administration of fair employment practice laws or appropriate Federal agencies. As part of each investigation, the charging party and the respondent shall each be offered an opportunity to submit a statement of its position or evidence with respect to the allegations. The statement and evidence of the respondent should be submitted within 10 days after receipt of the charge, but the Commission will endeavor to consider statements or evidence submitted thereafter by either party if received by the Commission prior to the determination pursuant to § 1601.19. The Commission encourages voluntary cooperation in its investigations, but will resort to the compulsory processes authorized by Title VII, when, in its judgment, such resort becomes necessary.

5. Section 1601.19 is revised to read as follows:

§ 1601.19 Determination of reasonable cause.

(a) Upon the completion of an investigation, the Commission shall determine whether there is reasonable cause to believe that the charge is valid. If the Commission determines that the charge fails to state a valid claim for relief under Title VII, or that there is not reasonable cause to believe that the charge is true, the Commission shall dismiss the charge. Where the Commission determines that there is reasonable cause to believe that an unlawful employment practice has occurred or is occurring, it shall endeavor to eliminate such practice by informal methods of conference, conciliation and persuasion.

(b) The Commission shall promptly notify the charging party, the respondent, and, in the case of a charge filed under § 1601.10, the person aggrieved, if known, of its determination under this section. Any party aggrieved by such determination may within 5 days of receipt of such notice request that the Commission reconsider its action. Such reconsideration will be granted only on the basis of additional material evidence not previously available to the party aggrieved or for other good cause shown. The Commission may at any time on its own motion reconsider a determination of reasonable cause, but a dismissal of a charge becomes final upon expiration of the time within which to seek reconsid-

eration or, if reconsideration is requested, upon rejection of such request or affirmance of the earlier determination to dismiss.

(c) Where a member of the Commission has filed a charge under § 1601.10, he shall not participate in the determination in that case.

(d) Notwithstanding any other provision in this part, where the allegations of a charge on their face or as amplified by the statements of the charging party to the Commission disclose that the charge is not timely filed or otherwise fails to state a valid claim for relief under Title VII, the Commission may dismiss the case without further action, but it shall notify the charging party in writing of its disposition of the case and the reasons therefor. The charging party may seek reconsideration of the dismissal in accordance with paragraph (b) of this section.

6. Section 1601.21 is deleted.

7. Section 1601.22 is revised to read as follows:

PROCEDURE TO RECTIFY UNLAWFUL EMPLOYMENT PRATICES

§ 1601.22 Conciliation; settlements.

In conciliating a case in which a determination of reasonable cause has been made, the Commission shall attempt to achieve a just resolution and to obtain assurances that the respondent will eliminate the unlawful employment practice and take appropriate affirmative action. Disposition of a case pursuant to this section shall be in writing, and notice thereof shall be sent to the parties. Proof of compliance with Title VII will be obtained by the Commission before the case is closed.

8. The subhead preceding § 1601.25 is revised to read:

PROCEDURE AFTER FAILURE OF CONCILIATION

Signed at Washington, D.C., this 26th day of July 1966.

LUTHER HOLCOMB,
Acting Chairman.

[F.R. Doc. 66-8340; Filed, July 28, 1966; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter VII of Title 32 is amended as follows:

SUBCHAPTER C—PUBLIC RELATIONS

1. In Part 820 the heading "Competition With Civilian Bands" and the centerhead "Air Force Bands" are deleted. The heading of Part 820 now reads as follows:

PART 820—AIR FORCE BANDS

2. Present Part 824 is deleted and the following inserted therefor:

PART 824—AIR FORCE PARTICIPATION IN PUBLIC EVENTS

Sec.

824.1 Purpose.
824.2 Policy.
824.3 Definitions.
824.4 General policy for participating in public events.
824.5 Funding policy.
824.6 Approval requirements.
824.7 Use of aircraft.
824.8 Use of personnel, bases and equipment.
824.9 Loan of equipment and base facilities.
824.10 Checklists.
824.11 General instructions.

AUTHORITY: The provisions of this Part 824 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

SOURCE: AFR 190-5, January 21, 1966.

§ 824.1 Purpose.

This part governs official Air Force participation in public events and community relations programs.

§ 824.2 Policy.

(a) This part tells when Air Force participation may and may not be provided for public events and community relations programs.

(b) This part does not govern Armed Forces Day activities except as noted and does not apply to appearances on commercially sponsored audiovisual media. (See AFM 190-4 (Information Policies and Procedures) (Part 835 of this subchapter).)

(c) Nothing in this part restricts or controls individual Air Force members from participating in community activities. Such participation is desirable and encouraged on a personal off-duty basis and helps to create and sustain public awareness of the civil responsibilities assumed by Air Force personnel.

§ 824.3 Definitions.

The following terms are explained for this part:

(a) *Additional cost to the Government.* The Operation and Maintenance (O&M) costs of providing Air Force resources for a public event of mutual interest to the Air Force and to the sponsor of the event; i.e., the expenditure of appropriated funds to participate in the event. Additional costs include but are not limited to: Travel and transportation of personnel; per diem allowances payable under the provision of the Joint Travel Regulations (JTRs); transportation of exhibit materials when shipper by commercial means; and the cost of handling and transporting military aviation fuel to a civilian airport if such fuel is not available at a military staging base or at military contract price at the airport.

(b) *Aerial demonstrations.* Flight demonstrations, jumps, personnel or equipment drops by Air Force personnel or aircraft in public events and community relations programs.

(1) *Flight demonstrations.* Include participation by the USAF Thunderbirds, rescue demonstrations by helicopters, aerial refueling demonstrations, maximum performance takeoffs and landings or similar flight operations.

(2) *Parachute demonstrations.* Include demonstrations by parachute teams and sports clubs.

(c) *Air Force exhibits.* Any display for public affairs purposes of Air Force material. Specifically included are items of equipment, models, devices, and information and orientation material. Excluded are operable aircraft.

(d) *Air Force participation.* Includes any use of Air Force personnel as individuals or as units; bases; and materiel to include aircraft, ships, exhibits, and equipment in public events and community relations programs.

(e) *Air Force share of costs.* Those continuing type costs which would exist if the Air Force did not participate in the event, such as: Regular pay and allowances of the Armed Forces; small incidental base expenses such as local transportation, telephone calls, etc.; and other minor expenses as may be determined by the Air Force commander responsible for participating in the event. The use of routine training flights or military aircraft for transporting military personnel and exhibiting materials is also considered to be an Air Force share of costs as authorized by AFR 190-13 (Use of Military Carriers for Public Affairs Purposes).

(f) *Base.* Any type of Air Force installation on active status, including Government-owned or leased facilities at a municipal or county airport.

(g) *Classes of public events*—(1) *International event.* Audience and/or participation from the United States and at least one other nation.

(2) *National event.* Audience and/or participation from the United States as a whole.

(3) *Regional event.* Audience and/or participation from two or more States of the United States.

(4) *State event.* Audience and/or participation drawn from that State as a whole.

(5) *County event.* Audience and/or participation drawn from more than one community within a county, from a county as a whole, or from several counties.

(6) *Local event.* One within a State which centers on and is of primary interest to a single community.

(h) *Community relations area.* The geographical area wherein Air Force facilities and/or personnel have a social or economic impact on the populace.

(i) *Flyover.* A straight and level flight of one or more aircraft over a predetermined point on the ground at an announced time.

(j) *Fraternal groups.* Societies whose members are banded together for mutual benefit or for work towards a common goal. They include, but are not limited to, such organizations as the Fraternal Order of the Eagles, Benevolent and Protective Order of Elks, Loyal Order of the Moose, Free and Accepted Masons (Scottish Rite, York Rite, and Shrine), Knights of Columbus, Knights Templar, Independent Order of Odd Fellows, and Order of the Eastern Star. Service or

luncheon clubs, such as Rotary International, Kiwanis International, Lions International, Optimists, Toastmasters International, or Junior Chambers of Commerce, are not considered fraternal groups.

(k) *Holidays.* (1) National Holidays are those prescribed by Federal law, i.e., New Year's Day (January 1st); Washington's Birthday (February 22d); Memorial Day (May 30th); Independence Day (July 4th); Labor Day (1st Monday in September); Veterans Day (November 11th); Thanksgiving Day (4th Thursday in November); and Christmas Day (December 25th).

(2) Armed Forces Day (3d Saturday in May) will be treated as a national holiday for purposes of this part.

(3) State holidays are those officially proclaimed by an individual State as holidays to be observed in that State.

(4) Primary, general, and special election days are not considered holidays.

(l) *Official civil ceremonies.* Those public events sponsored and conducted by Federal, State, county, and municipal governments, to include, in oversea areas, corresponding authorities of the host nation. Official civil ceremonies include inaugurals, dedications of public buildings and projects, ceremonies for officially invited governmental visitors, and the convening of legislative bodies. Community or civic celebrations such as banquets, dinners, receptions, carnivals, festivals, opening of sports seasons, and anniversaries are not considered official civil ceremonies even though sponsored or attended by civic or Government dignitaries.

(m) *Personnel, bases, and equipment utilization.* The use or appearance of individuals, groups, or units of military personnel, performing units and marching units, drill teams, drum and bugle corps; single-service or joint-service color details, honor and security cordons, military bands and choral groups or their components; use of Air Force facilities, to include aircraft, ships and installations; and the use of Air Force materiel and equipment to include exhibits and loanable or donable items for community relations purposes.

(n) *Public affairs.* Those public information and community relations activities directed toward the general public by the Air Force.

(o) *Public events.* Programs held in the civil domain to include all ceremonies, demonstrations, exhibitions, expositions, athletic contests, fairs, trade or air shows, conventions, meetings, symposia, or similar programs intended primarily for nonmilitary audiences. Exercises, movements, or maneuvers conducted as a part of military training, even though incidentally observed by the general public, are not considered public events.

(p) *Static display.* A display of operable aircraft or related equipment on the ground.

(q) *Veterans' organizations.* Nationally recognized bona fide veterans organizations include, but are not limited to, the American Legion, Veterans of Foreign Wars, Disabled American Veterans, American Veterans of World War II and Korea (AMVETS), Military Order of the World Wars, Italian-American Veterans, Catholic War Veterans, Jewish War Veterans, and auxiliaries and youth societies officially attached to the veterans' organizations.

(r) *Washington, D.C., area.* The District of Columbia; the city of Alexandria, Virginia; the counties of Arlington and Fairfax, Virginia; and the counties of Montgomery and Prince Georges in Maryland, together with incorporated municipalities lying within these borders.

§ 824.4 General policy for participating in public events.

(a) Participation is authorized, encouraged, and essential, within the limits defined in this part, to inform the public, demonstrate Air Force preparedness, promote national security, stimulate public understanding of the Air Force mission, and aid community relations. A positive approach to providing participation will be used.

(b) All participation will be subject to operational requirements for personnel, facilities, and material resources; the significance of the event in relation to other Air Force programs; and cost considerations.

(c) Nothing in this part authorizes the release, compromise or downgrading of classified equipment, performance data, or information.

(d) Participation must not directly or indirectly benefit or appear to benefit or favor any private individual, commercial venture, sect, or political or fraternal group.

(e) Participation cannot support commercial advertising, publicity, promotional activities, or events which benefit or favor a commercial venture.

(f) A general admission charge does not necessarily prohibit participation. However, no specific or additional charge can be made by sponsors to cover the cost of Air Force participation or to see the exhibit, demonstration, parade, flyover, etc.

(g) Participation shall be incidental to the event except for patriotic programs, celebration of national holidays, or events which are open to the general public at no admission charge.

(h) Participation in support of nationally recognized veterans' organizations is authorized when the program or event is oriented exclusively to the veteran. Participation is not appropriate when it supports some other special objective of the organization such as sectarian or religious programs and ethnic or national origin purposes. Similarly, participation in support of nonpublic schools is authorized if it is clearly in support of education or recruiting programs.

(i) Participation in any public event is authorized only if admission, seating, and all other accommodation and facilities connected with the event or activity are available to all without regard to race, creed, color or national origin. (See AFR 35-78 (Equal Opportunity and Treatment of Military Personnel) (Part 886 of this chapter).)

(j) Participation in support of fundraising events is limited to: (1) Officially recognized Federal, joint, or other authorized campaigns, but not for a single cause, even though it is a member of an officially recognized campaign; and not for an event where the proceeds are to be donated only in part to one or several members of the recognized campaigns. Campaigns which qualify include United Funds, Community Chests, Federal Service Campaign for the National Health Agencies, Federal Service Joint Crusade, and the American Overseas Campaign. (See AFR 30-7 (Participation in Fund-Raising Campaigns).)

(2) Fund appeals authorized by the President or the Chairman of the Civil Service Commission.

(3) Collections for the Air Force Aid Society and other authorized military aid societies.

(4) Public or sports events held for the sole purpose of raising funds for United States teams competing in the Pan American Games and Olympic Games.

NOTE: This does not prohibit Air Force personnel from participating as private citizens in voluntary agency fund-raising activities which are not recognized for on-the-job solicitation within the Federal Government. However, Air Force personnel may not participate in their official capacity either during duty or nonduty hours, nor may such participation be conducted as an official command-sponsored project.

(k) Participation is not authorized in public events for which civilians should properly be employed or when the presence of Air Force participants deprives a civilian group from employment opportunities.

(NOTE: AFR 190-21 (Air Force Bands) (Part 820 of this subchapter) governs the use of USAF Bands.)

§ 824.5 Funding policy.

The basic Air Force policy is to keep costs of Government participation to the minimum possible consistent with community relations objectives. This can best be done by using resources available in the local community relations area and not planning or encouraging types of participation requiring additional cost to the Government unless it is in the best interest of the Air Force. In determining payment for costs of participation, there are two categories of events—those of primary interest to DOD or the Air Force with all costs borne by the Air Force, and those of mutual interest to the Air Force and the sponsor with costs shared. The following guidelines apply:

(a) Events of primary interest when a unit commander is authorized to bear all costs are:

(1) DOD, Hq USAF, or civic sponsored public observances of United States national holidays.

(2) Official civil ceremonies and functions.

(3) Speaking engagements.

(b) Events of primary interest when a unit commander may bear all costs after obtaining approval as specified in § 824.6 are:

(1) Programed, scheduled tours by the Orientation Group, USAF, which are designed to accomplish a priority public information or community relations program. The Assistant Secretary of Defense (Public Affairs) monitors this program.

(2) Tours by units such as the U.S. Air Force Band when appropriated funds are specifically provided for such participation.

(3) Events considered to be in the national interest because of some unique or unusual benefit to the United States.

(4) Events where participation is considered to be in the professional scientific, or technical interest of the Air Force.

(5) Recruiting and/or personnel procurement events conducted and funded by the USAF Recruiting Service. Recruiting participation of this type is exempt from all provisions of this part except § 824.4(e).

(c) Participation in all other public events should be of mutual interest to the Air Force and will be provided at no additional cost to the Government. Sponsors are required to pay these costs which are explained in § 824.3(a). They do not pay the Air Force share of costs which are explained in § 824.3(e). Normally, sponsors must pay the legal per diem rate as prescribed in the JTRs for each Air Force participant rather than provide meals and quarters. This usually will be $16 per day per man in the CONUS. Sponsors must also provide all services required for participation such as ground transportation when military aircraft is used for travel, exhibit space, utilities, and custodial services, or any other special service required due to the nature of the event.

§ 824.6 Approval requirements.

Except as noted in this section, major air commands and the National Guard Bureau are delegated authority to approve participation of resources under their control according to the policy provisions of this part. Major air commands and the National Guard Bureau may delegate approval authority as desired. Delegation to the commander having the resources to provide the participation requested is encouraged.

(a) Events or programs requiring approval of the Assistant Secretary of Defense (Public Affairs) through channels to Secretary of the Air Force (SAF–OIC) are:

(1) International and national events, or events considered to be in the national interest.

(2) Public events in the Washington, D.C., area.

(3) Aerial demonstrations held off military installations, except sports parachutist participation as explained in § 824.7(d)(2).

(4) Participation in events of professional, technical, or scientific interest to the Air Force when such participation will result in additional cost to the Government. Requests will include an estimate of these expenses. No approval is required if participation can be accomplished at no additional cost to the Government. (See AFR 160–46 (Professional Exhibits Program) for details on the Professional Exhibits Program of the USAF Surgeon General.)

(5) Participation in any public event or community relations program not specifically covered in § 824.5 (a) and (b) which will result in additional cost to the Government. Requests will include an estimate of these expenses. An example is a base "open house" event which requires per diem for static display air crews from other bases or other services.

(6) Postseason college bowl games, sports contests held off base with professional opposition and formal international competitions.

(7) Flyovers of more than four aircraft in the civilian domain.

(8) Armed Forces Day activities except as delegated by the Assistant Secretary of Defense (Public Affairs).

(9) Civilian sponsored celebrations of the Air Force birthday and other dates of significance to only the Air Force as a separate Service or any of its commands and units.

(10) All requests for exceptions to policy in this part.

(b) Events or programs requiring approval of Secretary of the Air Force (SAF–OIC) through major air command channels are:

(1) Aerial demonstrations by the Thunderbirds on base, even though there will be no additional cost to the Government. (See AFR 20–25 (Mission and Functions of the 4520th Air Demonstration Squadron, "Thunderbirds") (Part 821 of this subchapter).)

(2) Special scheduled tours by the Orientation Group, USAF, and the USAF Band. (See AFR 20–22 (Orientation Group, USAF) and AFR 190–21 (Air Force Bands) (Part 820 of this subchapter).)

(3) USAF Art displays other than paintings currently on loan to the Orientation Group as part of their exhibits inventory. The Art Program is designed to record the Air Force story on canvas for historical and documentary purposes. Special showings can be arranged for museums, community art galleries and noncommercial art shows by contacting Secretary of the Air Force (SAF–OIC).

(4) Participation by units other than USAF Recruiting Service in any event which is considered in support of Air Force recruiting and will result in additional cost to the Government.

§ 824.7 Use of aircraft.

There are three categories of aircraft participation—static displays, flyovers, and aerial demonstrations. As practicable, flying time accrued will be used for flying proficiency or training purposes. The following supplementary guidelines and procedures apply:

(a) *General.* (1) Static displays, flyovers, and aerial demonstrations are authorized on military bases and installations, including those leased by Reserve components, with no indemnity insurance required.

(2) Mass parachute jumps, equipment drops, assault aircraft demonstrations, or helicopter troop landings under simulated tactical conditions can be held only on a military installation regularly used for such training and only during an "open house" event.

(b) *Off-base static display requirements.* (1) These displays may be held only at public airports or heliports.

(2) They are authorized for official civil ceremonies; for programs celebrating national, State, or local holidays; and for events designed to encourage public comprehension of and appreciation for aerospace power.

(3) Indemnity insurance is not required. Aircraft will be in place, with power off, before spectators assemble in display area and not moved until spectators have departed.

(4) Sponsor costs will be determined by § 824.5.

(c) *Off-base flyover requirements.* No indemnity insurance is required and sponsor has no financial obligation. Flyovers in the civilian domain are authorized for:

(1) Civic sponsored public observances and official civil ceremonies for Armed Forces Day, Memorial Day, Independence Day, and Veterans' Day.

(2) Memorial services for dignitaries of the Armed Forces or the Federal Government.

(3) Celebrations or receptions for dignitaries of foreign governments.

(4) National conventions of bona fide veterans' organizations.

(5) All classes of events (see § 824.3 (g)), except local ones, which are designed to encourage the advancement of aviation.

NOTE: Approval of a flyover of four or less aircraft for regional, State and county events is delegated to major commands.

(d) *Off-base aerial demonstration requirements.* Includes flight demonstrations and parachute demonstrations as explained in § 824.3(b). Determine sponsor costs according to § 824.5.

(1) *Flight demonstration guidelines.* (i) Flight demonstrations may be held only at a public airport or over an open body of water.

(ii) Sponsor is required to obtain a public liability and property damage insurance policy for demonstrations held in the 50 States of the United States to safeguard the Government from any claims which might arise. Sponsor must submit the policy direct to the Office of the Assistant Secretary of Defense (Public Affairs), Directorate for Community Relations, Pentagon, Washington, D.C. 20301, not later than 30 days before the date of the event. The checklist for aerial demonstrations includes the approved insurance policy endorsement which must be quoted verbatim in the sponsor's policy.

(iii) Flight demonstrations by the USAF Thunderbirds are limited to 2 days performance at events in the civilian domain and the team will not be scheduled when the United States Navy Blue Angels are performing at the same event.

(2) *Parachute demonstration guidelines.* (i) Requests for off-base demonstrations at locations other than airports

or similar large open areas are discouraged and normally will not be approved by DOD for reasons of safety to the public, military participants, and aircraft. Jumping into enclosed areas such as a stadium, ballpark, or other location bordered by permanent structures or obstacles, or into sites requiring the aircraft to maneuver over densely populated areas such as a residential or downtown business area is similarly to be avoided.

(ii) Sponsor is required to obtain an insurance policy and subparagraph (1)(ii) of this paragraph applies except that no insurance is required for sports type participation in competitive parachute meets sanctioned by the Parachute Club of America, provided such competitions are not in conjunction with a public event. Participation is authorized in competitions meeting these criteria for official parachute teams, parachute sports clubs, or qualified individuals at no additional cost to the Government.

(iii) Only one parachute team or club from each service may participate in a public event.

§ 824.8 Use of personnel, bases, and equipment.

(See § 824.3(n).)

(a) General: (1) Except for an exhibit, participation in fairs, expositions, festivals, and local celebrations will not exceed three days.

(2) Providing military entertainment is not authorized for luncheons, dinners, receptions, or dances in the civilian domain when primarily sponsored and attended by other than military personnel on active duty. (See Part 820 of this subchapter.)

(3) Determine sponsor costs according to § 824.5.

(b) Participation is appropriate for: (1) Official civil ceremonies when attended by senior officials of the Government in performing their official duties. Participation is not appropriate for social, cultural, or athletic events when privately funded or sponsored by trade or news media associations and social or other organizations, even though attended by Government officials, unless such participation is of mutual benefit to the Air Force.

(2) Support of recruiting in any public event when it is at no additional cost to the Government and conforms to policy provisions of this part.

(3) ROTC training programs, including military balls held on campus.

(4) Physical fitness programs.

(5) Free social and entertainment activities held on base if sponsored by a military unit for active duty personnel and their guests, and if held for the principal purpose of morale or esprit de corps. Participation is appropriate for similar events held off-base only if there is no suitable on-base military facility available. A charge levied to defray expenses of food, beverage, and other incidental expenses is not a bar to participation.

(6) Athletic competition of a military team or teams in a scheduled, regular season game when in the primary interest of the Air Force.

(7) Nonprofessional sports events (except postseason college bowl games) only at no additional cost to the Government and only if such participation can be justified in the best interest of the Air Force.

(8) Community sponsored civic parades. This includes such events as Christmas parades even though commercial firms are participating, if held on a Sunday, a holiday, or at times when shops are closed for business and if the overall emphasis of the parade is on civic rather than commercial aspects. Participation is authorized only at no additional cost to the Government when commercial firms are represented.

(c) Participation is not appropriate for: (1) Off-base professional (commercial) sports events except for athletic teams as explained in subparagraph (3) of this paragraph and for a color guard as explained in paragraph (f) of this section.

(2) Commercial motion picture premieres, commercial parades, fashion shows, beauty contests or pageants, and similar events.

(3) An Air Force athletic team in an off-base professional sporting event or in a postseason bowl game because of the commercial interest involved and probable ensuing requests for additional Air Force support to the event. DOD will seriously consider requests for approval (see § 824.6(a)(6)) only when the following conditions prevail:

(i) The participating Air Force team(s) is (are) organized for regular season play.

(ii) The Government or supporting nonappropriated fund will be reimbursed from game proceeds for travel and per diem costs.

(iii) Fifty percent of the proceeds, after game, travel, and per diem expenses have been paid is donated to the Air Force Aid Society or the unit welfare fund, and the remainder is donated to a charity specified in § 824.4(j).

(iv) The participation can be expected to bring credit to the Air Force and assist in recruiting or related personnel procurement objectives.

(d) Use of personnel: Air Force personnel will not be used as ushers, guards, parking lot attendants, or communicators for public events off-base. Individuals may act as escorts in beauty pageants or other local communitywide civic sponsored ceremonies if the following conditions prevail:

(1) The approving commander believes participation is appropriate and in good taste.

(2) The individuals volunteer for the assignment.

(3) There is no interference with military duties or operations.

(4) There is no additional cost to the Government.

(e) Use of exhibits: (1) Display of exhibits at fairs, expositions, carnivals, or other paid admission events will normally be at no additional cost to the Government.

(2) During Armed Forces Day observances general purpose exhibits may be displayed in the best available sites, even those commercially owned, if it is in the best interest of the Air Force; the commander concerned approves; and there is no additional cost to the Government for rental or utility charges.

(f) Use of color guards: (1) Except as noted in paragraph (c)(3) of this section, a color guard is the only participation authorized in professional (commercial) sports events and only on the opening day of a season, a playoff or an All-Star game, World Series, or similar significant game or matches.

(2) Air Force personnel may carry flags of foreign nations in official civil ceremonies when an official of the nation concerned is present in his official capacity and is one for whom honors would normally be rendered. In all other public events, Air Force personnel are not authorized to carry flags of foreign nations, veterans' groups, or other nonmilitary organizations.

(3) A joint Armed Forces color detail will be employed to the maximum extent possible for participation in public events. It will be composed of: Two Army bearers with National and Army colors; one each Marine Corps, Navy, Air Force, and Coast Guard bearer with individual service colors; and one each Army and Marine Corps rifleman as escorts.

(4) If a joint Armed Forces color detail is not possible, the National colors will be carried by the senior member of the senior military service present.

§ 824.9 Loan of equipment and base facilities.

(a) The loan of Air Force equipment and use of Air Force bases for civilian domain public affairs purposes is appropriate when the following criteria are met:

(1) The public affairs purpose involved is of direct interest and concern to the Air Force; is a program actively participated in by the unit; and, is wholly within the scope of its public affairs responsibilities.

(2) Equipment is locally available and its loan or use of the base is a prudent use of resources and does not interfere with the unit mission.

(3) The public affairs objective to be met transcends any direct or implied competition with commercial sources.

(4) There is no significant potential danger to private property or citizens that could result in a claim against the Government.

(b) If a public information program of a nongovernment organization will benefit, the following criteria also apply:

(1) The program must be sponsored by a responsible organization and participating sponsors, individuals or groups, will be clearly identified in advance. The public information program involved must be known to be politically nonpartisan and there should be a reasonable assumption of judgment by the unit commander that no aspect will be contrary to U.S. national policy.

(2) Nongovernment public information programs will not be sponsored or

co-sponsored by an Air Force command or unit.

§ 824.10 Checklists.

To aid civilian sponsors desiring military participation and to guide Air Force officials receiving such requests, checklists will be prepared and distributed separately. To expedite completed action, each checklist is designed to provide the approving authority with the information needed to determine the scope and type of Air Force participation authorized.

(a) Information officers will assist sponsors to complete the checklist and will forward it through channels if the requested participation is not locally available or if it is an event requiring approval of higher authority.

§ 824.11 General instructions.

(a) Air Force Academy student sports and athletic programs are exempt from this part and will be guided by policies established by the Superintendent of the Academy.

(b) A minimum of 60 days lead time at Hq USAF is desired for requests received from sponsors for participation in unscheduled events requiring Hq USAF or DOD approval. For major programed and scheduled events, the maximum possible lead time is required and 18 to 24 months is desired.

(c) Requests are frequently received direct from civilian sponsors at Hq USAF. When this happens, the major air command with the base closest to the requesting community is assigned responsibility and asked to appoint a project officer from that base to coordinate all Air Force participation.

(d) Requests for exceptions to policies in this part will be considered only for highly unusual circumstances. Submit such requests through command channels to Secretary of the Air Force (SAF-OIC), Washington, D.C. 20330.

(e) The National Guard Bureau directives take precedence for Air National Guard units except that the policy in this part on use of aircraft will not be waived without authority of Hq USAF (AFXOP).

SUBCHAPTER I—MILITARY PERSONNEL

PART 886—EQUAL OPPORTUNITY AND TREATMENT OF MILITARY PERSONNEL

§ 886.11 [Deleted]

In Part 886, § 886.11, *Reports of racial incidents*, is deleted.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012)
[AFR 35-78A, Apr 7, 1966]

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 66-8267; Filed, July 28, 1966; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 986; Amdt. 1]

PART 95—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Safety and Service Board, held in Washington, D.C., on the 25th day of July A.D. 1966.

Upon further consideration of Service Order No. 986 (31 F.R. 8816) and good cause appearing therefor:

It is ordered, That:

Section 95.986 *Service Order No. 986* (Distribution of Boxcars), be, and it is hereby amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., August 14, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., July 31, 1966.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, 17(2). Interprets or applies secs. 1(10-17), 15(4), 40 Stat. 101, as amended 54 Stat. 911 49 U.S.C. 1(10-17), 15(4), 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Safety and Service Board.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-8308; Filed, July 28, 1966; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Ouray National Wildlife Refuge, Utah

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

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

UTAH

OURAY NATIONAL WILDLIFE REFUGE

Public hunting of deer and antelope on the Ouray National Wildlife Refuge, Utah, is permitted for the 1966 archery and rifle season except in those areas designated by signs as closed to hunting. The open area, comprising 9,500 acres is delineated on maps available at refuge headquarters, Vernal, Utah, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103.

August 27 through September 11, 1966, has been designated as archery season for the taking of one deer, either sex. The rifle deer season has been set as October 22 through November 1, 1966. Rifle hunting is confined to bucks only.

Antelope season has been set as August 20, 21, 22, and 27, 28, 29.

Hunting shall be in accordance with all applicable State regulations covering the hunting of deer and antelope subject to the following special conditions:

(1) Hunting on Indian lands east of Green River, as posted, requires the possession of a Ute Tribal Permit.

(2) Every deer or antelope killed must be checked out at refuge subheadquarters before hunters leave the area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 1, 1966.

H. J. JOHNSON,
Refuge Manager, Ouray National Wildlife Refuge, Vernal, Utah.

JULY 27, 1966.

[F.R. Doc. 66-8281; Filed, July 28, 1966; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 919]

HANDLING OF PEACHES GROWN IN MESA COUNTY, COLO.

Notice of Proposed Rule Making With Respect to Expenses and Rate of Assessment for 1966–67 Fiscal Year

Consideration is being given to the following proposals submitted by the Administrative Committee, established under the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of peaches grown in Mesa County, Colo., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof: (1) That the expenses that are reasonable and likely to be incurred by the Administrative Committee during the period from March 1, 1966, through February 28, 1967, will amount to $14,000 and (2) that there be fixed, at $0.0475 per bushel basket, or equivalent quantity of peaches in other containers or in bulk, the rate of assessment payable by each handler in accordance with § 919.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file same in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 26, 1966.

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

[F.R. Doc. 66-8297; Filed, July 28, 1966; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 21, 25, 37, 121]

[Docket No. 7522; Notice No. 66-26]

CRASHWORTHINESS AND PASSENGER EVACUATION

Standards and Operating Rules

The Federal Aviation Agency is considering amending Parts 21, 25, 37, and 121 of the Federal Aviation Regulations, as hereinafter set forth, to improve the emergency evacuation equipment requirements and operating procedures for transport category airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before September 30, 1966, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

On February 23, 1966, the Federal Aviation Agency announced a conference to be held on March 29–30, 1966, to discuss regulatory standards involving crashworthiness and passenger evacuation of transport category airplanes and problems associated therewith. As indicated in that announcement, in January of this year, the FAA established an Agency Task Force to study factors affecting crashworthiness and evacuation that were brought to light by recent accident investigations, to review the adequacy of existing regulations, and to recommend regulatory changes as necessary. In addition, the Agency held a conference from April 25–29, 1966, to review all of the airworthiness standards for Transport Category Airplanes, Part 25 of the Federal Aviation Regulations.

Based on studies by the Agency's Task Force and on discussions with the industry during the March and April conferences, the Agency believes that additional regulations are needed to improve the crashworthiness and emergency evacuation standards: of existing transport category airplanes, of transport category airplanes currently being type certificated, and of those to be type certificated in the future. Advances in the state of the art in the design and manufacture of evacuation equipment, such as slides, have made possible improvements that were not feasible at the time the Agency adopted its most recent extensive regulations in this area (Amendments 25–1 and 121–2, adopted Mar. 3, 1965, 30 F.R. 2300). All of the proposed items would apply to airplanes for which an application for a type certificate was made after the effective date of these proposed amendments. In addition, the Agency proposes to make the new requirements applicable to those airplanes for which type certificates are issued after the effective date of this amendment, irrespective of the date of application for that type certificate. This requirement would also apply to supplemental type certificates and amendments to type certificates involving an increase in passenger seating capacity. While some of the proposed items, as a practical matter, could not be incorporated in the existing aircraft fleet, other items do lend themselves to retrofitting. In this connection, for air carriers and commercial operators under Part 121, the Agency proposes to make the retrofitting requirements applicable after specified dates, that are designed to provide an adequate time for the necessary equipment purchases and installation.

The following discussion relates to the more significant proposals presented in this notice. For convenience, the various proposals are identified as to whether they apply to Part 25, Part 121 or both.

Door requirements (Parts 25 and 121). Studies of actual emergency situations and of demonstrations conducted under FAR Part 121 show that regardless of the adequacy of the briefings of passengers or of the proximity of other emergency exits there is a natural tendency for a certain number of passengers to try to leave by the same route they entered the airplane. Therefore, the Agency proposes to require that each passenger door in the side of the fuselage, whether or not it is a required emergency exit, must meet all of the emergency exit requirements. The Agency proposes to make the Part 121 retrofitting requirements applicable June 30, 1969, and to provide for the approval of deviations if special circumstances exist that make compliance impractical and if the proposed deviation provides an equivalent level of safety. Since passenger doors in the side of the fuselage will be required to meet all of the requirements for a required emergency exit, it is proposed to amend § 25.803(b) to limit its applicability to passenger ventral, passenger tail cone, crew access, and service doors so that these type doors may be considered emergency exits if they meet all of the applicable requirements.

Sideward facing seats (Parts 25 and 121). The Agency has found that the current requirements for protection of seat occupants (§ 25.785(c)) are not adequate for sideward facing seats. This results from the fact that a seat belt is inadequate protection against head and neck injury from inertia forces in a sideward direction under the emergency landing conditions of section 25.561. Therefore, the Agency proposes to amend § 25.785(c) to require that each occupant in a sideward facing seat must be protected from head injury by a safety belt and a cushioned rest that will support the arms, shoulders, head, and

spine. Part 121 operators would be required to comply with this provision by June 30, 1968.

Emergency evacuation demonstrations (Parts 25 and 121). Amendment 121–2 required all air carriers and commercial operators operating under FAR Part 121 to demonstrate by October 6, 1965, that "the emergency procedures for each type and model of airplane with a seating capacity of more than 44 passengers, used in its passenger-carrying operations allow the evacuation of its full seating capacity in 2 minutes or less, and through not more than 50 percent of its emergency exits." No comparable requirement was made applicable to the airplane manufacturers. Instead, traditionally, it has been considered sufficient to provide the necessary components for an emergency evacuation system through the detailed quantitative requirements prescribed in the airworthiness rules.

However, experience has shown that compliance with these detailed requirements does not ensure that the airplane can be evacuated, during an emergency, within an acceptable time interval. Differences in the relationships between elements of the emergency evacuation system introduce a considerable variation in evacuation time, and this variation is expected to be even more marked on larger transport aircraft now under development. To make certain that airplanes undergoing type certification can be evacuated within an acceptable time interval, the Agency proposes to require manufacturers to demonstrate prior to type certification that each airplane with a seating capacity of more than 44 passengers can be evacuated under certain specified conditions within a reasonable period of time. In this connection, the Agency now proposes to require emergency evacuation demonstrations under both Parts 25 and 121 to be conducted within 90 seconds. The decrease of 30 seconds from the present requirement of § 121.291 is made possible by equipment advances (primarily the improved automatically deployed and inflated slides) that have occurred since that standard was adopted. The slides now available have in some cases decreased the time needed for evacuation by 30 seconds and more. Since the Agency proposes to require these newly developed slides to be installed after June 30, 1968, on all airplanes operated under Part 121 it will not be necessary to require demonstrations to comply with the 90-second requirement of airplanes that met the 2-minute requirement before installation of the fully automatic type slides. Furthermore, once a manufacturer has successfully conducted a demonstration for a particular airplane type it is not proposed to require a repeated test for each variation in cabin configuration or increase of not more than 5 percent in passenger seating capacity, if the manufacturer can show that the differences can be evaluated analytically by comparison with the test actually conducted.

Since a manufacturer will be demonstrating the basic capability of a new airplane type without regard to crewmember training, operating procedures, and similar items, that are of concern to an operator under Part 121, the criteria to be prescribed under Part 25 are not identical with those in Part 121.

With respect to the evacuation demonstration requirements of Part 121 (contained in Appendix D) the Agency proposes to make the following changes:

1. The limitation on the authority to use a stand or ramp "at the trailing edge" for descent from the wing to the ground would be removed (present item 16).

2. "Mechanics and training personnel" employed by a certificate holder would also be excluded from participation in demonstrations (present item 8).

3. The amount of baggage, blankets, pillows, and similar items that must be distributed throughout the cabin would be required to be approximately one-half of the total of such items normally aboard a fully loaded flight (present item 9).

4. Participants in a demonstration would be prohibited from taking part in another demonstration for at least 6 months. In addition, the amount of briefing that may be given to participants would be clarified to make it clear that participants may be given safety warnings such as to follow crewmember instructions (present item 13).

5. The requirement for use of not more than 50 percent of the airplane exits would be changed to prevent the use in a gear-up crash landing demonstration of a one of a kind exit such as a ventral stair or tail cone exit. Furthermore, the usable exits selected by the certificate holder would have to be approved by the Administrator.

6. Paragraph (b) of Appendix D would be amended to make it clear that the required demonstration is to be an "unanticipated gear-up crash landing" and not a planned one in which all of the emergency equipment is prepared for evacuation prior to the start of the demonstration. This paragraph would also be amended to prohibit the use of any stand higher than the lowest point of the bottom of the fuselage. This clarification is needed because some operators attempted to justify the placing of stands within a few inches of the exits by assuming a crushed fuselage.

Size of Type I emergency exits (Part 25). Section 25.807 presently requires that Type I emergency exits must "have a rectangular opening of not less than 24 inches wide by 48 inches high." As a practical matter, in modern transport category airplanes the doors in the side of the fuselage that qualify as Type I exits are, in virtually all cases, substantially larger than this minimum. However, should the manufacturers meet only the 48-inch minimum requirement, the evacuation rate for both present and future airplanes would be considerably reduced. Therefore, the Agency believes that retention of the 48-inch minimum height for Type I exits is no longer justified and proposes that it be increased to 60 inches.

Ventral and tail cone exits (Part 25). Airplanes have recently been designed with ventral and tail cone exits and requests for increases in passenger capacity based upon the installation of such exits have been received. Since there are no standards for these exits, each request has been evaluated on its own merits to determine its adequacy and additional passenger credit has been given based on this individual evaluation. As a result of these individual cases, the Agency has given considerable thought to these type exits and has concluded that while they have merit, they nevertheless have an inherent limitation relative to conventional exits in that they are a single exit per airplane rather than one per side. This, plus their location makes them somewhat less effective than a pair of fuselage side doors. Therefore, the Agency believes that the number of additional passengers that may be approved for the addition of a ventral exit should be limited to 10. For the additional tail cone exists, the number of additional passengers should be limited to 15 or 20, depending upon whether the exit incorporates an opening equivalent to at least a Type III emergency exit or an opening the size of a Type I exit. It is proposed to amend § 25.807 to set forth these limitations and to define these two type of exits.

Emergency exits (Part 25). While the airworthiness requirements now prescribe the minimum number and types of exits on each side of the fuselage for specified passenger seating capacities, the Agency has not in the past specified that the required exits be uniformly distributed throughout the passenger compartment. Historically, the absence of such a requirement could be justified by the traditional airplane configurations that resulted in the larger floor level exits being located in the aft portion of the passenger compartments and the smaller exits being located approximately in the center, over the wing. However, the advent of the swept wing turbojet airplane has disrupted this reasonably uniform distribution. It does not require any detailed research or accident investigations to show that there is a direct relationship between the proximity of an exit to a passenger and that passenger's chances for escape in an emergency situation. Therefore, the Agency proposes to require that emergency exits be distributed as uniformly as possible throughout the passenger compartment. In addition, where more than one floor level exit is required on each side of the fuselage, one such exit (on each side) would be required at each end.

The Agency proposes to amend the emergency exit requirements of § 25.807 to require at least one Type I and two Type III exits for 80–109 passengers rather than as presently permitted one each Type I, Type III and Type IV. In addition, the Agency believes that the general provision permitting substitution of two Type IV exits for one required Type III exit should be deleted and that such a substitution be permitted only in the 11–19 passenger capacity category. Since the Agency believes that in the larger passenger configurations, additional exits are necessary, the present

table in § 25.807 would be amended to require additional exits in all configurations in excess of 110 passengers and to provide an open ended authorization with a view toward the much larger configurations now being designed.

In line with the foregoing, the Agency considers it appropriate to eliminate the credit in passenger capacity presently given for inflatable slides in order to improve the relationship between the emergency evacuation capability of the airplane and the number of passengers carried.

Since, as previously indicated, substantial improvements have been made in the design and installation of inflatable slides at floor level exits, it is proposed to require automatically deployable and inflatable slides for each landplane emergency exit (other than exits over the wing) more than 6 feet from the ground. Specific standards for these slides are proposed including a requirement that they be self-supporting on the ground within 10 seconds of actuation. The provision for automatic inflation would not apply to passenger entrance or service doors.

In addition to the foregoing, the Agency proposes to require that each emergency exit in the passenger compartment in excess of the minimum number of required exits must meet the applicable requirements concerning emergency exit arrangement, marking and lighting. It is also proposed to require that if extended flaps cannot be used as a slide or if the trailing edge of the lowered flaps is more than 6 feet from the ground means be provided to assist descent from the wing.

Emergency exit marking and interior lighting (Parts 25 and 121). The Agency considers that regulatory action must be taken to overcome the visibility problems associated with a smoke filled cabin. Visibility is appreciably reduced when the cabin is filled with smoke, yet this is the most critical conditon for evacuation since no delay in locating emergency exits can be tolerated. To improve this situation, the Agency proposes to require the following:

(1) (Part 25) Means, such as the use of distinctive material on seats adjacent to an exit, or a strobe light under seats at exits, would be required to assist occupants in locating exits in dense smoke.

(2) (Part 25) Contrary to the present regulations, this proposal would require that certain exit locating signs be internally electrically illuminated with a brightness of at least 50-foot lamberts. On the other hand, exit locating signs on a bulkhead or divider that prevents fore and aft vision along the passenger cabin and each exit marking sign may be either internally electrically illuminated or radioactively self-illuminated with an initial minimum brightness of at least 160 microlamberts.

(3) (Part 25) The general cabin interior illumination would have to meet the 0.05-foot candle requirement at each armrest. As a result of a combination of lighting deterioration (aging) and the soiling of cabin interiors, the general interior cabin illumination existing at the time an airplane is type certificated will not exist after the airplane has been in service for any substantial period of time. For operating purposes the Agency considers an average cabin interior illumination of 0.05-foot candles at armrest height (§ 121.310(c)(2)) to be the minimum level acceptable for safety. Therefore, to provide a reasonable useful life for the type certificated lighting, the Agency proposes to require that for type certification the interior illumination must meet the 0.05-foot candle requirement at each armrest.

(4) (Part 25) The floor illumination at floor level emergency exits would have to be at least 2-foot candles.

(5) (Parts 25 and 121) Emergency lighting systems would have to be designed so that the lights are manually operable from both the flight crew station and a flight attendants location and once armed would have to continue to function whenever the main lighting system failed. Thus, sole dependence on an inertia switch would not suffice. An amendment to the operating rule in Part 121 would require the emergency system to be turned on before each takeoff and landing. In addition, new aircraft would be required to be designed so that in the event of cabin breakup the emergency lights, except those emergency lights damaged in the breakup, would continue to function.

Exterior marking (Parts 25 and 121). The present exterior marking requirements call for a reflectance ratio of 3–1 between the color of the band outlining the exit and its background color. This ratio has proved effective except where one of the colors has a very low reflectance value. Therefore, the Agency proposes to require that the reflectance of the lighter color must be at least 45 percent whenever the reflectance of the darker color is 15 percent or less and that at least a 30-percent difference be provided whenever the reflectance of the darker color is greater than 15 percent.

In connection with the foregoing, the American Association of Airport Executives requested that the current regulations be amended to allow the use of a strobe light, operated by a crash inertia switch and mounted in the exit window so that it could be visible inside as well as outside the aircraft, in lieu of the required 2-inch colored band. Most of the argument offered in support of this request stressed the difficulties that have been encountered in locating wreckage. While the colored band and a crash locator serve two different purposes, the Agency has no objection to the use of a strobe light in addition to the colored band. However, the Agency does not consider that a strobe light should be allowed in lieu of a color band since, in contrast to the color band, the effectiveness of the strobe light depends on the reliability of the mechanical functioning of the light, adequate battery power, and integrity of the circuit.

In addition to the foregoing, since passenger emergency exits other than those in the side of the fuselage of an airplane, such as ventral and tail cone exits, are relatively uncommon, the Agency proposes to require more conspicuous marking for these exits. When the means for opening the exit is located on only one side of the fuselage, it is proposed to require a marking to that effect on the other side of the fuselage.

The Agency also proposes to amend § 121.310(g) to make it clear that the exterior marking requirements apply only to passenger emergency exits.

Exterior lighting (Parts 25 and 121). The current regulations do not include requirements for exterior illumination of an airplane. Thus, regardless of the efficiency of the interior illumination, exit markings, slides, or other evacuation means, the effectiveness of the evacuation could be substantially reduced by the inability of the passengers to find their way once they were outside the airplane. Therefore, it is proposed to require external illumination at overwing exits to light the area on which evacuees would be walking. The escape route would also have to be indicated by a white slip-resistant surface to guide evacuees to the places provided for descent from the wings. As proposed, the descent means would also have to be illuminated. Part 121 operators would be required to meet these requirements by June 30, 1969.

Emergency exit access and effectiveness (Parts 25 and 121). The present regulations permit minor obstructions in the access from the aisle to each Type III or Type IV exit if there are compensatory factors to maintain the effectiveness of the exit. As proposed herein, this provision would be eliminated and the effectiveness of these exits for emergency evacuation would be further improved by requiring that the projected exit opening, from the opening to the aisles must not be obstructed by any seat back.

The current regulations prescribe a minimum aisle width of 18 inches at 25 inches and more from the floor for airplanes having a passenger seating capacity of 10 or less. However, the Agency has now determined that for airplanes having a passenger seating capacity of 10 or less, a 15-inch aisle width at 25 inches and more from the floor is adequate and the table in § 25.815 would be amended accordingly.

It is also proposed to limit the number of seats abreast in airplanes having only one passenger aisle to not more than six.

Compartment interiors (Parts 25 and 121). The current requirements for flame resistant material in passenger and crew compartments were designed primarily to prevent serious fires from passenger carelessness, such as cigarette burns. However, recent events have shown that these fire protection requirements must be amplified in order to provide protection from an occurrence such as a fuel fire. Since extensive research is still being conducted to determine the full extent to which the materials currently available produce smoke and toxic fumes, the Agency is not in a position to make complete proposals on this matter. However, within the present state of the art, it is con-

sidered possible, and practical to require that materials used in passenger and crew compartments meet a specified horizontal and vertical burn rate when tested in accordance with test procedures outlined in Federal Specification CC–T–191b or an equivalent test method. While it is not practical to require retrofitting of all existing airplanes operating under Part 121, the Agency proposes to require that after June 30, 1968, all materials used to replace material installed in the passenger cabin and flight deck area meet the requirements proposed in this notice.

Landing gear, electrical cables and fuel lines (Part 25). In order to prevent fires following failure of the landing gear and the rupturing of fuel and electrical lines in the fuselage, the Agency proposes to require that the main landing gear system be designed so that if it fails due to overloads during takeoff and landing, the failure mode is not likely to puncture any part of the fuel system. Moreover, it is proposed to require that electrical cables be isolated from fuel lines and that both be designed to allow a reasonable degree of deformation and stretching without failure or leakage.

Seat and seat attachment strength requirements. Under dates of April 28, 1965, and March 7, 1966, the Agency received petitions from Dr. Horace E. Campbell requesting, among other things, changes in the regulations concerning seat and seat attachment strength requirements (including load factors and occupant weights) and requiring unobstructed passage to midsection exits on transport airplanes. At the present time, the Agency does not believe that there is sufficient evidence to establish that current seat and attachment strength requirements are inadequate. However, a project is now underway at the National Aviation Facilities Experimental Center (NAFEC) to determine the relationship which may exist between static and dynamic load. Values of load factor, occupant weight, and time duration of load application will be quantitatively determined so that fully dynamic crash loads standards can be formulated. Therefore, until its research program is completed and the results evaluated, the Agency is not in a position to recommend changes to the seat and attachment strength requirements or the related problems of load factors and passenger weights. On the other hand, this notice does contain specific proposals under § 25.813 concerning the obstruction of exit passageways.

Technical Standard Orders (Part 37). Appropriate changes are also proposed to the Technical Standard Orders (TSO's) covering Safety Belts, Aircraft Seats and Berths, and Individual Flotation Devices consistent with the fire protection requirements proposed for compartment interiors. The TSO concerning Emergency Evacuation Slides would also be amended consistent with the inflation requirements proposed under § 25.809.

Flight attendants (Part 121). Present § 121.391 contains requirements for flight attendants for passenger-carrying airplanes and requires at least three flight attendants for an airplane having a seating capacity of more than 99 but less than 150 passengers and four flight attendants for airplanes having a passenger seating capacity of more than 149 passengers. This section also provides the criteria by which an operator may obtain from the Administrator approval of a fewer number of flight attendants for a particular operation. The Agency proposes to amend this section to require one flight attendant for each increment of 50 passenger seats (or any part thereof) over 99. This proposal anticipates the much higher passenger seating capacity airplanes presently being planned. Also, approval of a lesser number would be limited to those situations where the certificate holder is able to show that he can meet the emergency evacuation demonstration requirements with the fewer number.

Passenger briefing (Part 121). The Agency has found that in most cases the present passenger briefing procedures do not provide the passenger with the level of knowledge that is necessary to prepare him for an emergency situation. Pending further recommendations from a study now being made to find better briefing methods, the Agency proposes as an interim step to require that each passenger over 12 years of age be given a briefing card of the type now required by § 121.571 as he enters the airplane. Furthermore, the Agency proposes to limit the information that may be printed on the card to information relevant to the type and model airplane being used on that flight. Presently, some of these cards contain diagrams of more than one airplane configuration which only tends to confuse the passenger.

Carry-on baggage. Existing regulations contain detailed requirements for the storage of cargo in passenger cabins. However, those items traditionally classified as "carry-on baggage" have for the most part been handled in accordance with the policy of each operator with guidance from the FAA inspectors. Recent developments such as "shuttle" flights and "space available student fares" have increased the number of situations where passengers are boarding the airplane at the last minute carrying more baggage than probably would be the case if they had a confirmed reservation and checked in at the ticket counter prior to departure. The amount of carry-on baggage being stored on and around passenger seats has therefore increased to a point that it could cause a dangerous situation in an emergency. The Agency, therefore, proposes to limit those items that passengers be permitted to take to their seats to items that can be stored under a passenger seat in such a way that they would not slide forward in the event of a crash.

In consideration of the foregoing, it is proposed to amend Parts 21, 25, 37 and 121 of the Federal Aviation Regulations as follows:

1. By amending § 21.17(a) to read as follows:

§ 21.17 Designation of applicable regulations.

(a) Except as provided in § 25.2 of this chapter, an applicant for a type certificate (other than for restricted category, import, or surplus military, aircraft) must show that the aircraft, aircraft engine, or propeller concerned meets the applicable requirements of this subchapter that are effective on the date of application for that certificate, unless—

(1) Otherwise specified by the Administrator; or

(2) Compliance with later effective amendments is elected or required under this section.

* * * * *

1a. By amending the introductory statement in § 21.101(a) to read as follows:

§ 21.101 Designation of applicable regulations.

(a) Except as provided in § 25.2 of this chapter, an applicant for a change to a type certificate must comply with either—

* * * * *

2. By adding a new § 25.2 after § 25.1 to read as follows:

§ 25.2 Special retroactive requirements.

Notwithstanding §§ 21.17 and 21.101 of this chapter, after (the effective date of this amendment) each applicant for a type certificate and each applicant for a supplemental type certificate or an amendment to a type certificate involving an increase in passenger seating capacity, must show that the airplane concerned meets the requirements of §§ 25.721(d), 25.783, 25.785(c), 25.803 (b), (c), and (d), 25.807(a) (1), (5), and (6) and (c) and (d), 25.809 (f) and (h), 25.811, 25.812, 25.813 (a), (b), and (c), 25.815, 25.817, 25.853(a), 25.855(a), 25.993(f), 25.1359(c), effective on (the effective date of this amendment).

3. By adding a new paragraph (d) to § 25.721 to read:

§ 25.721 General.

* * * * *

(d) The main landing gear system must be designed so that if it fails due to overloads during takeoff and landing (assuming the overloads are symmetrical about the longitudinal axis of the airplane) the failure mode is not likely to puncture any part of the fuel system.

4. By amending § 25.783 to read as follows:

§ 25.783 Doors.

(a) Each passenger door in the side of the fuselage must qualify as a Type I or a Type II passenger emergency exit and must meet the requirements of §§ 25.807 through 25.813 that apply to that type of passenger emergency exit. If an integral stair is installed at such a passenger door, the stair must be designed so that when subjected to the inertia forces specified in § 25.561, and following the collapse of one or more legs of the landing gear, it will not interfere

with emergency egress through the passenger door.

(b) Each external door, except cargo and service doors not suitable for use as an emergency exit, must be located where persons using them will not be endangered by the propellers when appropriate operating procedures are used.

(c) There must be a visual means to signal to appropriate crew members when external doors are closed and fully locked.

(d) Each external door whether or not used as an emergency exit must meet the requirement of § 25.809(d).

5. By amending § 25.785(c) to read as follows:

§ 25.785 Seats, berths, safety belts, and harnesses.

* * * * *

(c) Each occupant of a sideward facing seat must be protected from head injury by a safety belt plus a cushioned rest that will support the arms, shoulders, head, and spine. Each occupant of any other seat must be protected from head injury by—

(1) A safety belt and shoulder harness that will prevent the head from contacting any injurious object;

(2) A safety belt plus the elimination of any injurious object within striking radius of the head; or

(3) A safety belt plus a cushioned rest that will support the arms, shoulders, head, and spine.

6. By amending paragraph (b) of § 25.803 and by adding new paragraphs (c) and (d) to read:

§ 25.803 Emergency evacuation.

* * * * *

(b) Passenger ventral and tail cone, crew access, and service doors may be considered as emergency exits if they meet the applicable requirements of this section and §§ 25.805 through 25.813.

(c) Except as provided in paragraph (d) of this section, on airplanes having a seating capacity of more than 44 passengers, it must be shown by actual demonstration that the maximum number of passengers for which certification is requested can be evacuated within 90 seconds. The demonstration must be conducted under the following conditions:

(1) It must be conducted either during the dark of the night or during daylight with the dark of the night simulated, utilizing only the emergency lighting system, and utilizing only the emergency exits and escape apparatus on one side of the fuselage, with the airplane in the normal ground attitude with landing gear extended.

(2) All emergency equipment must be installed in accordance with specified limitations of the equipment.

(3) Each external door and exit, and each internal door or curtain must be in a position to simulate a normal flight.

(4) Seat belts and shoulder harnesses (as required) must be fastened.

(5) A representative passenger load of persons in normal health must be used as follows:

(i) At least 30 percent must be female.

(ii) Approximately 5 percent must be over 60 years of age, with a proportionate number of females.

(iii) At least 5 percent but no more than 10 percent must be children under 12 years of age, prorated through that age group.

(6) Persons representing an air carrier crew may be used who have knowledge of the operation of the exits and emergency equipment. Such representative crewmembers must be in their seats assigned for takeoff and landing and none may be seated next to an emergency exit unless that is his assigned takeoff and landing seat. They must remain in their assigned seats until receiving the signal for commencement of the demonstration.

(7) There can be no practice or rehearsal of the demonstration for the participants, and passengers may be briefed as to the location of all emergency exits before the demonstration, but no indication may be given of the particular exits to be used in the demonstration.

(8) Stands or ramps may be used for descent from the wing to the ground.

(9) All evacuees other than those using an over-the-wing exit must leave the airplane by the means provided as part of the airplane's equipment.

(d) The emergency evacuation demonstration need not be repeated after a change in the interior arrangement of the airplane or an increase of not more than 5 percent in passenger seating capacity over that previously approved, or both, if it can be substantiated by analysis, taking due account of the differences, that all the passengers for which the airplane is certificated can evacuate within 90 seconds.

7. By amending § 25.807(a) by striking out the number "48" in subparagraph (1) and inserting the number "60" in place thereof and by adding new subparagraphs (5) and (6) to read as follows:

§ 25.807 Passenger emergency exits.

(a) * * *

(5) *Ventral:* This type is an exit from the passenger compartment through the pressure shell and the bottom fuselage skin. The dimensions and physical configuration of this type of exit must allow the same rate of egress as a Type I exit.

(6) *Tail cone:* This type is an aft exit from the passenger compartment through the pressure shell and through a detachable cone of the fuselage aft of the pressure shell. The means of detaching the tail cone must be simple and obvious, and must employ a single operation.

* * * * *

8. By amending § 25.807(c) to read as follows:

§ 25.807 Passenger emergency exits.

* * * * *

(c) *Passenger emergency exits; side of fuselage.* The prescribed exits need not be diametrically opposite each other nor identical in size and location on both sides. They must be distributed as uniformly as practicable taking into account passenger distribution and where more than one floor level exit per side is prescribed, at least one floor level exit per side must be located at each end of the cabin.

(1) Except as provided in subparagraphs (2) through (5) of this paragraph, the number and type of passenger emergency exits must be in accordance with the following table:

Passenger seating capacity (cabin attendants not included)	Each side of the fuselage			
	Type I	Type II	Type III	Type IV
1 to 10 inclusive	------	------	------	1
11 to 19 inclusive	------	------	1 or 2	
20 to 39 inclusive	------	1	------	1
40 to 59 inclusive	1	------	------	1
60 to 79 inclusive	1	------	1	------
80 to 109 inclusive	1	------	2	------
110 to 139 inclusive	2	1	1	------
140 to 179 inclusive	2	1	2	------
180 to 219 inclusive	3	1	1	------
220 to 259 inclusive	4	------	2	------
260 to 299 inclusive	5	[1] 1	1	------
300 to 339 inclusive	6	[1] 2	------	------

[1] These Type II exists must be floor level, over-the-wing, with a stepdown outside the airplane of not more than 17 inches.

(2) Increases in passenger capacity above 339 may be allowed for each additional pair of emergency exits in accordance with the following table:

Additional emergency exits (each side of fuselage)	*Increase in passenger capacity allowed*
Type I	40
Type II [1]	30
Type III	0
Type IV	0

[1] These Type II exits must be floor level. If over the wing, they must have a stepdown outside the airplane of not more than 17 inches.

(3) If a passenger ventral or tail cone exit is installed and can be shown to be usable following the collapse of one or more legs of the landing gear, an increase in passenger capacity beyond the limits specified in subparagraphs (1) and (2) of this paragraph may be allowed as follows:

(i) For a ventral exit, 10 additional passengers.

(ii) For a tail cone exit incorporating a floor level Type I size opening in the pressure shell, and incorporating an approved assist means in accordance with § 25.809(f)(1), 20 additional passengers; or

(iii) For a tail cone exit incorporating an opening in the pressure shell which is at least equivalent to a Type III emergency exit with respect to dimensions, step-up distance, and step-down distance, 15 additional passengers.

(4) Each emergency exit in the passenger compartment in excess of the minimum number of required emergency exits must meet the applicable requirements of §§ 25.809 through 25.812, and must be readily accessible.

(5) For airplanes on which the vertical location of the wing does not allow the installation of over-the-wing exits, an exit of at least the dimensions of a Type II must be installed at floor level

instead of each Type III and each Type IV exit required by subparagraph (1) of this paragraph.

9. By amending § 25.807(d) to read:

§ 25.807 Passenger emergency exits.

* * * * *

(d) *Ditching emergency exits for passengers.* If the emergency exits required by subparagraphs (c) (1) and (2) of this section do not meet the following conditions, exits must be added to meet them:

(1) There must be at least one emergency exit for each unit (or part of a unit) of 35 passengers, but no less than two such exits, both above the waterline with one on each side of the airplane, meeting the minimum dimensions of—

(i) A Type IV exit for airplanes with a passenger seating capacity of 10 or less; and

(ii) A Type III exit for airplanes with a passenger seating capacity of 11 or more.

(2) If side exits cannot be above the waterline, the side exits must be replaced by an equal number of overhead hatches of not less than the dimensions of a Type III exit except that, for airplanes with a passenger capacity of 35 or less, the two required Type III side exits need be replaced by only one overhead hatch.

10. By amending § 25.809 by amending paragraph (f) and by adding a new paragraph (h).

§ 25.809 Emergency exit arrangement.

* * * * *

(f) Each landplane emergency exit (other than exits located over the wing) more than 6 feet from the ground with the airplane on the ground and the landing gear extended must have an approved means to assist the occupants in descending to the ground as follows:

(1) The assisting means for each passenger emergency exit must be a self-supporting slide or equivalent, designed to be available for immediate installation and designed so that when installed it is—

(i) Automatically deployed and inflated concurrent with the opening of the exit except that the device may be inflated in a different manner when installed at service doors that qualify as emergency exits, and at passenger doors; and

(ii) Inflatable within 10 seconds and of such length that the lower end is self-supporting on the ground after collapse of any one or more landing gear legs.

(2) The assisting means for flight crew emergency exits may be a rope or any other means demonstrated to be suitable for the purpose. If the assisting means is a rope, or an approved device equivalent to a rope, it must be—

(i) Attached to the fuselage structure at or above the top of the emergency exit opening, or, for a device at a pilot's emergency exit window, at another approved location if the stowed device, or its attachment, would reduce the pilot's view in flight;

(ii) Able (with its attachment) to withstand a 400-pound static load.

* * * * *

(h) If extended flaps are unsuitable as a slide, or if the trailing edge of flaps in the landing position is more than 6 feet from the ground with the airplane on the ground and the landing gear extended, means must be provided to assist evacuees, who have used the overwing exits, to reach the ground.

11. By amending § 25.811 to read as follows:

§ 25.811 Emergency exit marking.

(a) Each passenger emergency exit, its means of access, and its means of opening must be conspicuously marked.

(b) The identity and location of each passenger emergency exit must be recognizable from a distance equal to the width of the cabin. Means must be provided to assist the occupants in locating the exits in conditions of dense smoke.

(c) The location of each passenger emergency exit must be indicated by a sign visible to occupants approaching along the main passenger aisle. There must be a locating sign—

(1) Above the aisle near each over-the-wing passenger emergency exit, or at another ceiling location if it is more practical because of low headroom;

(2) Next to each floor level passenger emergency exit, except that one sign may serve two such exits if they both can be seen readily from the sign; and

(3) On each bulkhead or divider that prevents fore and aft vision along the passenger cabin, to indicate emergency exits beyond and obscured by it, except that if this is not possible the sign may be placed at another appropriate location.

(d) The location of the operating handle and instructions for opening must be shown—

(1) For each passenger emergency exit, by a marking on or near the exit that is readable from a distance of 30 inches; and

(2) For each Type I or Type II passenger emergency exit with a locking mechanism released by rotary motion of the handle, by—

(i) A red arrow, with a shaft at least ¾-inch wide and a head twice the width of the shaft, extending along at least 70 degrees of arc at a radius approximately equal to ¾ of the handle length; and

(ii) The word "open" in red letters one inch high, placed horizontally near the head of the arrow.

(e) Each emergency exit that is required to be openable from the outside, and its means of opening, must be marked on the outside of the airplane. In addition, the following apply:

(1) The outside marking for each passenger emergency exit in the side of the fuselage must include a 2-inch colored band outlining the exit.

(2) Each outside marking including the band, must have color contrast to be readily distinguishable from the surrounding fuselage surface. The contrast must be such that if the reflectance of the darker color is 15 percent or less, the reflectance of the lighter color must be at least 45 percent. "Reflectance" is the ratio of the luminous flux reflected by a body to the luminous flux it receives. When the reflectance of the darker color is greater than 15 percent, at least a 30-percent difference between its reflectance and the reflectance of the lighter color must be provided.

(3) In the case of exits other than those in the side of the fuselage, such as ventral or tail cone exits, the external means of opening, including instructions if applicable, must be conspicuously marked in red, or bright chrome yellow if the background color is such that red is inconspicuous. When the opening means is located on only one side of the fuselage, a conspicuous marking to that effect must be provided on the other side.

(f) Emergency exits need only be marked with the word "Exit."

12. By adding new § 25.812 to read as follows:

§ 25.812 Emergency lighting.

(a) An emergency lighting system, independent of the main lighting system, must be installed which includes illuminated emergency exit markings and locating signs, sources of general cabin illumination, and additional light in the emergency exit areas, as well as exterior lighting.

(b) The exit locating signs required in §§ 25.811(c) (1) and (2) must have white letters at least 1 inch high on a red background at least 2 inches high, and must be internally electrically illuminated. The colors may be reversed if this will increase the illumination in the exit area. The unit must contain at least two lamps and utilize a diffusing cover. The brightness at any 1-inch diameter area on the cover, including those containing the legend, must be at least 50-foot lamberts.

(c) The exit locating signs required in § 25.811(c)(3) must be either internally electrically illuminated or radioactively self-illuminated with an initial minimum brightness of at least 160 microlamberts. The sizes and colors must be as prescribed in paragraph (b) of this section. If the sign is internally electrically illuminated, the colors may be reversed if this will increase the emergency lighting illumination.

(d) An exit marking sign having white letters at least one inch high on a red background at least two inches high must be located over each passenger emergency exit. These marking signs may be either internally electrically illuminated, or radioactively self-illuminated with an initial minimum brightness of at least 160 microlamberts. The colors may be reversed in the case of internally electrically illuminated markers if this will increase the illumination at the exit.

(e) General illumination in the passenger cabin must be provided so that when measured along the centerline of the main passenger aisle at seat armrest height the illumination is not less than 0.05 foot-candles.

(f) The floor of the passageway leading to each floor-level passenger emergency exit, between the main aisle and the exit opening, must be provided with illumination of at least 2 foot-candles.

(g) The emergency lighting system must be designed so that—

(1) The lights are operable manually from the flight crew station and from a point in the passenger compartment that is readily accessible to a flight attendant during takeoff and landing; and

(2) When switched on at either station, the lights remain energized after interruption of the airplane's normal electric power.

(h) Exterior emergency lighting must be provided at each overwing exit to illuminate the adjacent wing surface and the escape route from that exit. The escape route must be indicated by a white slip-resistant surface. These lights must operate automatically when the exit is opened.

(i) The means required in §§ 25.809 (f)(1) and (g) to assist the occupants in descending to the ground must be illuminated.

(j) The energy supply to the emergency lighting units must provide the required level of illumination for at least 30 minutes at 0° F.

(k) If storage batteries are used as the energy supply for the emergency lighting system, they may be recharged from the airplane's main electric power system, provided that the charging circuit is designed to preclude inadvertent battery discharge into charging circuit faults.

(l) Components of the emergency lighting system, including batteries, wiring relays, lamps, and switches must be capable of normal operation after having been subjected to the inertia forces listed in § 25.561(b).

(m) The emergency lighting system must be so designed that breakup of the fuselage will not render any emergency light inoperative except those emergency lights which may be damaged by the breakup.

13. By amending paragraphs (a), (b), and (c) of § 25.813 to read:

§ 25.813 Emergency exit access.

(a) There must be a passageway between individual passenger areas, and leading from each aisle to each Type I and Type II emergency exit. These passageways must be unobstructed and at least 20 inches wide.

(b) For each passenger emergency exit covered by § 25.809(f), there must be enough space next to the exit to allow a crewmember to assist in the evacuation of passengers without reducing the unobstructed width of the passageway below that required for the exit.

(c) There must be access from each aisle to each Type III or Type IV exit. The access must not be obstructed by seats, berths, or other protrusions which would reduce the effectiveness of the exit. The projected exit opening, from the opening to each aisle, must not be obstructed by any seat back.

14. By amending § 25.815 to read as follows:

§ 25.815 Width of aisle.

The passenger aisle width at any point between seats must equal or exceed the values in the following table:

Passenger seating capacity	Minimum passenger aisle width (inches)	
	Less than 25 inches from floor	25 inches and more from floor
10 or less	12	15
11 to 19	12	20
20 or more	15	20

15. By adding a new § 25.817 to read as follows:

§ 25.817 Maximum number of seats abreast.

On airplanes having only one passenger aisle, the number of seats abreast must not be more than six.

16. By amending § 25.853 by deleting paragraph (b) and by amending paragraph (a) to read as follows:

§ 25.853 Compartment interiors.

For each compartment to be used by the crew or passengers—

(a) All materials, including the wall and ceiling linings, safety belts, upholstery, furnishings (including blankets, pillows, and seat cushions), and the covering of upholstery, furnishings, and floors must meet the following test criteria:

(1) When tested in accordance with the applicable portions of Test Procedure 5906 outlined in Federal Specification CC–T–191b, or an equivalent method, the material must not continue to flame and must not burn for a total length in excess of 1.5 inches, with the material in the horizontal position and with the ignition source applied for at least 12 seconds. In addition, portions or residues which break or drip from the test specimens, must not continue to flame after falling.

(2) When tested in accordance with the applicable portions of Test Procedure 5902 outlined in Federal Specification CC–T–191b, or an equivalent method, the material must not continue to flame for more than two seconds after withdrawal of the ignition source, and must not burn for a total length in excess of 6 inches, with the material in the vertical position with the ignition source held in place for 12 seconds. In addition, portions or residues which break or drip from the test specimen must not continue to flame after falling.

(b) [Reserved]

17. By amending paragraph (a) of § 25.855 by striking the words "are at least flame resistant" and inserting in place thereof the words "meet the test criteria set forth in § 25.853(a)."

18. By adding a new paragraph (f) to § 25.993 to read:

§ 25.993 Fuel system lines and fittings.

* * * * *

(f) Each fuel line within the fuselage must be designed and installed to allow a reasonable degree of deformation and stretching without failure or leakage, and must be enclosed in a shroud which is ventilated and drained.

19. By adding a new paragraph (c) to § 25.1359 to read:

§ 25.1359 Electrical system fire and smoke protection.

* * * * *

(c) Electrical cables must be isolated from flammable fluid lines and must be shrouded in insulated, flexible conduit to allow a reasonable degree of deformation and stretching without failure.

20. By amending § 37.132, Safety Belts, TSO–C22e, § 37.136, Aircraft Seats and Berths, TSO–C39, and § 37.178, Individual Flotation Devices, TSO–C72, to require that new models of such equipment must meet the test criteria set forth in proposed § 25.853(a).

21. By amending § 37.157, Emergency Evacuation Slides, TSO–C69, to require that new models of such equipment must be designed so that as used in an aircraft they may be fully inflated in not more than 10 seconds after activation of the inflation means.

22. By amending § 121.291(a) to read as follows:

§ 121.291 Demonstration of emergency evacuation procedures.

(a) Each certificate holder shall show by actual demonstration that the emergency evacuation procedures for each type and model of airplane with a seating capacity of more than 44 passengers, used in its passenger-carrying operations, allow the evacuation of its full seating capacity in 90 seconds or less, through not more than 50 percent of its emergency exits. The demonstrations must be conducted according to the criteria provided in paragraphs (a) Aborted takeoff demonstration, and (b) Gear-up crash landing demonstration, of Appendix D of this Part—

(1) Upon the initial introduction of a type and model of airplane into passenger-carrying operations;

(2) Upon a 5 percent or greater increase in passenger seating capacity over that previously approved; or

(3) Upon a major change in the passenger cabin interior configuration that will affect the emergency evacuation of passengers.

23. By amending § 121.310(a) to require after June 30, 1968, on all passenger-carrying landplanes, at each floor level exit, a self-supporting inflatable slide, or its equivalent, that during flight time meets the requirements of subdivisions (i) and (ii) of § 25.809(f)(1). (See item No. 10 above.)

24. By amending § 121.310(f)(3) to read as follows:

§ 121.310 Additional emergency equipment.

* * * * *

(f) * * *

(3) There must be access from each aisle to each Type III or Type IV exit. The access must not be obstructed by seats, berths, or other protrusions which would reduce the effectiveness of the exit. During takeoff and landing each seat back must be in an upright position.

25. By amending § 121.310(g) by adding a new subparagraph (3) to read as follows:

§ 121.310 Additional emergency equipment.

* * * * *

(g) * * *

(3) In the case of exits other than those in the side of the fuselage, such as ventral or tail cone exits, the external means of opening, including instruction if applicable, must be conspicuously marked in red, or bright chrome yellow if the background color is such that red is inconspicuous. When the opening means is located on only one side of the fuselage, a conspicuous marking to that effect must be provided on the other side.

26. By amending § 121.310 by adding new paragraphs (i), (j), and (k) to read as follows:

§ 121.310 Additional emergency equipment.

* * * * *

(i) No person may operate a passenger-carrying airplane unless each approved emergency exit (whether required or not) meets all of the requirements of this section.

(j) After June 30, 1969, no person may operate a passenger-carrying airplane unless it is equipped with external emergency lighting that meets the requirements of § 25.812(h) of this chapter. (See item No. 12 above.)

(k) After June 30, 1969, no person may operate a passenger-carrying airplane unless each floor level exit on the airplane meets all of the emergency exit requirements of this section except that the Administrator may grant a deviation for a floor level exit outside the passenger cabin if he finds that special circumstances exist that make compliance impractical and that the proposed deviation provides an equivalent level of safety.

27. By adding a new section to require that after June 30, 1968, all of the replacement materials covered by § 25.853 (a) used in the passenger cabin must meet the test criteria therein. (See item No. 16 above.)

28. By amending § 121.391(a) by striking out subparagraphs (3) and (4) and by inserting in place thereof a new subparagraph (3) to read as follows:

§ 121.391 Flight attendants.

* * * * *

(3) For airplanes having a seating capacity of more than 99 passengers, one additional flight attendant must be provided for each unit (or part of a unit) of 50 passenger seats.

29. By amending § 121.391 by amending paragraph (b) and by adding a new paragraph (d) to read as follows:

§ 121.391 Flight attendants.

* * * * *

(b) No certificate holder may takeoff an airplane with fewer flight attendants than the number used in conducting the emergency evacuation demonstration required by § 121.291 of this chapter. However, upon application by the certificate holder, the Administrator may approve the use of an airplane for a particular operation with less than the number of flight attendants required by paragraph (a) of this section if the certificate holder shows that it can evacuate the airplane as required by § 121.291 with fewer flight attendants.

* * * * *

(d) During takeoff and landing, flight attendants shall be located as near as practicable to floor level exits and shall be distributed as uniformly as possible throughout the passenger cabin.

30. By adding a new § 121.312 to read as follows:

§ 121.312 Sideward facing seats.

After June 30, 1968, each sideward facing seat must meet the requirements of § 25.785(c).

31. By amending § 121.571(b) by adding a flush sentence at the end thereof to read as follows:

§ 121.571 Briefing passengers before takeoff.

* * * * *

(b) * * *

Each certificate holder shall distribute to each passenger over 12 years old one copy of the printed briefing card when the passenger boards the airplane. Each card required by this paragraph must contain only information that is pertinent to the type and model airplane being used for the flight.

32. By adding a new § 121.589 to read as follows:

§ 121.589 Carry-on baggage.

No certificate holder may permit a passenger to carry any baggage, luggage, or other item of comparable size aboard an airplane unless that item can be stored in a suitable baggage or cargo compartment or unless the item is of a size that can be stored under a passenger seat in such a way that it would not slide forward in the event of a crash.

These amendments are proposed under the authority of sections 313(a), 601, 603, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1423, 1424).

Issued in Washington, D.C., on July 26, 1966.

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

[F.R. Doc. 66-8295; Filed, July 28, 1966; 8:47 a.m.]

[14 CFR Parts 47, 49, 91]

[Docket No. 7523; Notice 66-27]

CHANGES IN CERTAIN FAA AIRCRAFT REGISTRY PROCEDURES

Notice of Proposed Rule Making

The Federal Aviation Agency is considering amending Parts 47, 49, and 91 of the Federal Aviation Regulations to simplify aircraft registration and recording of aircraft titles and security documents; to speed the issue of Certificates of Aircraft Registration; to broaden and simplify the national aircraft recording system; and to further increase the efficiency and reduce the operating costs of the FAA Aircraft Registry. The proposals would accomplish this purpose by limiting the activities of the FAA Aircraft Registry to those essential to the discharge of its legally required functions; and by revising and deleting certain requirements and procedures now in effect.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Council, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before October 28, 1966, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

General. It is proposed to modify the operation of the FAA Aircraft Registry in four general areas: First, to the extent possible, it is proposed to eliminate the present interrelationship between the rules for registering aircraft (under section 501 of the Federal Aviation Act of 1958 and Part 47), and the rules for recording of aircraft title and security documents (under section 503 of the Federal Aviation Act of 1958 and Part 49). Second, for all purposes other than operation of the aircraft, it is proposed to permit its registration to continue in the name of the holder of the certificate (unless he expressly requests cancellation) after transfer to another U.S. citizen. Also, the recording of documents would be permitted, although they may show that the owner is not the holder of the last-issued Certificate of Aircraft Registration. Third, it is proposed to discontinue the requirement that a document be in the "chain of title" before it is recorded, and the review of the "chain of title" with every application for registration. A new requirement that the last-issued registration certificate be returned (unless already surrendered) with each

new application would be introduced. Fourth, it is proposed to eliminate the practice of policing an applicant's relationship with other persons by deleting the requirements that the conditional sales vendor consent to an assignment of the vendee's interest, and that a person who signs for a corporation submit proof of his authority to sign for the corporation.

Separating registration and recording. As now written, Part 47, "Aircraft Registration," and Part 49, "Recording Aircraft Titles and Security Documents," are closely interrelated. Under Part 47, an applicant for a Certificate of Aircraft Registration must submit an Application for Aircraft Registration, specific evidence (recordable under Part 49) of the fact that he owns the aircraft to be registered, and the required fee (§ 47.31(a)). The required evidence of ownership must either begin or continue an unbroken "chain of title" to the aircraft (§§ 47.33, 47.35, and 47.37). Under Part 49, a person who submits a document for recording must close any gaps that may exist in the "chain of title" (§ 49.35). Before a chattel mortgage can be recorded under Part 49, the chattel mortgagor must apply for registration of the aircraft under Part 47, if the aircraft is not already registered in his name (§ 49.17(e)(1)). The FAA proposes to amend sections of both Parts 47 and 49 to eliminate the "closed chain of title" requirement, to eliminate the requirement that chattel mortgagors register the aircraft in their name before the mortgage is recorded, and to minimize the interrelationship of Parts 47 and 49.

It is proposed to split present § 47.31 into two sections by redesignating § 47.31 (b) as new § 47.32 without substantive change. All Applications for Aircraft Registration would be made under proposed § 47.31, rather than under § 47.33, § 47.35, or § 47.37, as is now required. Under proposed § 47.31(a), an applicant would certify three facts: (1) That he is a U.S. citizen; (2) that he owns the aircraft; and (3) that the aircraft is not registered in a foreign country. Proposed § 47.31(b) would require the applicant to submit the supporting evidence required by proposed § 47.33, § 47.35, or § 47.37. In issuing the Certificate of Aircraft Registration, the FAA would rely on the applicant's certification under § 47.31 (a), and on the supporting evidence required by § 47.31(b) or already recorded at the FAA Aircraft Registry. Although an applicant would not be required to submit documents that close any gaps in the "chain of title," proposed § 47.31(c) would require an applicant to record any supporting evidence he submits, to comply with Part 49, and to pay the recording fee required by § 49.15. A parallel amendment deleting § 49.15(b) is proposed so that a charge would be made for each document recorded under Part 49. An applicant who submits knowingly any false information or documents to obtain a certificate would continue to be subject to prosecution under section 1001 of Title 18 of the United States Code.

Supporting evidence. Proposed §§ 47.33, 47.35, 47.37, and 47.39 are revised to reflect the fact that all applications would be made under § 47.31. Section 47.33 would continue the present requirement that an applicant for registering an aircraft not previously registered anywhere must submit supporting evidence that establishes his title. Section 47.37 would continue the present requirements that an applicant for registering an aircraft last previously registered in a foreign country must submit supporting evidence establishing his title in the United States, and showing that foreign registration has ended or is invalid.

Present § 47.35(a) requires an applicant for registering an aircraft last previously registered in the United States to submit supporting evidence of ownership that closes any gaps in the "chain of title." Proposed § 47.35 would delete this requirement. Under proposed § 47.35(a), the applicant would surrender the last-issued registration certificate with his application, unless that certificate has already been surrendered. Under proposed § 47.35(b), an applicant would have to submit supporting evidence that establishes his title (under proposed § 47.33) only if the last-issued registration certificate has not been surrendered and the applicant cannot do so. Since the majority of Applications for Aircraft Registration involve aircraft last previously registered in the United States, proposed § 47.35 would both simplify and speed the issue of Certificates of Aircraft Registration. Proposed § 47.67 would clarify the requirement that, before using a Dealer's Aircraft Registration Certificate, the holder (other than a manufacturer) must submit the same evidence of ownership that is required of an applicant under § 47.31.

Ending registration and returning certificates. As stated above, the last-issued certificate of registration would become essential to most applications, and the FAA proposes to amend §§ 47.41, 47.45, and 47.49 to reflect this fact. Proposed § 47.41 provides that registration ends and the certificate becomes invalid upon the happening of one of six events. As proposed, § 47.41(a) would apply to any outstanding registration, and to certificates issued by the United States under either section 501 of the Federal Aviation Act of 1958 or section 501 of the Civil Aeronautics Act of 1938. Unless transfer of ownership is to a person not a U.S. citizen, registration would no longer terminate upon transfer of ownership, under proposed § 47.41(a)(1). However, if the holder of a certificate wishes to cancel the registration upon transfer of ownership to another U.S. citizen, he may request cancellation under § 47.41(a)(4). Proposed § 47.41(b) would require the holder of any invalid certificate to return it to the FAA within 30 days after it becomes invalid. Due to the practical problems involved when the holder of a certificate dies, his representative or heir would still be allowed 60 days to surrender it under § 47.41(c). A new sentence would be added to § 47.45 requiring the holder of a certificate to return it to the FAA Aircraft Registry within 30 days after he receives a revised certificate showing his new address.

Proposed § 47.49 would be amended to require the holder to notify the FAA Aircraft Registry of the Loss, theft, destruction, or mutilation of his certificate within 30 days after it happens, and if he wants a replacement, to apply for a Replacement Certificate on Form FAA 8050–1 at that time. A mutilated certificate would be returned with the notice. A lost or stolen certificate that is recovered after a Replacement Certificate is issued would have to be returned within 30 days after it is recovered.

Operation. For all purposes other than operation of the aircraft, both the certificate and the registration of an aircraft would continue in effect after transfer of ownership to another U.S. citizen until the owner cancels it (under § 47.41(a)(4)) or the FAA receives a new application (under §§ 47.31 and 47.39). The aircraft would continue to be an aircraft of United States nationality and documents affecting its title would continue to be recordable under Part 49. Accordingly, it is proposed to amend § 47.3(b)(1) to require that the aircraft be carrying aboard a certificate of registration issued to its owner. Of course, the only owner is the "present" owner, and if this proposal is adopted, the aircraft would have to be registered by, and a certificate of registration issued to, the person who owns the aircraft at the time of operation (unless he holds a Dealer's Certificate and has complied with Subpart C of Part 47).

Also, § 91.27(a) would be amended to reflect the "temporary authority" required by § 47.32. In this connection, it may be well to point out that the "temporary authority to operate" authorized by § 47.3 and proposed §§ 47.32 and 91.27(a)(2) is not an authorization to operate without an appropriate airworthiness certificate, or its equivalent. Rather, this is a temporary authority to operate "without registration" under section 501(a) of the Federal Aviation Act of 1958.

Miscellaneous. Other proposed amendments to Parts 47 and 49 either are related to those discussed above, or are designed to clarify and simplify existing procedures. It is proposed to amend §§ 47.1 and 47.5(b) to clearly state that registration conclusively establishes an aircraft as one of U.S. nationality, and to restate that registration is not evidence of ownership. Proposed § 47.1 also states expressly that Subpart A of Part 47 applies to all applicants for registration. It is also proposed to clarify § 47.61(b) by stating that a Dealer's Aircraft Registration Certificate is a Certificate of Aircraft Registration, not an "alternative for" it. Section 49.1 would be amended to permit the recording of any conveyance that affects title to, or an interest in the chattels listed in subparagraphs (a) (1) through (4) of that section.

Section 47.11(a) would be amended to delete the references to §§ 49.13 and

49.17, and to make the documents listed in paragraphs (a) through (h) required alternatives to a Bill of Sale. A parallel amendment is also proposed to § 49.17 (b). Section 47.13(d) would be amended to delete the requirement that an authorization to sign be submitted with the application of a corporation, unless it is already on file. If this proposal is adopted, an authorized person would sign and show his title on the application. Section 47.13(e)(3) would be clarified to require that a partnership's application be signed by a general partner. Present §§ 47.11(a), 47.47(a), and 49.17(d)(3) require the consent of the conditional sales vendor to an assignment of the vendee's interest. Since this is primarily a matter of contract between the parties and results in rejections of otherwise recordable assignments that are submitted to the FAA Aircraft Registry, it is proposed to delete these requirements. Section 49.35 would be deleted, thus eliminating the requirement that documents be in the "chain of title" to be recordable under Part 49. Since § 49.17(c) provides that recording is not a decision of the FAA that a document does affect title to, or an interest in, aircraft, this amendment relaxes a burden and is parallel with proposed § 47.35. Present paragraphs (d) and (e) of § 49.17 contain several special requirements for recording conditional sales contracts, chattel mortgages, and related documents. In large part, these requirements are based on the "closed chain of title" theory of present § 49.35. In line with the deletion of § 49.35, and other proposals discussed above, it is proposed to delete several of these requirements and to adopt a new § 49.17(d) containing all the remaining special requirements for these conveyances. The remaining requirements in § 49.17(d) are believed to be necessary for a workable recording system.

Finally, it is proposed to add a new § 47.47(b) that expressly reflects the existing law that when cancellation of registration is for the purpose of export to a country that has ratified or adheres to the Convention on the International Recognition of Rights in Aircraft, the cancellation is subject to the Convention.

Basically, the purpose of the amendments proposed above is to simplify the regulations involved, and to provide better, more efficient service to the public at a lower cost. It is believed that these proposals will not affect the security of those persons whose rights in aircraft are recorded at the FAA Aircraft Registry, since registration is not evidence of ownership (under section 501(f) of the Act), and the effect of recording a conveyance is only to give public notice thereof—not to determine its legal effect (under section 503 (c) and (d) of the Act).

In consideration of the foregoing, it is proposed to amend Parts 47, 49, and 91 as hereinafter set forth.

This proposal is made under the authority of sections 313(a), 501, 503, 505, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1401, 1403, 1405, and 1502), and the Convention on the International Recognition of Rights in Aircraft (4 U.S.T. 1830).

Issued in Washington, D.C., on July 26, 1966.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

A. Part 47 is amended as follows:

1. By striking out the first sentence of § 47.1 and inserting the following in place thereof:

§ 47.1 Applicability.

This part prescribes the requirements for registering an aircraft as an aircraft of U.S. nationality, under section 501 of the Federal Aviation Act of 1958 (49 U.S.C. 1401). Subpart A applies to each applicant for registration under this part.

* * * * *

2. By amending subparagraphs (1) and (2) of § 47.3(b) to read as follows:

§ 47.3 Registration required.

* * * * *

(b) * * *

(1) Is carrying aboard a registration certificate issued to its owner;

(2) Is carrying aboard the temporary authority to operate required by § 47.32; or

* * * * *

3. By amending § 47.5(b) to read as follows:

§ 47.5 Applicants.

* * * * *

(b) An aircraft may be registered only by, and in the legal name of, its owner. The FAA issues a Certificate of Aircraft Registration to the person who appears to own the aircraft on the basis of the Application for Aircraft Registration and supporting evidence submitted with the application, or recorded at the FAA Aircraft Registry. The Certificate of Aircraft Registration conclusively establishes that an aircraft is an aircraft of U.S. nationality for international purposes. However, the certificate is not a certificate of ownership, and the FAA does not endorse any information with respect to ownership on the certificate. Under section 501(f) of the Federal Aviation Act of 1958 (49 U.S.C. 1401), registration is not evidence of ownership in any proceeding in which ownership by a particular person is in issue.

* * * * *

4. By amending the section heading, introductory paragraph, and paragraph (a) of § 47.11 to read as follows:

§ 47.11 Supporting evidence.

If an applicant for registration (other than a governmental unit as described in § 47.3(c)) cannot submit an Aircraft Bill of Sale (FAA Form 8050–2), or its equivalent, signed by the seller, as the supporting evidence required under Subpart B or C of this Part, the applicant must submit one of the following as supporting evidence:

(a) The buyer in possession, the bailee, or the lessee of an aircraft under a contract of conditional sale must submit the contract. The assignee under a contract of conditional sale must submit both the contract (unless it is already recorded at the FAA Aircraft Registry), and his assignment from the original buyer, bailee, lessee, or last assignee.

* * * * *

5. By amending paragraphs (a) and (b), and (e)(3) of § 47.13 to read as follows:

§ 47.13 Signatures and instruments made by representatives.

(a) Each signature on an Application for Aircraft Registration, on a request for cancellation of a Certificate of Aircraft Registration, or on a document submitted as supporting evidence under this Part, must be in ink.

* * * * *

(d) When a corporation submits an Application for Aircraft Registration or a request for cancellation of a Certificate of Aircraft Registration, it must have an authorized person sign the application or request, and show the title of the signer's office on the application or request.

(e) * * *

(3) Have a general partner sign the application or request.

* * * * *

6. By amending § 47.31 to read as follows:

§ 47.31 Application.

Each applicant for a Certificate of Aircraft Registration must comply with the applicable requirements of paragraphs (a), (b), and (c) of this section:

(a) The applicant must complete, sign, and submit to the FAA Aircraft Registry the original (white) and one copy (green) of an Application for Aircraft Registration, FAA Form 8050–1, containing his certification that—

(1) He is a citizen of the United States;

(2) He is the owner of the aircraft; and

(3) The aircraft is not registered under the laws of a foreign country.

(b) Unless it is already recorded at the FAA Aircraft Registry, the applicant (other than a governmental unit as described in § 47.3(b)) must submit to the FAA Aircraft Registry with his application the supporting evidence required by § 47.33, § 47.35, or § 47.37, as applicable, and the fee required by § 47.17(a)(1).

(c) The applicant must record the evidence required by paragraph (b) of this section, comply with the applicable requirements of Part 49 of this chapter, and pay the recording fee required by § 49.15 of this chapter.

7. By adding the following new section after § 47.31:

§ 47.32 Temporary operating authority.

(a) After he complies with § 47.31, the applicant shall carry the second duplicate copy (pink) of the Application for Aircraft Registration, FAA Form 8050–1, in the aircraft as temporary authority to operate without registration. This temporary authority is valid until the date the applicant receives the Certificate of

Aircraft Registration, FAA Form 8050–3, or until the date the FAA denies the application, whichever is earlier, but not for more than 30 days after the date the applicant signs the application. If at the end of 30 days after the date the application is signed, the FAA has neither issued the certificate nor denied the application, the FAA Aircraft Registry issues a letter of extension as authority to continue to operate the aircraft, without registration, while it is carried in the aircraft.

(b) This section does not apply to an application for registering an aircraft last previously registered in a foreign country.

8. By amending § 47.33 to read as follows:

§ 47.33 Aircraft not previously registered anywhere.

An applicant for a Certificate of Aircraft Registration under § 47.31 for an aircraft that has not been previously registered under the laws of the United States or of any foreign country must comply with paragraph (a), (b), (c), or (d) of this section, whichever applies:

(a) If the aircraft is amateur built, the applicant must submit a statement that he owns the aircraft, and that it was assembled from parts. Also, he must describe the aircraft by class (airplane, rotorcraft, glider, or balloon), U.S. identification number, serial number, number of seats, type of engine installed (reciprocating, turbo-propeller, turbojet, or other), number of engines installed, the make, model, and serial number of each engine installed, and whether built for land or water operation. If the aircraft was assembled from a kit, the applicant must submit a bill of sale from the manufacturer of the kit.

(b) If the aircraft was assembled from parts by a person other than the holder of the type certificate to conform to an approved type design, the applicant must submit any available evidence satisfactory to the Administrator showing his right to a certificate, such as a bill of sale for each major component of the aircraft. Also, he must describe the aircraft as required by paragraph (a) of this section.

(c) If the aircraft is not amateur built, or assembled from parts by a person other than the holder of the type certificate to conform to an approved type design, the applicant must submit an Aircraft Bill of Sale (FAA Form 8050–2), or its equivalent, signed by the seller, or a document required by § 47.11.

(d) If an applicant cannot comply with the applicable requirements of paragraph (a), (b), or (c) of this section, he must submit a statement of the reasons he cannot comply, and any available evidence satisfactory to the Administrator showing his right to a certificate.

9. By amending § 47.35 to read as follows:

§ 47.35 Aircraft last previously registered in the United States.

An applicant for a Certificate of Aircraft Registration under § 47.31 for an aircraft that was last previously registered under the laws of the United States must comply with paragraph (a) or (b) of this section, whichever applies:

(a) If the holder of the last-issued registration certificate has not surrendered it to the FAA Aircraft Registry under § 47.41, the applicant must submit that certificate signed by the holder thereof.

(b) If an applicant cannot comply with paragraph (a) of this section and the last-issued registration certificate has not been surrendered under § 47.41, he must submit the supporting evidence satisfactory to the Administrator required by § 47.33.

10. By amending § 47.37 to read as follows:

§ 47.37 Aircraft last previously registered in a foreign country.

(a) An applicant for a Certificate of Aircraft Registration under § 47.31 for an aircraft that was last previously registered in a foreign country must submit the supporting evidence required by § 47.33 for an aircraft not previously registered anywhere, and comply with subparagraph (1) or (2) of this paragraph, whichever applies:

(1) If the aircraft was last previously registered in a foreign country that has ratified or adheres to the Convention on the International Recognition of Rights in Aircraft (4 U.S.T. 1830), the applicant must submit evidence satisfactory to the Administrator that the foreign registration has ended or is invalid, and either that each holder of a recorded right has been satisfied or has consented to the transfer, or that ownership in the foreign country has been ended by a sale in execution under the terms of the Convention.

(2) If the aircraft was last previously registered in a foreign country that does not ratify or adhere to the Convention on the International Recognition of Rights in Aircraft, the applicant must submit evidence satisfactory to the Administrator that the foreign registration has ended or is invalid.

(b) For the purposes of paragraph (a) of this section, satisfactory evidence that the foreign registration has ended or is invalid may be one of the following:

(1) A statement signed by the official who has jurisdiction over the registry of the foreign country that shows his name and title; that describes the aircraft by make, model, and serial number; and that states the foreign registration has ended or is invalid.

(2) A final judgment or decree of a court of competent jurisdiction that determines under the law of the country of foreign registration that the registration has in fact ended or is invalid.

11. By amending § 47.39 as follows:

(a) By striking out the references "§ 47.33 or § 47.35" in paragraph (a) and inserting the reference "§ 47.31" in place thereof.

(b) By striking out the reference "§ 47.37" in paragraph (b) and inserting the reference "§ 47.31" in place thereof.

12. By amending § 47.41 to read as follows:

§ 47.41 Termination of registration; return of certificate.

(a) Subject to the Convention on the International Recognition of Rights in Aircraft (if applicable), the registration of an aircraft as an aircraft of U.S. nationality ends, and the Certificate of Aircraft Registration, or other certificate of registration issued by the United States under section 501 of the Civil Aeronautics Act of 1938 or section 501 of the Federal Aviation Act of 1958, is invalid, on the earliest of the following dates:

(1) The date ownership of the aircraft is transferred to a person who is not a citizen of the United States.

(2) The date the aircraft is registered under the laws of a foreign country.

(3) The date the registration is canceled at the written request of the holder of the certificate.

(4) The date the aircraft is destroyed or scrapped.

(5) The date the holder of the certificate loses his U.S. citizenship.

(6) The date that is 30 days after the death of the holder of the certificate.

(b) Within 30 days after the date the certificate became invalid under paragraph (a) (1) through (5) of this section, the holder of the certificate shall complete and sign the reverse side of the certificate, and return it to the FAA Aircraft Registry.

(c) Within 60 days after the date the certificate became invalid under paragraph (a)(6) of this section, the holder's executor, administrator, or (if no executor or administrator has been appointed) heir at law shall complete and sign the reverse side of the certificate, and return it to the FAA Aircraft Registry.

13. By adding the following new sentence at the end of § 47.45:

§ 47.45 Change of address.

* * * "Within 30 days after he receives the revised certificate, the holder thereof shall return the old certificate to the FAA Aircraft Registry."

14. By amending § 47.47 to read as follows:

§ 47.47 Cancellation of certificate for export purpose.

(a) If the holder of a certificate wishes to cancel the registration and certificate for the purpose of export, he must submit a written request for cancellation to the FAA Aircraft Registry identifying the aircraft by make, model, serial number, and U.S. identification number, and naming the country to which the aircraft will be exported.

(b) If the aircraft is to be exported to a foreign country that has ratified or adheres to the Convention on the International Recognition of Rights in Aircraft, the holder must also submit evidence satisfactory to the Administrator that each holder of a recorded right has been satisfied, or has consented to the transfer.

(c) The FAA notifies the country to which the aircraft is to be exported of the cancellation by ordinary mail, or by

airmail at the owner's request. The owner must arrange and pay for the transmission of this notice by means other than ordinary mail or airmail.

15. By amending § 47.49 to read as follows:

§ 47.49 Lost certificates; replacement certificates.

(a) Within 30 days after a certificate is lost, stolen, destroyed, or mutilated, the holder shall notify the FAA Aircraft Registry in writing of that fact and describe the circumstances. A mutilated certificate must be returned with the notice.

(b) If the holder of the certificate wants a Replacement Certificate of Aircraft Registration, he must complete and sign an Application for Aircraft Registration, FAA Form 8050–1, and submit it to the FAA Aircraft Registry, with the notice required by paragraph (a) of this section and the fee required by § 47.17(a)(6).

(c) If the holder of the certificate has complied with paragraphs (a) and (b) of this section and needs to operate his aircraft before he receives the Replacement Certificate, he may request the FAA Aircraft Registry to issue a Temporary Certificate of Aircraft Registration by collect telegram. The Temporary Certificate is valid until the date the holder receives the Replacement Certificate, but in no case for more than 30 days after it is issued.

(d) If the holder of a lost or stolen certificate recovers it after receiving a Replacement Certificate under this section, he shall return the original certificate to the FAA Aircraft Registry within 30 days after the date of recovery.

16. By amending the first sentence of § 47.61(b) to read as follows:

§ 47.61 Dealers' Aircraft Registration Certificates.

* * * * *

(b) A Dealer's Aircraft Registration Certificate is a Certificate of Aircraft Registration that conclusively establishes the U.S. nationality of an aircraft for international purposes while it is owned by a manufacturer or dealer. * * *

17. By amending § 47.67 to read as follows:

§ 47.67 Evidence of ownership.

Before using his Dealer's Aircraft Registration Certificate, the holder of the certificate (other than a manufacturer) must submit to the FAA Aircraft Registry evidence of ownership required by § 47.33, § 47.35, or § 47.37, as applicable. There is no fee for recording evidence of ownership submitted under this section.

B. Part 49 is amended as follows:

1. By striking out the words "certain conveyances affecting" in the introductory paragraph of § 49.1(a) and inserting the words "any conveyance that affects" in place thereof.

2. By amending § 49.15(b) to read as follows:

§ 49.15 Fees for recording.

* * * * *

(b) [Reserved.]

* * * * *

3. By amending § 49.17 as follows:

(a) By striking out the words "used as evidence of ownership under" in paragraph (b) and inserting the words "named in" in place thereof.

(b) By amending paragraph (d) to read as follows:

§ 49.17 Conveyances recorded.

* * * * *

(d) A party to a contract of conditional sale (as defined in section 101(13) of the Federal Aviation Act of 1958 (49 U.S.C. 1301)) or to a chattel mortgage may record it with the FAA Aircraft Registry. Each amendment, assignment of interest, supplement, satisfaction, or full or partial release of a contract of conditional sale or chattel mortgage must describe the original conveyance by its date and the names of the parties, and if it is recorded at the FAA Aircraft Registry, by the date of FAA recording and FAA document number.

(c) By deleting paragraph (e).

4. By deleting § 49.35.

C. By amending § 91.27(a)(2) of Part 91 to read as follows:

§ 91.27 Civil aircraft certificates required.

(a) * * *

(2) A registration certificate issued to its owner, or a temporary authority to operate required by § 47.32.

* * * * *

[F.R. Doc. 66–8294; Filed, July 28, 1966; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

JULY 22, 1966.

Notice of a Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service application, Los Angeles 0158928, for withdrawal and reservation of lands for enlargement of the Havasu Lake National Wildlife Refuge, was published as F.R. Doc. No. 59-11125, on pages 10987-10988 of the issue for December 30, 1959, as corrected by notice published as F.R. Doc. No. 60-628, on pages 519-520 of the issue for January 21, 1960. The applicant agency has canceled its application insofar as it affects the following described lands:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 7 N., R. 24 E.,
Sec. 5, lot 4, S½NW¼SW¼, SW¼SW¼, SE¼SW¼;
Sec. 8, all that part of the NW¼NE¼ lying north of the Atchison, Topeka, and Santa Fe Railroad right-of-way; that part of the N½NW¼ lying north of the Atchison, Topeka, and Santa Fe Railroad right-of-way.

Therefore, pursuant to the regulations contained in 43 CFR, Part 2311, such lands, at 10 a.m. on August 29, 1966, will be relieved of the segregative effect of the above-mentioned application.

HALL H. MCCLAIN,
Manager.

[F.R. Doc. 66-8282; Filed, July 28, 1966; 8:46 a.m.]

National Park Service

LASSEN VOLCANIC NATIONAL PARK, CALIFORNIA

Proposed Wilderness Establishment; Hearing

Notice is hereby given in accordance with the provisions of the Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1131, 1132), that a public hearing will be held beginning at 9 a.m. on September 27, 1966, in the Lincoln Street School, 1151 Lincoln Street, Red Bluff, Calif. 96080, for the purpose of receiving comments and suggestions as to the appropriateness of a proposal for the establishment of wilderness areas comprising about 49,800 acres within the Lassen Volcanic National Park. Portions of these proposed wilderness areas are located in Lassen, Plumas, Shasta, and Tehama Counties, Calif.

A packet containing a map depicting the preliminary boundaries of these proposed wilderness areas and providing additional information about the proposal may be obtained from the Superintendent, Lassen Volcanic National Park, Mineral, Calif. 96063, or the Regional Director, National Park Service, 450 Golden Gate Avenue, Post Office Box 36063, San Francisco, Calif. 94102.

A description of the preliminary boundaries and a map of the areas proposed for establishment as wilderness are available for review in the above offices, the Manzanita Lake Ranger Station located in the northwest portion of the park, and in Room 1013 of the Department of the Interior Building at 18th and C Streets NW., Washington, D.C. The master plan for the park, likewise, may be inspected at these four locations.

Interested individuals, representatives of organizations, and public officials are invited to express their views in person at the aforementioned public hearing, provided they notify the hearing officer in care of the Superintendent, Lassen Volcanic National Park, Mineral, Calif. 96063, by September 23, 1966, of their desire to appear. Those not wishing to appear in person may submit written statements on this wilderness proposal to the hearing officer at that address for inclusion in the official record, which will be held open for 10 days following conclusion of the hearing.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which should be submitted to the hearing officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the transcribed hearing record. However, all materials so presented at the hearing shall be subject to a determination that they are appropriate for inclusion in the transcribed hearing record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the hearing officer will give others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the hearing officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements:

1. Governor of the State or his representative.
2. Members of Congress.
3. Members of the State Legislature.
4. Official representatives of the counties in which the proposed wilderness area is located.
5. Officials of other Federal agencies or public bodies.
6. Organizations in alphabetical order.
7. Individuals in alphabetical order.
8. Others not giving advance notice, to the extent there is remaining time.

GEORGE B. HARTZOG, Jr.,
Director, National Park Service.

JULY 22, 1966.

[F.R. Doc. 66-8244; Filed, July 28, 1966; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

HOFFMANN-LA ROCHE INC.

Notice of Filing of Petition Regarding Color Additive Canthaxanthin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 403; 21 U.S.C. 376(d)), notice is given that a petition (CAP 47) has been filed by Hoffmann-La Roche Inc., Nutley, N.J. 07110, proposing the issuance of a regulation to provide for the safe use and exemption from certification of canthaxanthin (4,4'-diketo-β-carotene) as a color for foods and drugs generally.

Dated: July 22, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-8289; Filed, July 28, 1966; 8:47 a.m.]

HAZLETON LABORATORIES, INC.

Notice of Filing of Petition for Food Additive Aluminum Phosphide

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 6H2052) has been filed by Hazleton Laboratories, Inc., Post Office Box 30, Falls Church, Va. 22046, on behalf of Hollywood Termite Control Co., Inc., Alhambra, Calif. 91801, proposing amendments to § 121.281 and § 121.1178 of the food additive regulations to provide for the safe use of aluminum phosphide to generate phosphine in the fumigation of animal feeds and processed foods with residues of phosphine in or on the fumigated commodities not in excess of 0.1 part per million.

Dated: July 22, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-8290; Filed, July 28, 1966; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in List of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the list (31 F.R. 9557–9561) of the establishments which are operated under Federal inspection pursuant to the Meat Inspection Act (21 U.S.C. 71 et seq.) and which use humane methods of slaughter and incidental handling of livestock is hereby amended as follows:

The reference to calves with respect to Utica Veal Co., Inc., establishment 88, is deleted. The reference to sheep with respect to Haas-Davis Packing Co., Inc., establishment 682, is deleted. The reference to A. Darlington Strode, establishment 718, and the reference to swine with respect to such establishment are deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Gordon Packing Co.	135	(*)					
Parnett Packing Co.	283	(*)	(*)				
B. Rothschild & Co.	506	(*)					
Bloomington Packing Co.	575	(*)					
New establishments reporting: 4.							
Hygrade Food Products Corp.	12FW			(*)	(*)		
Brander Meat Co.	25			(*)			
Superior's Brand Meats, Inc.	31		(*)				
Silver Falls Packing Co., Inc.	153			(*)			
Animal Husbandry Department, Texas Technological College.	236		(*)				
Kaufman Meat Packers, Inc.	310		(*)				
Puckett Packing Co.	343		(*)				
City Custom Packing Co., Inc.	387		(*)				
Williston Packing Co., Inc.	405		(*)				
D+W Packing Co.	560		(*)				
K-M Co.	719		(*)				
Pioneer Boneless Beef Co.	742		(*)				
Berchem's Meat Co.	830		(*)				
White Packing Co., Inc.	835		(*)	(*)			
Wells & Davies, Inc.	860					(*)	
Sambol Packing Co.	892		(*)				
Species added: 18.							

Done at Washington, D.C., this 25th day of July 1966.

R. K. SOMERS,
Deputy Administrator, Consumer Protection.

[F.R. Doc. 66–8258; Filed, July 28, 1966; 8:45 a.m.]

Forest Service

HIGH UINTAS WILDERNESS

Proposal and Hearing Announcement

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.L. 88–577; 78 Stat. 890, 892; 16 U.S.C. 1131, 1132), that a public hearing will be held beginning at 9 a.m. on October 12, 1966, in Room B–20, Federal Building, Salt Lake City, Utah, on a proposal for recommendation to be made to the President of the United States by the Secretary of Agriculture, that a recommendation be submitted to Congress for the establishment of the High Uintas Wilderness, comprised of approximately 322,998 acres within and contiguous to the High Uintas Primitive Area. Approximately 215,216 acres are located within the Ashley National Forest, Duchesne County, State of Utah, and approximately 107,782 acres are within the Wasatch National Forest in Duchesne and Summit Counties, State of Utah.

A brochure containing a map and information about the proposed Wilderness may be obtained from the Forest Supervisor, Ashley National Forest, Forest Service Building, Vernal, Utah 84078, or Forest Supervisor, Wasatch National Forest, Federal Building, Salt Lake City, Utah 84110, or the Regional Forester, Room 4002, Federal Building, Ogden, Utah 84401.

Individuals or organizations may express their views by appearing at this hearing, or they may submit written comments for inclusion in the official record to the Regional Forester at the above address by November 12, 1966.

A. W. GREELEY,
Associate Chief, Forest Service.

[F.R. Doc. 66–8284; Filed, July 28, 1966; 8:46 a.m.]

Office of the Secretary

FLORIDA, NORTH CAROLINA, AND TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Florida, North Carolina, and Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

FLORIDA

Charlotte.	Hendry.
Collier.	Lee.
Glades.	Okeechobee.

NORTH CAROLINA

Camden.	Pasquotank.
Chowan.	Perquimans.
Currituck.	

TEXAS

Bee.	Live Oak.
Goliad.	Nacogdoches.
Grayson.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 26th day of July 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66–8298; Filed, July 28, 1966; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 66–CE–3]

MINNESOTA-IOWA TELEVISION CO.

Notice of Hearing

Notice is hereby given pursuant to the provisions of Part 77 of the Federal Aviation Regulations that the above entitled proceeding, now noticed to be convened on September 19, 1966, will commence on that date at 9 a.m., in the auditorium room of the Freeborn County Courthouse, Albert Lea, Minn.

Issued in Washington, D.C., on July 25, 1966.

GEORGE R. BORSARI,
Presiding Officer.

[F.R. Doc. 66–8268; Filed, July 28, 1966; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16737, 16738; FCC 66M–1016]

ADIRONDACK TELEVISION CORP. AND NORTHEAST TV CABLEVISION CORP.

Order Re Procedural Dates

In re applications of Adirondack Television Corp., Albany, N.Y., Docket No. 16737, File No. BPCT–3511; Northeast TV Cablevision Corp., Albany, N.Y., Docket No. 16738, File No. BPCT–3635; for construction permit for new television broadcast station (Channel 23).

As a result of agreements reached on the record of a prehearing conference held this date in the above-entitled matter, *It is ordered*, This 22d day of July 1966, that:

(1) Exhibits shall be exchanged on or before September 16, 1966;

(2) Notification of witnesses shall be given on or before September 21, 1966; and

(3) The hearing now scheduled to commence September 7, 1966, is rescheduled to commence at 10 a.m., September 26, 1966, in the Commission's offices in Washington, D.C.

Released: July 25, 1966.

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

[F.R. Doc. 66-8300; Filed, July 28, 1966; 8:48 a.m.]

[Docket No. 16258; FCC 66M-993]

AMERICAN TELEPHONE & TELEGRAPH CO. ET AL.

Order Special Procedure

In the matter of American Telephone & Telegraph Co. and the Associated Bell System Co., Docket No. 16258; charges for interstate and foreign communication service.

The Telephone Committee having under consideration the advisability of providing a special procedure for effecting corrections to the transcript herein, in view of the fact that major segments of the transcript will be completed long before the time when the record is closed, and that certain interim determinations may be made prior to that time; and it appearing that the application of § 1.261 of the Commission's rules (which governs such procedure) in this case would not conduce to an efficient disposition of this procedural matter;

It is ordered, This 19th day of July 1966, that the provisions of § 1.261 of the Commission's rules pertaining to corrections to the transcript are waived in this case, to the extent herein indicated, and the parties to this proceeding are directed to file their proposed corrections to the transcript within 2 weeks following the date of completion of each continuous sequence of hearing sessions; and within 5 days after the filing of any such request, other parties may file a pleading in support of, or in opposition to, such request; and the provisions of § 1.261 of our rules shall, in all other particulars be applicable hereto.

Released: July 20, 1966.

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

[F.R. Doc. 66-8301; Filed, July 28, 1966; 8:48 a.m.]

[Docket No. 16789; FCC 66M-1020]

ASHEBORO BROADCASTING CO.

Order Scheduling Hearing

In the matter of revocation of the licenses of Asheboro Broadcasting Co., for broadcast stations WGWR AM-FM, Asheboro, N.C., Docket No. 16789.

It is ordered, This 25th day of July 1966, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence at 10 a.m., on October 3, 1966, in Asheboro, N.C.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened by the Presiding Officer at 2 p.m., on September 2, 1966, in Washington, D.C.

Released: July 25, 1966.

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

[F.R. Doc. 66-8302; Filed, July 28, 1966; 8:48 a.m.]

[Docket Nos. 16787, 16788; FCC 66-684]

HARRISCOPE, INC. (KTWO), AND FAMILY BROADCASTING, INC.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Harriscope, Inc. (KTWO), Casper, Wyo., Docket No. 16787, File No. BP-16713; has: 1470 kc, 1 kw, 5 kw-LS, U, Class III, requests: 1030 kc, 10 kw, DA-2, U, Class II-A; Family Broadcasting, Inc., La Grange, Wyo., Docket No. 16788, File No. BP-17204; requests: 1030 kc, 50 kw, DA-1, U, Class II-A; for construction permits.

1. The Commission has before it for consideration (a) application of Harriscope, Inc., licensee of KTWO, Casper, Wyo., filed on May 6, 1965, for a construction permit for a new Class II-A facility on 1030 kc; (b) Petition To Deny, filed by Hubbard Broadcasting Co., licensee of KOB, Albuquerque, N. Mex., on September 8, 1965; (c) Opposition to Petition To Deny, filed by Harriscope on September 20, 1965; (d) application of Family Broadcasting, Inc., for a construction permit for a new standard broadcast station in La Grange, Wyo., filed on October 29, 1965,[1] (e) Petition To Deny, filed by KOB on January 4, 1966, against the Family application; (f) Opposition to Petition To Deny, filed by Family Broadcasting, Inc., on January 17, 1966; (g) Joint Petition To Remove Applications from Commission's Pending File and To Designate for Comparative Hearing, filed by Harriscope and Family on June 3, 1966; and (h) Statement of Hubbard Broadcasting, Inc., filed on June 13, 1966.

2. KOB has been formally licensed on 1030 kc since March of 1941, but has actually been broadcasting under program test authority (and earlier, under special service authorization) on 770 kc since October of 1941, pending action on its application for license to cover operation on 770 kc. Disagreement between WABC, New York, flagship station of the American Broadcasting Co. radio network, licensed on 770 kc, and KOB concerning the continued operation of KOB on 770 kc, has led to numerous Commission proceedings and to litigation in the U.S. Court of Appeals for the District of Columbia. On February 21, 1966, the Supreme Court denied the Commission's request for a writ of certiorari[2] following the most recent decision of the court of appeals, American Broadcasting-Paramount Theatres, Inc. v. Federal Communications Commission, 120 U.S. App. D.C. 264, 345 F. 2d 954 (1965). The Commission is currently in the process of formulating its response to the court's decision.

3. This latest opinion, and the uncertainties generated by it are fully discussed in the memorandum opinion and order of July 14, 1965 (FCC 65-624).[3] Until the questions created by the decision are resolved by further administrative or judicial proceedings, the status of all clear channel authorizations must remain unsettled. Such uncertainty obtains in the case of KOB and has been alluded to by us in a memorandum opinion and order, In re John A. Barnett, adopted September 29, 1965 (FCC 65-869), 1 FCC 2d 880.

4. In an earlier decision, American Broadcasting-Paramount Theatres, Inc. v. Federal Communications Commission, 108 U.S. App. D.C., 83, 280 F. 2d 631 (1960), the court of appeals affirmed a Commission determination that operation of KOB on 770 kc, rather than 1030 kc, would best implement the mandate of section 307(b) of the Communications Act of 1934, as amended. In the report and order in the clear channel proceeding (Docket No. 6741), 31 FCC 656, the Commission reaffirmed a previous decision to remove KOB from 1030 kc and to give it the status of a Class I-B station on 770 kc. The same proceeding led to a reclassification of 1030 kc from a Class I-B to a Class I-A channel, and earmarked it for Class II-A duplication in Wyoming. In none of the proceedings held between October 1941 and the present has it been determined that 1030 kc would be the frequency of choice for KOB. On the contrary, numerous factual determinations have been made against the desirability of reassigning KOB to 1030 kc. Nevertheless, in view of the present posture of this case, no final decision will be made until the status of KOB with respect to 1030 kc is finally determined.

5. The above referenced applications have been held in abeyance pending a final decision in the KOB matter. The petitions filed by KOB request that the Harriscope and Family applications be denied or designated for hearing with Hubbard as a party, alleging that a grant of either application would modify the KOB license by creating extensive nighttime skywave interference to KOB on 1030 kc, the frequency on which it is formally licensed.

6. As the KOB license to operate on 1030 kc has been renewed subsequent to the clear channel report and order, it

[1] As originally filed, this application specified Cheyenne, Wyo., as the location. La Grange was substituted in an amendment filed April 18, 1966.

[2] 383 U.S. 906 (1966).

[3] A more complete report of the 770 kc history will be found therein.

now incorporates that Commission policy, and therefore would not be modified now by the addition of a II–A facility. Transcontinent TV Corporation v. Federal Communications Commission, 113 U.S. App. D.C. 384, 308 F. 2d 339 (1962); The Goodwill Stations, Inc. v. Federal Communications Commission, 117 U.S. App. D.C. 64, 325 F. 2d 637 (1963).

7. On June 3, 1966, Harriscope, Inc., and Family Broadcasting, Inc., filed a "Joint Petition to Remove Applications from Commission's Pending File and to Designate For Comparative Hearing" their mutually exclusive applications. In response, on June 13, 1966, Hubbard Broadcasting, Inc., filed a statement. In their joint petition, Harriscope and Family requested that their applications be set for comparative hearing immediately, notwithstanding the pending KOB–WABC controversy. They urged the importance of an early II–A grant in Wyoming, and suggested that an early decision as between their mutually exclusive applications would reduce the inevitable delay if and when II–A allocation on 1030 kc in Wyoming is ultimately confirmed. Both applicants stipulated that whatever action is taken by the Commission in the comparative hearing would be without prejudice to the ultimate decision in the KOB–WABC matter, in which the Commission has reached no final determination. Hubbard, licensee of KOB, did not oppose the joint petition. The Commission is of the view that a comparative hearing between Harriscope and Family held at this time would be in the public interest. If the ultimate decision in the KOB matter renders either of the proposed 1030 kc operations in Wyoming unacceptable, the public interest will not have suffered by virtue of the early decision between the two applications. If however, and as seems far more likely, the final resolution of the KOB matter reaffirms the proposed II–A operation on 1030 kc in Wyoming, there will be no further delay in the grant of an application.

8. Hubbard, in its statement, suggested that the pending 770 kc applications (the WABC renewal application, File No. BR–167; the KOB modification application, File No. BMP–1738, and Hubbard's application for 770 kc in New York City, File No. BP–13932) should also be designated for hearing in a consolidated proceeding and processed to a decision based on the present rules. The Commission has not at this time determined the nature of the further proceedings to be held in the KOB–WABC dispute. While the latter requires further study, it is apparent that the resolution of the conflict between Harriscope and Family can proceed immediately, and need not await the action to be taken on the 770 kc dispute. However, because of the pendency of the KOB–WABC dispute, neither applicant in this proceeding will be granted a construction permit prior to the ultimate resolution of the matter raised by the U.S. court of appeals in American Broadcasting-Paramount Theatres, Inc. v. Federal Communications Commission, 120 U.S. App. D.C. 264, 345 F. 2d 954 (1965), cert. den. 383 U.S. 906 (1966) and any supplementary proceedings relevant thereto. Accordingly, the joint petition of Family and Harriscope will be granted, and the statement of Hubbard, to the extent it requests a consolidated hearing at this time, will be denied. We will, however, make Hubbard a party to the proceeding ordered below.

9. Family Broadcasting, Inc., is a nonprofit, no stock corporation planning to construct a noncommercial educational station. Examination of the application indicates that $186,000 will be needed to construct and operate the proposed station for 1 year without revenues. The applicant intends to raise $164,524 through loans from two of its members, Harold Camping ($50,000), and Scott L. Smith ($114,524). Their respective balance sheets, however, do not show sufficient liquid or quick assets to meet their loan commitments. In addition, the applicant relies on a $71,250 credit from an equipment manufacturer. However, the letter of credit does not appear to be a firm commitment. Therefore, an appropriate financial issue will be included.

10. In opposing KOB's petition to deny, Harriscope requests as alternative relief a grant of its application contingent upon continued use by KOB of some frequency other than 1030 kc. Such a grant would create a needless uncertainty for KTWO in view of the conclusions reached above, and would be inconsistent with settled Commission practice.

11. It has not been determined that the proposed antenna system of Family Broadcasting, Inc., would not constitute a menace to air navigation. Accordingly, an appropriate issue will be specified.

12. Family Broadcasting, Inc., proposes to operate with 50 kilowatts of power utilizing a directional antenna system (DA–1) to suppress the radiation towards the 0.5 mv/m-50 percent secondary service area of the dominant cochannel station (WBZ, Boston, Mass.). The degree of suppression proposed is severe—the minimum MEOV proposed is only 42 mv/m/50 kw, and raises a substantial question as to whether the proposed array can in actual practice be adjusted and maintained within the proposed MEOV's. Applicant's own engineering studies show that the proposed 0.025 mv/m-10 percent contour would be separated from the 0.5 mv/m-50 percent secondary service area of WBZ by only some 35 miles. In view of the foregoing, the Commission is of the view that an issue should be included as to whether the array can be adjusted and maintained as proposed and whether adequate protection will be afforded the dominant station (WBZ).

13. The transmitter site proposed by Family Broadcasting, Inc., is located approximately 0.8 mile west of La Grange, the city sought to be served. As a result, the city is located in the null area of the proposed radiation pattern. On a direct line from the proposed site towards the center of La Grange the calculated value of radiation is only 5.5 mv/m and the MEOV is 42 mv/m. It is apparent, therefore, that a substantial question remains as to whether the proposed operation would provide coverage of the city sought to be served in accordance with the Commission's Rules.

14. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from Family Broadcasting, Inc., and the availability of other primary service to such areas and populations.

2. To determine the populations which may be expected to gain or lose primary service from the proposed operation of KTWO and the availability of other primary service to such areas and populations.

3. To determine, with respect to the application of Family Broadcasting, Inc.:

(a) Whether Harold Camping and Scott L. Smith have sufficient liquid or quick assets to meet their respective loan commitments.

(b) Whether a firm commitment of a $71,250 credit is available to the applicant from its designated equipment manufacturer.

(c) Whether, in the light of evidence adduced pursuant to (a) and (b), above, the applicant has sufficient funds available to construct and operate its proposed station for 1 year without revenues and thus demonstrate its financial qualification.

4. To determine, in view of paragraph 14 above, whether Family Broadcasting, Inc., will be able to adjust and maintain the directional antenna system as proposed in the instant application.

5. To determine, in the light of the evidence adduced pursuant to Issue 4, above, whether Family Broadcasting, Inc., will be able to afford adequate protection to WBZ, Boston, Massachusetts.

6. To determine, in view of paragraph 15 above, whether the proposed 25 mv/m, 5 mv/m, and nighttime limitation contours would provide service to La Grange in accordance with § 73.188 of the rules.

7. To determine whether there is a reasonable possibility that the tower height and location proposed by Family Broadcasting, Inc., would constitute a menace to air navigation.

8. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

9. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

It is further ordered, That the Federal Aviation Agency, Westinghouse Broadcasting Co., Inc., licensee of standard broadcast station WBZ, Boston, Mass., and Hubbard Broadcasting Co. are made parties to the proceeding.

It is further ordered, That neither applicant in this proceeding will be granted a construction permit prior to the ultimate resolution of the matters raised by the decision of the U.S. court of appeals in American Broadcasting-Paramount Theatres, Inc. *v.* Federal Communications Commission, 120 U.S. App. D.C. 264, 345 F. 2d 954 (1965), cert. den. 383 U.S. 906 (1966) and any supplementary proceedings relevant thereto.

It is further ordered, That, the Hubbard Broadcasting Co. Petitions to Deny are granted to the extent indicated above and are denied in all other respects, and the Hubbard Broadcasting Co. Statement, insofar as it requests a consolidated hearing on the applications for 770 kc, is denied.

It is further ordered, That, the Joint Petition of Harriscope, Inc., and Family Broadcasting, Inc., is granted to the extent indicated above.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 20, 1966.

Released: July 26, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-8303; Filed, July 28, 1966; 8:48 a.m.]

[Docket Nos. 16767, 16768; FCC 66M-1024]

AMERICAN TELEVISION SERVICE AND HOLSTON VALLEY BROADCASTING CORP.

Order Continuing Hearing

In re applications of Earl L. Boyles, C. E. Feltner, Jr., and Airways Broadcasting Co., Inc., doing business as American Television Service, Kingsport, Tenn., Docket No. 16767, File No. BPCT-3269; Holston Valley Broadcasting Corp., Kingsport, Tenn., Docket No. 16768, File No. BPCT-3760; for construction permit for new television broadcast station (Channel 19).

On the Examiner's own motion, the hearing now scheduled for October 11, 1966, is continued to October 18, 1966.

So ordered, this 22d day of July 1966.

Released: July 25, 1966.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-8304; Filed, July 28, 1966; 8:48 a.m.]

[Docket No. 16785; FCC 66-667]

RICE CAPITAL BROADCASTING CO.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Barton W. Freeland, Sr., L. O. Fremaux, and Edmond M. Keim, doing business as Rice Capital Broadcasting Co., Crowley, La., Docket No. 16785, File No. BP-15130; requests: 1560 kc, 1 kw, DA-D, Class II; for construction permit.

1. The Commission has before it for consideration (a) the above-captioned and described application, as amended; (b) the "Petition to Deny or Designate for Hearing" filed on December 10, 1962, by KSIG Broadcasting Co., Inc., licensee of Station KSIG, Crowley, La.; (c) the "Opposition to Petition to Deny or Designate for Hearing" filed on January 7, 1963, by the applicant; (d) the "Reply to Opposition to Petition to Deny or Designate for Hearing," filed on January 25, 1963, by KSIG; (e) the "Supplement to Petition to Deny or Designate for Hearing" filed on September 26, 1963, by KSIG; (f) the "Amendment to Petition to Deny or Designate for Hearing in Response to Commission Inquiry," filed on October 9, 1964, by KSIG; (g) the "Reply to Amendment to Petition to Deny," filed on October 27, 1964, by the applicant; (h) the "Response to Rice Capital's Reply," filed on November 6, 1964, by KSIG; (i) and other related pleadings.

2. The petitioner (KSIG) alleges standing as a "party in interest" in this proceeding on the grounds that the proposed station would be directly competitive with its existing Station KSIG for audience, advertising revenues and programing. The Commission finds that the petitioner has standing as a "party in interest" pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, and § 1.580(i) of the Commission's rules. F.C.C. v. Sanders Bros. Radio Station, 309 U.S. 470, 9 RR 2008 (1940).

3. The petitioner requests that the Commission deny the above-captioned application or, in the alternative, designate it for hearing on the following issues; to determine whether there are adequate revenues in the area to support more than one standard broadcast station in Crowley, Louisiana without loss or degradation of service to the area (Carroll issue[1]); to determine whether there is any need in Crowley or the area for the proposed new station; to determine whether applicant's estimates of expected operating revenues, operating expenses and resulting profits (or losses) are reasonable; to determine whether the applicant, in view of its proposals as to staff, is qualified or capable of operating its station in the manner proposed; to determine whether the applicant is financially qualified to construct and operate its proposed station in particular view of such levels of operating revenues, expenses and profits (or losses) as may reasonably be projected; to determine what efforts, if any, were made by the applicant to ascertain the program needs and interests of the community and area to be served, and the manner in which the applicant proposes to meet such needs and interest (Suburban issue[2]); and to determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

4. The petitioner requests the specification of a Suburban issue on the grounds that the applicant has not demonstrated that he has ascertained the particular programing needs and interests of the community sought to be served or how he proposed to meet the needs and interests of the community. The petitioner further contends that the application includes a program schedule which lists programs only by general classification without any titles or descriptions. The applicant, in its opposition pleading, alleges that two of the three partners in the applicant have been life-long residents of Crowley and that they have been engaged in civic and fraternal activities in the community. The applicant further alleges that the third partner (Edmond M. Keim), who will manage and operate the proposed station, has had over seven years of broadcasting experience in Crowley as a former member of the Station KSIG staff. In an amendment filed on September 4, 1963, the applicant submitted a proposed program schedule, including specific program titles and descriptions. In addition, the applicant submitted the names of the community leaders and residents contacted to discern the programing needs and desires of Crowley. On the basis of these showings, the Commission finds that the applicant is sufficiently familiar with the programing needs and interests of the community so as to make the specification of the requested Suburban issue unnecessary. Accordingly, the request for its specification as an issue will be denied.

5. The petitioner contends that the applicant does not have the basic finan-

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[1] Commissioners Bartley and Lee absent and Commissioner Johnson not participating.

[1] Carroll Broadcasting Co. *v.* F.C.C. 258 F. 2d 440 17 RR 2066 (1958).

[2] Henry et al. (Suburban Broadcasters) *v.* F.C.C. 302 F. 2d 191, 23 RR 2016 (1962).

cial qualifications to construct and operate its proposed station. The petitioner asserts that the applicant's estimated operating revenues ($60,000), estimated operating expenses ($48,000), projected level of profits ($12,000), and proposed operating staff are impractical, unrealistic and inadequate to sustain its proposed operation. The Commission considers an applicant financially qualified if it can show that it has sufficient funds to complete construction and to meet all fixed charges and operating expenses during the first year of operation either by proof that adequate funds are available and committed to the proposed station for this purpose without income or by convincing evidentiary showing that the available and committed funds will be supplemented by sufficient advertising or other revenue to enable the applicant to discharge its financial obligations during the first year. Ultravision Broadcasting Co., et al., 1 FCC 2d 544, 5 RR 2d 343 (1965). By amendment filed in July 1965, the applicant has indicated that it estimates that the down payment on equipment, payment and interest on an equipment contract and bank loan and operating expenses will total $62,132. To meet these commitments, the applicant will have contributions to partnership capital in the amount of $20,000 and a bank loan of $10,000, a total of $30,000. It is apparent, therefore, that the applicant must rely, in part, on anticipated revenue to meet fixed charges and operating expenses. The applicant has submitted a brief statement in support of its estimate of revenue which consists of an indication of the allowance for the number of spot announcements per week, the average rate per spot and the statement that the rates would be competitive with those of KSIG. The applicant mentions rates shown on the KSIG rate card for 1958 and some statistics on commercial practices of KSIG as contained in KSIG's latest renewal application. The Commission does not regard this as a persuasive indication of the availability of the advertising revenues in the proposed service area nor is there any indication of what portion of those revenues will be available to the applicant. The applicant does not state whether it has commitments from potential advertisers. Accordingly, the applicant will be given an opportunity to substantiate its estimate of revenue.

6. In support of its estimate of construction costs and operating expenses, the applicant has submitted an itemization of expenses. In the light of the fact that the applicant should be afforded an opportunity to substantiate its estimate of revenue and in view of the estimated operating expenses and construction costs which appear to be somewhat less than the average for similar operations, the applicant will also be permitted to adduce evidence in support of the estimate of the cost of construction and initial operation. Ultravision Broadcasting Co., supra.

7. The petitioner also requests the specification of an issue to determine whether the applicant, in view of its proposals as to staff, is qualified or capable of operating its station in the manner proposed. The petitioner asserts that the applicant's staff of seven full-time and two part-time employees is inadequate to effectuate its proposed programing, especially in light of the fact that 14 hours out of the 84 broadcast hours proposed per week would be devoted to live programing. On April 1, 1963, the applicant submitted an amendment in which it reduced the amount of programing proposed to be devoted to live programing from approximately 14 hours per week to approximately 9 hours per week. In light of the showings and descriptions submitted by the applicant in connection with its proposed programing schedule, the Commission is of the view that the 9 hours per week is a proper classification of the applicant's live programing. The applicant has provided adequate information as to the number of personnel involved and the allocation of functions. The Commission has considered the nature of the proposed programs and the manner in which the applicant proposes to present them, and is of the opinion that the applicant's staffing proposal is reasonable to enable it to effectuate its programing proposals. The facts relied on by the petitioner do not establish a sufficient basis for questioning these proposals. Accordingly, the requested issue will not be specified.

8. The petitioner also requests the specification of an issue to determine whether there is any need in Crowley or the area for the proposed broadcast station. The petitioner asserts that there is no such need because of the existence of a local radio service (KSIG) as well as a multiplicity of other broadcast and newspaper media serving Crowley and surrounding areas. The petitioner contends that the applicant should be required to show a need for the proposed station, citing Mountain Empire Broadcasting Co. 21 R.R. 630 (1961). However, this cited case is distinguishable from the present situation in that it involved a proposed station which would have imposed substantial adjacent channel interference upon two existing stations. The burden was placed on the applicant to show that the need for the additional service outweighed the service which would be lost to the two existing stations. In the present case no such interference considerations are involved. The applicant proposes to establish a second local standard broadcast station in a community which presently has only a single licensed broadcast facility. Since there are no 307(b)[3] or technical (e.g. interference) issues involved in this case, the applicant is not required to show a need for the proposed station. Furthermore, the petitioner's allegations that its station (KSIG) provides a local service to Crowley and that there are a multiplicity of other broadcast and newspaper media serving Crowley and surrounding areas are not sufficient, standing alone, to raise a substantial or material question concerning the need for the proposed new service. The petitioner has not alleged any other facts which would warrant the specification of the requested issue. The adverse effect, if any, that the proposed station would have on the public interest is a matter which may properly be considered under the Carroll issue in determining whether a grant of the proposal would result in a net loss or degradation of standard broadcast service to the area. The petitioner's request for the specification of a separate issue on the need for the proposed new service will be denied.

9. The petitioner, in its petition to deny, requests that a Carroll issue be specified on the grounds that the revenues in the area are inadequate to support another broadcast station without a net loss or degradation of service to the area. In the Missouri-Illinois Broadcasting Co. case 3 RR 2d 232 (1964), the Commission listed the type of material that a petitioner should submit in support of the request for a Carroll issue. Since the petitioner did not have notice of these new pleading requirements, he was given an opportunity to amend and amplify its allegations in support of the requested Carroll issue. The Commission has considered the petition to deny, as amended, as well as the applicant's response thereto.

10. In response to the Commission inquiries, the petitioner supported his request for a Carroll issue with specific allegations of fact sufficient to show that a grant of the application would be prima facie inconsistent with the public interest standards of section 309 of the Communications Act of 1934, as amended. Although the burden on the petitioner is heavy, it is not required to prove its case prior to hearing. The Commission is of the opinion that the petitioner has met the burden of pleading to the extent required by the Missouri-Illinois Broadcasting Co. case 3 RR 2d 232 (1964). The Commission finds that the petitioner has raised substantial and material questions of fact concerning the ability of the area involved to support a second standard broadcast station without a net loss or degradation of service to the area. Accordingly, the application will be designated for hearing, specifying a Carroll issue. The burden of proof and proceeding with the introduction of evidence will be placed on the petitioner.

11. There remains no other material or substantial questions of fact which would warrant the specification of issues in this proceeding. Accordingly, the petition to deny, filed by KSIG Broadcasting Co., Inc., licensee of Station KSIG, Crowley, La., will be granted to the extent indicated above and denied in all other respects.

[3] Sec. 307(b) of the Communications Act of 1934, as amended, provides: "In considering applications for licenses, and modifications and renewals thereof, when and insofar as there is demand for same, the Commission shall make such distribution of licenses, frequencies, hours of operation and of power among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same."

12. Except as indicated by the issues specified below, the applicant is legally, technically, financially and otherwise qualified to construct and operate as proposed. However, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the subject application is designated for hearing, at a time and place to be specified in a subsequent order upon the following issues:

1. To determine whether there are adequate revenues to support more than one standard broadcast station in the area proposed to be served by the applicant's proposal without net loss or degradation of standard broadcast service to such area.

2. To determine the basis of the applicant's (a) estimated construction costs, and (b) estimated operating expenses for the first year of operation.

3. To determine the basis for the applicant's estimated revenues for the first year of operation.

4. To determine, in the light of the evidence adduced pursuant to the two foregoing issues, whether the applicant is financially qualified.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That the Petition to Deny or Designate for Hearing, filed by KSIG Broadcasting Co., Inc., licensee of Station KSIG, Crowley, La., is granted to the extent indicated above and denied in all other respects.

It is further ordered, That KSIG Broadcasting Co., Inc., licensee of station KSIG, Crowley, La., is made a party to the proceeding.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof with respect to Issue No. 1 are placed on KSIG Broadcasting Co., Inc., the burden of proceeding with the introduction of evidence and the burden of proof with respect to Issues No. 2, 3, and 4 are hereby placed on the applicant.

It is further ordered, That in the event of a grant of the application, the construction permit shall contain the following condition:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 20, 1966.

Released: July 26, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-8305; Filed, July 28, 1966; 8:48 a.m.]

[Docket No. 16612; FCC 66M-1023]

STAR STATIONS OF INDIANA, INC.

Order Continuing Hearing

In re application of Star Stations of Indiana, Inc., Docket No. 16612, File No. BR-1144, BRH-1276; for renewal of licenses of stations WIFE AM-FM, Indianapolis, Ind.

At the request of the parties, hearing in this proceeding now scheduled for September 7, 1966, is continued to October 26, 1966.

This formalizes an oral ruling made on the record at a prehearing conference held today.

Ordered, This 22d day of July, 1966.

Released: July 25, 1966.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-8306; Filed, July 28, 1966; 8:48 a.m.]

[Docket Nos. 15841 etc.; FCC 66-668]

WTCN TELEVISION INC. (WTCN-TV), ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of WTCN Television, Inc. (WTCN-TV), Minneapolis, Minn., Docket No. 15841, File No. BPCT-2850; Midwest Radio-Television, Inc. (WCCO-TV), Minneapolis, Minn., Docket No. 15842, File No. BPCT-3292; United Television, Inc. (KMSP-TV), Minneapolis, Minn., Docket No. 15843, File No. BPCT-3293; Twin City Area Educational Television Corp. (KTCA-TV), St. Paul, Minn., Docket No. 16782, File No. BPET-249; Twin City Area Educational Television Corp. (KTCI-TV), St. Paul, Minn., Docket No. 16783, File No. BPET-250; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D.C., on the 20th day of July 1966;

1. The Commission has before it for consideration the above-captioned applications of Twin City Area Educational Television Corp., licensee of Television Broadcast Station KTCA-TV, Channel *2, St. Paul, Minn., and Television Broadcast Station KTCI-TV, Channel *17, St. Paul, Minn., each requesting a construction permit to make changes in the facilities of these stations. Station KTCA-TV is authorized to operate with effective radiated visual power of 100 kw and antenna height above average terrain of 620 feet from a site in Falcon Heights, Minn., 5 miles north of Minneapolis. Station KTCA-TV proposes to increase antenna height above average terrain to 1,610 feet at a site near Shoreview, Minn. (920 West County Road F). No change in power is proposed. Station KTCI-TV is authorized to operate with effective radiated visual power of 47.9 kw and antenna height above average terrain of 490 feet from the Falcon Heights site. Station KTCI-TV proposes to reduce effective radiated visual power to 29.4 kw, increase antenna height above average terrain to 1,490 feet, and change transmitter site to the same site proposed by Station KTCA-TV.

2. The site proposed for the two stations is the same as that proposed by Television Broadcast Stations WTCN-TV, Channel 11, Minneapolis; WCCO-TV, Channel 4, Minneapolis, and KMSP-TV, Channel 9, Minneapolis. Stations WCCO-TV and KMSP-TV propose to locate their antennas on a common structure and Station WTCN-TV proposes a separate structure at the same site. These proposals were designated by the Commission for hearing in a consolidated proceeding (FCC 65-103, released Feb. 15, 1965, Docket Nos. 15841-15843) because, inter alia, the tower heights and locations proposed were deemed by the Federal Aviation Agency to constitute a menace to air navigation. The applicant herein proposes to locate its antennas on the same structure as Station WTCN-TV and its proposals have not, therefore, been approved by the FAA.

3. The applicant, on February 18, 1966, filed a "Petition to Consolidate," requesting that its applications be consolidated into the proceedings in Docket Nos. 15841-15843. The petition recites that the applicant was permitted to intervene in the proceeding as a party (memorandum opinion and order, FCC 65M-782, released June 16, 1965) and has participated. As an applicant, it now believes that because it proposes the same site as the commercial applicants and tower heights which have not been approved by the FAA, its applications should be consolidated into the proceeding so that the question of whether the tower heights and location proposed would constitute a menace to air navigation may be resolved with respect to all of the stations. This petition is unopposed.

4. We believe that it would conduce to the orderly and expeditious dispatch of the Commission's business to consider these applications and the question raised with respect thereto in a single proceed-

[4] Commissioner Loevinger abstaining from voting and Commissioner Johnson not participating.

ing. It appears that, except with respect to the question of tower height and location, the applicant is qualified to construct and operate as proposed. The Commission, however, is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Twin City Area Educational Television Corp. are designated for hearing and are consolidated into the proceedings in Docket Nos. 15841–15843, upon the following issues:

1. To determine whether there is a reasonable possibility that the tower heights and location proposed by the applicant for Stations KTCA–TV and KTCI–TV would constitute a menace to air navigation.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, whether a grant of the above-captioned applications would serve the public interest, convenience and necessity.

It is further ordered, That the "Petition to Consolidate," filed by Twin City Area Educational Television Corp. is granted.

It is further ordered, That the Federal Aviation Agency is made a party to this proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and the party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(h) of the rules.

Released: July 26, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 66–8307; Filed, July 28, 1966; 8:48 a.m.]

[1] Commissioner Johnson not participating.

FEDERAL MARITIME COMMISSION

[No. 66–32]

APPROVAL OF AGREEMENT OF INVESTIGATION AND NOTICE OF HEARING

By order of May 13, 1966, the Commission approved Agreement 5700–8, a purported revision of the basic agreement of the New York Freight Bureau (Hong Kong) in part and set the remainder down for investigation and hearing. On June 13, 1966, States Marine Lines, Inc., petitioned for reconsideration of the order on the ground, among others, that Agreement 5700–8 was signed by James Dennean as "attorney in fact of Freight Bureau" and under a subscription clause stating that the signature was "by and on behalf of the following parties * * *" including States Marine, the records of States Marine show that it did not authorize the signature of States Marine, and consequently did not authorize the submission of 5700–8. Thus, in States Marine's view the agreement as filed is invalid for two reasons: (1) It is not a "true copy" of the agreement executed by States Marine as required by section 15 of the Shipping Act, 1916, and (2) it lacks the unanimity required by Article 10(a) of Agreement 5700–4 (which is apparently the last approved agreement as to which there was and is now actual agreement among all parties signatory).

Before taking up the Bureau's reply it is necessary to detail certain of the events leading up to the filing and partial approval of 5700–8. Agreement 5700–8 was preceded by the submission of two other agreements, 5700–6 and 5700–7. These agreements were never approved because after analysis of them the staff suggested to counsel for the Freight Bureau, that certain clarifying and conforming changes be made and that the two agreements be reduced to one. In response to these suggestions counsel for the Bureau acting on behalf of Mr. Dennean filed a third agreement and withdrew 5700–6 and 5700–7. The new agreement designated 5700–8, contained the changes suggested by the staff and repeated the remaining provisions of 5700–6 and 5700–7 verbatim. Subsequently the order of May 13, 1966 was issued.

In reply to States Marine, the Bureau admits that no vote of the membership was taken on the staff suggested changes and joins States Marine's petition to "rescind" the May 13, 1966 order to the extent it purported to approve those changes because Mr. Dennean exceeded his authority in agreeing to them. As to the remainder of 5700–8, the provisions carried over verbatim from 5700–6 and 5700–7, the Bureau disagrees with States Marine and urges denial of the petition on the ground that by agreeing to 5700–6 and 5700–7 States Marine of necessity agrees with the remainder of 5700–8. States Marine sees no such severability in the provisions of the agreement. It is at this impasse that the Commission now finds the parties.

The existence of the conference system in our foreign commerce is conditioned upon the ability of the conference to secure for shippers the advantages resulting from stable and relatively low rates and predictable and regular service. The conference is presumed able to secure the advantages by the elimination of wasteful and destructive competition through agreement of its members. The conduct of the parties here hardly appears conducive of the agreement presumed necessary to producing the sought after advantages. In fact there appears to be little if any agreement between the parties here. They are themselves somewhat less than glaringly clear as to what they conceive their agreement to be. It is not even clear that there are at present any real attempts on either side to resolve their differences outside the present litigation and present the Commission with an "agreement" freed of the present aura of doubt and suspicion with which the parties have surrounded 5700–8.

However, because of the seriousness of the issues raised and the apparent disposition on both sides to pursue their present courses we will entertain the petition for reconsideration. We will not, however, vacate the order of May 13, 1966. Answers to such questions as the existence and extent of Mr. Dennean's authority and the actual agreement of States Marine by vote or otherwise require the resolution of issues of fact not to be disposed of simple petition and reply. Therefore, we will broaden this investigation to include the issues now raised by the parties.

Now therefore it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, this investigation, instituted by order of May 13, 1966, is hereby broadened to include the following issues:

1. Whether Agreement 5700–8 was properly before the Commission for its approval under section 15?

2. If Agreement No. 5700–8 was properly before the Commission for approval, should the approval granted by our order of May 13, 1966, be continued?

3. If Agreement 5700–8 was not properly before the Commission for approval and the approval thereof was without force and effect, were Agreement No. 5700–6 and 5700–7 properly withdrawn, and if not what is their present status as representing the true and complete agreement of the parties?

4. Whether there is in existence a presently approved agreement to which all parties signatory thereto now agree, and should approval thereof be continued or should the agreement be modified, disapproved or canceled?

It is further ordered, That the order of May 13, 1966, is hereby amended to include the foregoing issues; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that copies thereof be served on all parties to this proceeding.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 66-8272; Filed, July 28, 1966; 8:45 a.m.]

[Docket No. 66-43]

GULF PUERTO RICO LINES, INC., AND SEA-LAND SERVICE, INC.

Investigation of Increased Minimum Charges and Terminal Delivery Services

It appearing, there have been filed with the Federal Maritime Commission by Sea-Land Service, Inc., and Gulf Puerto Rico Lines, Inc., tariff schedules setting forth new rates and charges, and/or new rules, regulations and practices affecting such rates and charges, to become effective July 15 and 18, 1966, designated as follows:

SEA-LAND SERVICE, INC.

TARIFF FMC-F NO. 10

3d Revised Page 31 (Item No. 470).[1]
1st Revised Page 55 (Item No. 1050).[1]
4th Revised Page 78 (Item No. 1340).[1]

GULF PUERTO RICO LINES, INC.

U.S. ATLANTIC & GULF PUERTO RICO TARIFF FMC-F NO. 3

2d Revised Page 16 (Rule No. 38).[2]
6th Revised Page 28 (Rule No. 60).[2]
1st Revised Page 30 (Rule 65).[2]

And it further appearing, That upon consideration of the said schedules there is reason to believe that the above designated items and rules, except insofar as they concern increased pickup and delivery minimum charges, should be made the subject of a public investigation and hearing to determine whether they would be unjust, unreasonable or otherwise unlawful under sections 16 and 18 of the Shipping Act, 1916 and good cause appearing therefore;

It is ordered, That pursuant to the authority of section 22, Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of the rates, charges, and regulations contained in the aforementioned items and rules with a view to making such findings and orders in the premises as facts and circumstances warrant. In the event the matter hereby placed under investigation is changed or amended before this investigation has been concluded, such changed or amended matter will be included in this investigation.

It is further ordered, That the Gulf Puerto Rico Lines, Inc., and Sea-Land Service, Inc., be named as respondents in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on all respondents herein, (II) the said respondents be duly notified of the time and place of the hearing; and (III) this order be published in the FEDERAL REGISTER and notice of hearing be served upon respondents;

It is further ordered, That all persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) (46 CFR § 502.72);

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 66-8292; Filed, July 28, 1966; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4400]

EAST OHIO GAS CO. ET AL.

Notice of Proposed Intrasystem Sale of Gas Pipe Line Assets to Affiliated Gas Utility Company and Related Transactions

JULY 25, 1966.

In the matter of the East Ohio Gas Co., Lake Shore Pipe Line Co., 1717 East Ninth Street, Cleveland, Ohio 44114; Consolidated Natural Gas Co., 30 Rockefeller Plaza, New York 20, N.Y.; File No. 70-4400.

Notice is hereby given that Consolidated Natural Gas Co. ("Consolidated Natural"), a registered holding company, and its wholly owned subsidiary companies, the East Ohio Gas Co. ("East Ohio") and Lake Shore Pipe Line Co. ("Lake Shore"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(a), 10, and 12(f) of the Act and Rule 43 thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, which is summarized below, for a statement of the transactions therein proposed.

Lake Shore proposes to sell, and East Ohio proposes to acquire for cash, approximately 31.81 miles of Lake Shore's gas transmission pipe line and related properties in the State of Ohio, and certain related materials and supplies. The sales price is to be equal to the net of the original cost of the pipe line and properties, after deduction of related depreciation, as stated on Lake Shore's books on the date of the sale, and after certain adjustments. As of December 31, 1965, such net original cost amounted to $1,054,588.31, and the materials and supplies were valued at $27,849.07. Lake shore will use substantially the proceeds from the proposed sale, estimated at approximately $1 million to prepay a part of its long-term notes owned by Consolidated Natural at the principal amount thereof plus accrued interest to the date of payment.

The aggregate fees and expenses to be incurred in connection with the proposed transactions are estimated at $5,000 including counsel fees of $1,500, and service company charges at cost of $2,000.

The filing states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed sale and acquisition. It is also stated that the Federal Power Commission has jurisdiction over the abandonment of the pipe line facilities proposed to be sold by Lake Shore to East Ohio.

Notice is further given that any interested person may, not later than August 12, 1966, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, 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 joint application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-8291; Filed, July 28, 1966; 8:47 a.m.]

[1] Effective July 15, 1966.
[2] Effective July 18, 1966.

FEDERAL POWER COMMISSION

[Docket Nos. G–6352, etc.]

CONTINENTAL OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JULY 21, 1966.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 12, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G–6352 C 6–20–66	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	United Gas Pipe Line Co., Various Fields, De Witt, Goliad and Karnes Counties, Tex.	[1] 13.2002	14.65
G–6740 D 6–30–66	George R. Brown, et al., % J. L. Bianchi, attorney, 1201 San Jacinto Bldg., Houston, Tex. 77002.	United Gas Pipe Line Co., Cabeza Creek Area, Goliad County, Tex.	Assigned	----------
G–12663 E 6–27–66	Herman Geo. Kaiser (Operator), et al. (successor to Shell Oil Co.), Palace Office Bldg., Tulsa, Okla. 74103.	Northern Natural Gas Co., acreage in Finney County, Kans.	12.0	14.65
G–12912 E 6–21–66	David E. Barr (successor to Norristown Gas Co., et al.), Grantsville, W. Va. 26147.	Consolidated Gas Supply Corp., Sherman District, Calhoun County, W. Va.	20.0	15.325
G–15714 D 6–27–66	Humble Oil & Refining Co. (Operator), et al., Post Office Box 2180, Houston, Tex. 77001.	Transwestern Pipeline Co., acreage in Lipscomb County, Tex.	Assigned	----------
G–16139 D 6–27–66	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	Transwestern Pipeline Co., Panhandle Area, Hemphill County, Tex.	[2]	----------
G–19166 E 6–13–66	Livingston Oil Co. (successor to Toto Gas Co., Operator), Post Office Box 1798, Tulsa, Okla. 74101.	Wunderlich Development Co., East Billings Field, Kay County, Okla.	7.2	14.4
CI60–323 C 6–29–66	Jonnell Gas, Inc. (Operator), et al., D–205 Petroleum Center 900 Northeast Loop Expressway, San Antonio, Tex. 78209.	Tennessee Gas Transmission Co., Lopeno Field, Zapata County, Tex.[3]	16.0	14.65
CI61–1122 E 6–13–66	Livingston Oil Co. (successor to Toto Gas Co.).	Cities Service Gas Co., East Billings and Lucien Fields, Noble County, Okla.	11.0	14.65
CI62–699 E 6–13–66	Livingston Oil Co. (successor to Toto Gas Co. (Operator), et al.).	Wunderlich Development Co., East Billings Field, Kay County, Okla.	7.2	14.4
CI62–1067 E 6–13–66	Livingston Oil Co. (successor to Toto Gas Co.).	Cities Service Gas Co., East Billings and Lucien Fields, Noble County, Okla.	11.0	14.6
CI62–1322 E 6–13–66	Livingston Oil Co. (successor to Toto Gas Co. (Operator), et al.).	Wunderlich Development Co., East Billings Field, Kay County, Okla.	7.2	14.4
CI63–20 D 6–27–66	Humble Oil & Refining Co	Arkansas Louisiana Gas Co., Arkoma Area, Haskell County, Okla.	Assigned	----------
CI63–172 D 6–23–66	Mobil Oil Corp.,[4] Post Office Box 2444, Houston, Tex. 77001 (partial abandonment).	Natural Gas Pipeline Co. of America, Bryans Mill Field, Cass County, Tex.	[5]	----------
CI63–523 C 6–29–66	George R. Brown (Operator), et al.	Transcontinental Gas Pipe Line Corp., Live Oak Field, Vermilion Parish, La.	17.5	15.025
CI63–698 E 6–13–66	Livingston Oil Co. (successor to Toto Gas Co.).	Wunderlich Development Co., East Billings Field, Kay County, Okla.	7.2	14.65
CI63–966 E 6–21–66	Howard W. Sharpley (successor to Biogeo, Inc.), Room 7, State Bank Bldg., Hillsdale, Mich. 49242.	Consolidated Gas Supply Corp., Glenville District ,Gilmer County, W. Va.	25.0	15.325
CI64–530 E 6–21–66	Roy C. and Freeda M. Davisson (successor to Riggall-Griffith Oil & Gas Co.), Vadis, W. Va. 26445.	Consolidated Gas Supply Corp., Freemans Creek District, Lewis County, W. Va.	25.0	15.325
CI64–1216 E 6–27–66	Herman Geo. Kaiser (Operator), et al. (successor to Shell Oil Co.).	Kansas Colorado Utilities, Inc., acreage in Stanton County, Kans.	13.5	14.65
CI64–1249 E 6–21–66	A. A. Pursley (successor to Delta Petroleum Co., et al.), Box 52, Le Roy, W. Va. 25252.	Consolidated Gas Supply Corp., Center District, Gilmer County, W. Va.	25.0	15.325
CI65–901 E 6–21–66	Reeves Lewenthal (successor to George Moses), 530 Park Ave., New York, N.Y. 10021.	Consolidated Gas Supply Corp., Sherman and Center Districts, Calhoun and Gilmer Counties, W. Va.	25.0	15.325
CI65–920 E 6–20–66	Sage Gas Gathering Co. (successor to Carillo Petroleum Corp.), c/o Kenneth S. Harvey, vice president, Post Office Box 806, Beeville, Tex. 78102.	Valley Gas Transmission, Inc., Buena Suerta Field, Duval County, Tex.	14.0	14.65
CI65–1303 E 6–21–66	Reeves Lewenthal (successor to George Moses).	Consolidated Gas Supply Corp., Lee District, Calhoun County, W. Va.	25.0	15.325
CI65–1336 C 6–20–66	The Waverly Oil Works Co., 4 East Locust St., Newark, Ohio 43055.	Equitable Gas Co., Salt Lick District, Braxton County, W. Va.	25.0	15.325
CI66–361 E 6–21–66	Reeves Lewenthal (successor to George Moses).	Consolidated Gas Supply Corp., Washington District, Calhoun County, W. Va.	25.0	15.325
CI66–393 E 6–27–66	Texas Gas Exploration Corp. (Operator), et al., (successor to Marshall Burlew (Operator), et al.), 1111 First City National Bank Bldg., Houston, Tex. 77052.	Texas Gas Transmission Corp., Midland Field, Muhlenberg County, Ky.	17.0	15.025
CI66–1138 A 5–11–66	John M. Traxler, 129 Fairmor Dr., Morgantown, W. Va. 26505.	Carnegie Natural Gas Co., Cass District, Monongalia County, W. Va.	20.0	15.325
CI66–1311 (CI64–781) F 6–15–66	J. P. Owen, Operator (successor to Atlantic Richfield Co.[6]), Post Office Box 51288, Oil Center Station, Lafayette, La.	Michigan Wisconsin Pipe Line Co., Jeanerette Field, St. Mary Parish, La.	20.625	15.025
CI66–1313 A 6–23–66	Robinson Petroleum Corp. (Operator), et al., First National Bank Bldg., Pampa, Tex.	El Paso Natural Gas Co., Panhandle Field, Wheeler County, Tex.	13.0	14.65
CI66–1314 A 6–23–66	Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001.	Trunkline Gas Co., Lake Barre, et al., Field, Terrebonne Parish, La.	[7] 16.5	15.025
CI66–1315 A 6–23–66	Thomas N. Berry & Co., Post Office Box 111, Stillwater, Okla.	Northern Natural Gas Co., Catesby Field, Ellis County, Okla.	[8] 17.0	14.65
CI66–1316 A 6–23–66	Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102.	Northern Natural Gas Co., North East Catesby Field, Ellis County, Okla.	[8] 17.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI66-1317 A 6-16-66	Anson L. Clark, 4616 Greenville Ave., Dallas, Tex., 75206.	Panhandle Eastern Pipe Line Co., South Bishop Field, Ellis County, Okla.	[8] [9] 18.156	14.65
CI66-1318 A 6-27-66	Plaquemines Oil & Gas Co., Inc., 861 Carondelet St., New Orleans, La., 70130.	Tennessee Gas Transmission Co.,[3] acreage in Plaquemines Parish, La.	[7] 20.5	15.025
CI66-1319 (G-19169)[10] B 6-13-66	Livingston Oil Co. (successor to Toto Gas Co.).	Wunderlich Development Co., East Billings Field, Kay County, Okla.	(11)	----
CI66-1320 (G-19168)[10] B 6-13-66	do	do	(11)	----
CI66-1321 (G-19170)[10] B 6-13-66	do	do	(11)	----
CI66-1322 (CI60-240)[10] B 6-13-66	do	do	(11)	----
CI66-1323 (CI60-251)[10] B 6-13-66	do	do	(11)	----
CI66-1324 (CI61-544)[10] B 6-13-66	do	do	(11)	----
CI66-1325 (CI61-1497)[10] B 6-13-66	do	Cities Service Gas Co., East Billings and Lucien Fields, Noble County, Okla.	(11)	----
CI66-1326 (CI62-692)[10] B 6-13-66	do	Wunderlich Development Co., East Billings Field, Kay County, Okla.	(11)	----
CI66-1327 A 6-24-66	Sun Oil Co. (Southwest Division), 1608 Walnut St., Philadelphia, Pa. 19103.	United Gas Pipe Line Co., Baxterville Field, Lamar County, Miss.	15.0	15.025
CI66-1328 A 6-27-66	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla. 74102.	Panhandle Eastern Pipe Line Co., Tangier Area, Ellis and Woodward Counties, Okla.	17.0	14.65
CI66-1329 A 6-27-66	Cities Service Oil Co., Cities Service Bldg., Bartlesville, Okla. 74003.	Northern Natural Gas Co., acreage in Ellis and Woodward Counties, Okla.	[8] 17.0	14.65
CI66-1330 A 6-27-66	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	United Fuel Gas Co., Longview Field, Franklin Parish, La.	17.5	15.025
CI66-1331 A 6-24-66	William E. Snee and Orville Eberly, 510 Gallatin Bank Bldg., Uniontown, Pa. 15401.	Arkansas Louisiana Gas Co., Red Oak, Bokoshe and Spiro Fields, Latimer and Le Flore Counties, Okla.	[12] 15.0	14.65
CI66-1332 B 6-24-66	Hunt Oil Co., 1401 Elm St., Dallas, Tex. 75202.	Southern Natural Gas Co., Gwinville Field, Jefferson Davis and Simpson Counties, Miss.	Depleted	----
CI66-1333 A 6-28-66	Robert E. Campbell, 417 South Glendale, Wichita, Kans. 67202.	Panhandle Eastern Pipe Line Co., Laredo Field, Reno County, Kans.	13.0	14.65
CI66-1335 A 6-23-66	F. A. Deem, 221 West North St., Harrisville, W. Va. 26362.	Carnegie Natural Gas Co., acreage in Ritchie County, W. Va.	20.0	15.325
CI66-1336 A 6-23-66	do	do	20.0	15.325
CI66-1337 A 6-23-66	do	do	20.0	15.325
CI66-1338 A 6-23-66	do	do	20.0	15.325
CI66-1339 A 6-23-66	do	do	20.0	15.325
CI66-1340 A 6-23-66	do	do	20.0	15.325
CI66-1341 A 6-23-66	F. A. Deem, agent	do	20.0	15.325
CI66-1342 A 6-23-66	F. A. Deem	do	20.0	15.325
CI66-1343 A 6-28-66	H-L-M Drilling Co., et al., 618 Patterson Bldg., Denver, Colo. 80202.	Mountain Fuel Supply Co., Pole Gulch Unit, Moffat County, Colo.	15.0	15.025
CI66-1344 A 6-28-66	Mary Lee Massey and Mary Lee Massey, attorney-in-fact for Elizabeth Keller, et al., Sand Fork, W. Va.	Equitable Gas Co., Glenville district, Gilmer County, W. Va.	16.0	15.325
CI66-1345 A 6-28-66	Mary Lee Massey and Mary Lee Massey, attorney-in-fact for Russell Messenger, agent, et al.	do	16.0	15.325
CI67-18 (CI61-406) (CI61-425) F 7-6-66	Union Producing Co. (successor to Mississippi River Corp., successor in interest to Perry R. Bass (Operator), et al. and Humble Oil & Refining Co.), 1525 Fairfield Ave., Shreveport, La. 71102.	Southern Natural Gas Co., Plum Point Field, Jefferson and Lafourche Parishes, La.	[13] 20.625	15.025
CI67-19 A 7-8-66	Sohio Petroleum Co., 970 First National Office Bldg., Oklahoma City, Okla. 73102.	Transcontinental Gas Pipe Line Corp., Thibodaux Field, Lafourche Parish, La.	20.625	15.025
CI67-20 (G-13167) F 6-27-66	Herman Geo. Kaiser (Operator), et al. (successor to Shell Oil Co.), Palace Office Bldg., Tulsa, Okla. 74103.	Northern Natural Gas Co., acreage in Clark County, Kans.	[14] 16.0	14.65
CI67-21 (G-18037) F 6-27-66	Herman Geo. Kaiser (Operator), et al. (successor to Shell Oil Co.).	Panhandle Eastern Pipe Line Co., acreage in Seward County, Kans.	[14] 16.0	14.65
CI67-22 A 7-11-66	Odessa Natural Gasoline Co., Post Office Box 3908, Odessa, Tex. 79760.	Northern Natural Gas Co., acreage in Woodward County, Okla.	17.0	14.65
CI67-23 (G 3673) F 6-20-66	John A. Hairford (successor to Petroleum, Inc.), Post Office Box 594, Hooker, Okla.	Cities Service Gas Co., acreage in Kearney County, Kans.	[15] 14.5	14.65
CI67-24 (G-10474) F 6-20-66	do	Northern Natural Gas Co., acreage in Finney County, Kans.	[16] 13.0	14.65
CI67-25 A 7-11-66	Harper Oil Co., 904 Hightower Bldg., Oklahoma City, Okla. 73102.	Michigan Wisconsin Pipe Line Co., acreage in Harper County, Okla.	17.0	14.65
CI67-26 A 7-11-66	Texaco, Inc., Post Office Box 52332, Houston, Tex. 77052.	Southern Natural Gas Co., Bayou Sale and Horseshoe Bayou Fields, St. Mary Parish, La.	21.25	15.025
CI67-27 A 7-11-66	Dudley J. Hughes, et al., 390 Petroleum Bldg., Jackson, Miss. 39201.	United Gas Pipe Line Co., Magee Field, Simpson County, Miss.	18.0	15.025
CI67-28 A 7-11-66	Ozark-Mahoning Co., c/o C. W. Tandy, vice president, Suite 203, 415 West 8th, Amarillo, Tex. 79101.	Natural Gas Pipeline Co. of America, Camrick Field, Beaver County, Okla.	[17] 17.0	14.65
CI67-29 A 7-11-66	Ashland Oil & Refining Co., c/o Ted P. Holshouser, attorney, Post Office Box 1503, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Hugoton Field, Grant County, Kans.	16.0	14.65
CI67-30 A 7-11-66	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	Cities Service Gas Co., acreage in Barber County, Kans.	14.0	14.65
CI67-31 B 7-11-66	Tenneco Oil Co. (Operator), et al., Post Office Box 2511, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, Fairbanks Field, Harris County, Tex.	[18]	----
CI67-32 B 7-11-66	Atlantic Richfield Co.,[19] Post Office Box 2819, Dallas, Tex. 75221.	Valley Gas Transmission, Inc., South Spanish Camp Field, Wharton County, Tex.	Depleted	----
CI67-33 A 7-11-66	A. A. Cameron, d.b.a. Cameron Oil Co., 1100 Petroleum Club Bldg., Oklahoma City, Okla.	Natural Gas Pipeline Co. of America, Farnsworth, North (K.C.-Marmaton) Field, Ochiltree County, Tex.	17.0	14.65
CI67-34 (G-16001) F 7-11-66	Wilhelmina duP. Ross (successor to Renappi Corp.), 1306 Petroleum Tower, Shreveport, La.	Tennessee Gas Transmission Co.,[3] Bethany Field, Panola County, Tex.	15.0	14.65
CI67-35 A 7-8-66	Douglas E. Florance, 201 Petroleum Plaza Bldg., Farmington, N. Mex.	El Paso Natural Gas Co., Ballard Pictured Cliffs Field, Rio Arriba County, N. Mex.	12.0	15.025
CI67-37 B 7-11-66	Reaves & Myers, Wilson Bldg., Corpus Christi, Tex.	Texas Eastern Transmission Corp., North Karon Field, Live Oak County, Tex.	Depleted	----
CI67-38 (G-16003) F 7-11-66	Wilhelmina duP. Ross (Operator), et al. (successor to Renappi Corp.).	Tennessee Gas Transmission Co.,[3] Bethany Area, Panola County, Tex.	15.0	14.65
CI67-39 A 7-5-66	Burk Royalty Co., 800 Oil & Gas Bldg., Wichita Falls, Tex. 76301.	United Gas Pipe Line Co., acreage in Panola County, Tex.	10.75	14.65
CI67-40 B 7-13-66	Miller & Fox Minerals Corp., Oil Industries Bldg., Corpus Christi, Tex. 78401.	Texas San Juan Oil Corp., Miller & Fox (4100' Sand) Field, Jim Wells County, Tex.	[20]	----

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI67-41 ..... A 7-13-66	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla. 74102.	Northern Natural Gas Co., North Ellis County Area, Ellis County, Okla.	17.0	14.65
CI67-43 ..... (CP63-193) F 7-1-66	Bruns Production Co., Inc. (Operator), et al. (successor to Texas Eastern Transmission Corp.), 1122 Jefferson Bldg., Houston, Tex. 77002.	Lone Star Gathering Co., Speary Field Area, Karnes County, Tex.	16.0	14.65
CI67-44 ..... B 7-13-66	Mobil Oil Corp.[4]	Sinclair Oil & Gas Co., Abell Field, Pecos County, Tex.	Depleted	.....
CI67-45 ..... A 7-14-66	Duer Wagner & Co., Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	South Texas Natural Gas Gathering Co., McGill Ranch Field, Kleberg County, Tex.	13.0	14.65

[1] Includes 0.2002 cent per Mcf tax reimbursement.
[2] Deletes Applicant's interest in section 23, Block 1, G&M RR Survey, from subject contract.
[3] Now Tennessee Gas Pipeline Co., a division of Tenneco Inc.
[4] Formerly Socony Mobil Oil Co., Inc.
[5] Deletes expired leases.
[6] Formerly The Atlantic Refining Co.
[7] Includes 1.5 cents per Mcf tax reimbursement.
[8] Subject to upward and downward B.t.u. adjustment.
[9] Includes 1.156 cents estimated B.t.u. adjustment.
[10] Predecessor's certificate docket.
[11] Well has ceased to produce and lease has lapsed.
[12] Subject to deduction for compression.
[13] Effective rate per settlement order issued Aug. 7, 1963.
[14] Rate in effect subject to refund in Docket No. RI65-475.
[15] Rate in effect subject to refund in Docket No. RI63-391.
[16] Rate in effect subject to refund in Docket No. RI63-362.
[17] If Seller processes the gas, Seller shall pay Buyer 1 cent per Mcf for gathering that volume of gas consumed in the extraction process. If Buyer installs field compression, Seller shall pay an additional ½ cent for compressing gas consumed in the extraction process.
[18] Leases dedicated to the subject contract have expired and have reverted back to the lessor.
[19] Formerly The Atlantic Refining Co.
[20] Well has ceased to produce.

[F.R. Doc. 66-8229; Filed, July 28, 1966; 8:45 a.m.]

[Project 2592]

ORANGE & ROCKLAND UTILITIES, INC.

Notice of Application for License for Constructed Project

JULY 22, 1966.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Orange & Rockland Utilities, Inc. (correspondence to: Richard D. Wilhite, president, Orange & Rockland Utilities, Inc., 10 North Broadway, Nyack, N.Y. 10960), for constructed Project No. 2592, known as the Rio Project, located on Mongaup River, tributary of the Delaware River, in the townships of Deerpark, Forestburg, and Lumberland, in the counties of Orange and Sullivan, near Port Jervis, N.Y.

The existing project consists of: (1) An ungated concrete gravity spillway dam (crest elevation, 810 feet), about 264 feet long and 90 feet high, with (a) 5-foot high flashboards atop crest, (b) a 102-foot long concrete wall and 460-foot long earthfill embankment on the north side, (c) a 22-foot long intake, a 99-foot long concrete wall, and a 540-foot long earthfill embankment on the south side (a public roadway crosses the dam); (2) a reservoir at elevation 815 feet with a surface area of 460 acres and a daily fluctuation in level of less than 1 foot; (3) a gatehouse and intake structure; (4) an 11-foot diameter wood-stave pipeline about 7,000 feet long from gatehouse to surge tank; (5) a surge tank, 40 feet in diameter and 65 feet high; (6) a 10-foot diameter penstock 380 feet long, connecting with two 7-foot diameter penstocks, from the surge tank to the powerhouse; (7) a powerhouse containing two 7,000-hp turbines direct connected to two 5,000-kw generators; and (8) 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 14, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-8273; Filed, July 28, 1966; 8:45 a.m.]

[Project 2596]

ROCHESTER GAS AND ELECTRIC CORP.

Notice of Application for License for Constructed Project

JULY 22, 1966.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Rochester Gas & Electric Corp. (correspondence to: Edward F. Huber, Esquire, Naylon, Aronson, Huber & Magill, 61 Broadway, New York, N.Y. 10006), for constructed Project No. 2596, known as Station 160, located on Genesee River, townships of Leicester and Mount Morris, near the village of Mount Morris, county of Livingston, N.Y.

The existing project creates a pool which at times extends upstream to the Government Mount Morris Dam, and consists of: (1) A stone masonry, gravity dam 334 feet long, 30 feet high at the south end and 20 feet high at the north end with crest elevation 579.1 feet (U.S.G.S.) and a 20 foot long spillway section abutting the powerhouse; (2) a reservoir (normal pool elevation 579.1 feet) extending upstream to Mount Morris Dam; (3) a powerhouse containing one vertical 600 hp turbine connected to a 340 kw generator; and (4) 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 9, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-8274; Filed, July 28, 1966; 8:45 a.m.]

[Docket No. RI67-9]

SUN OIL CO.

Order Conditionally Accepting Filing and Providing for Hearing on and Suspension of Proposed Change in Rate

JULY 22, 1966.

On June 17, 1966, Sun Oil Co. (Sun)[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated June 14, 1966.
Purchaser and producing area: El Paso Natural Gas Co., Payton-Simpson Field, Pecos, Co., Tex. (R.R. District No. 8), (Permian Basin Area).
Rate schedule designation: Supplement No. 3 to Sun's FPC Gas Rate Schedule No. 176.[2]
Effective date: August 1, 1963.[3]
Amount of annual increase: $81.
Effective rate: 15.2025 cents per Mcf at 14.65 p.s.i.a.
Proposed rate: 16.2160 cents per Mcf at 14.65 p.s.i.a.

Sun, a producer-respondent in the Permian Basin Opinion No. 468, proposes a periodic and partial tax reimbursement increase as set forth above. In addition, Sun has filed, in compliance with Opinion No. 468, a rate schedule quality statement for the subject sale which shows that the gas does not meet the quality standards prescribed in the opinion. The quality statement indicates treating costs of 0.11 cent per Mcf for removal of sulphur, 1.04 cents per Mcf for compression of low pressure gas (200 p.s.i.g.) and upward B.t.u. adjustment of 0.31 cent per Mcf for 1,070 B.t.u. gas.

The quality statement was accepted by order issued June 13, 1966, with respect to the above adjustments, but was re-

[1] Address is 1608 Walnut Street, Philadelphia, Pa. 19103, Attention: Mr. C. E. Webber.
[2] Contract dated after Jan. 1, 1961.
[3] The proposed effective date is the contractually provided effective date.

jected insofar as an improper credit for B.t.u. content (not shown above) was proposed. The applicable area ceiling rate is therefore 15.66 cents per Mcf (16.5 cents base rate plus 0.31 cent upward B.t.u. adjustment minus 1.15 cents treating and compression cost). Since the proposed increased rate of 16.2160 cents per Mcf exceeds the applicable ceiling rate of 15.66 cents per Mcf, we conclude that such rate should be suspended as ordered herein for 5 months from August 1, 1966, the proposed effective date.

Except for the stay of the moratorium in Opinion No. 468, Sun's rate increase filing would be rejectable. If the moratorium is ultimately upheld upon judicial review, the filing will be rejected ab initio.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 3 to Sun's FPC Gas Rate Schedule No. 176 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 3 to Sun's FPC Gas Rate Schedule No. 176.

(B) Pending such hearing and decision thereon, said Supplement No. 3 is hereby suspended and the use thereof deferred until January 1, 1967, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 5, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-8275; Filed, July 28, 1966; 8:45 a.m.]

[Docket No. CP67-9]

UNITED GAS PIPE LINE CO.

Notice of Application

JULY 22, 1966.

Take notice that on July 15, 1966, the United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP67-9 an application pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the sale of natural gas and the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to sell to Southern Natural Gas Co. (Southern) at Perryville, La., additional gas in a maximum amount of 50,000 Mcf per day and authorization to construct, in two phases, and to operate additional facilities as hereinafter described.

Applicant proposes to deliver the additional gas needed for the proposed sale, estimated to be 13,140,000 Mcf annually, out of its South Louisiana reserves. Applicant states that as of January 1, 1966, its South Louisiana reserves were in excess of 14,084 million Mcf. Applicant further states that it will be necessary to utilize its South-North Louisiana 30-inch pipeline, including the use of additional compression as planned in Phase II of its proposal.

A description of the proposed facilities as divided into Phase I and Phase II is as follows:

Phase I—1967 Construction. 1. Construct approximately 5.29 miles of 20-inch pipeline loop on Applicant's existing Sterlington to Perryville 16-inch pipeline, beginning at an orifice meter station located on Applicant's Sterlington Compressor Station yard in section 32, and extending in a northeasterly direction paralleling Applicant's existing pipeline to a tie-in point at Applicant's existing sales meter station in sec. 53, all being in T. 20 N., R. 4 E., Ouachita Parish, La.;

2. Enlarge metering facilities at Applicant's existing sales meter station near Perryville, La., located in sec. 53, T. 20 N., R. 4 E., Ouachita Parish, La.;

3. Add and rearrange metering and regulating facilities located on Applicant's Sterlington Compressor Station yard in sec. 32, T. 20 N., R. 4 E., Ouachita Parish, La.

Phase II—1969 Construction. Add one 6,700-horsepower natural gas turbine driven centrifugal compressor, with appurtenant facilities, at Applicant's existing Olla Compressor Station.

The total estimated cost of Applicant's proposed construction of both Phase I and Phase II facilities is $1,955,182, and will be financed out of its current working 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) and the regulations under the Natural Gas Act (§ 157.10) on or before August 19, 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. 66-8276; Filed, July 28, 1966; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1391]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 26, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-68613. By order of July 25, 1966, the Transfer Board approved the transfer to Burns Trucking, Inc., South Sioux City, Nebr., of the Permits in No. MC-116949 and MC-116949 (Sub-No. 1), issued February 24, 1959, and January 28, 1964, respectively, to Avery J. Burns, Dakota City, Nebr., authorizing the transportation of: New trailers, other than those designed to be drawn by passenger automobiles, in initial, truckaway service, and parts, from Sioux City, Iowa, to points in 47 States and the District of Columbia; used trailers, in secondary, truckaway service, between Sioux City, Iowa, on the one hand, and, on the other, points in 17 States; used trailers in truckaway service, from points in 17 States to Sioux

City, Iowa; and wrecked truck tractors, in truckaway service, from points in the United States, except those in Alaska and Hawaii, to Omaha, Nebr. Paul W. Deck, 222 Davidson Building, Sioux City, Iowa 51101, attorney for applicants.

No. MC–FC–68902. By order of July 22, 1966, the Transfer Board approved the transfer to John Leon Worth, doing business as Haynes Transfer, Mount Airy, N.C., of certificate in No. MC–104684, issued September 9, 1957, to L. Y. Haynes, doing business as Haynes Transfer, Mount Airy, N.C., authorizing the transportation of: Household goods, between Mount Airy, N.C., and points within 10 miles thereof, on the one hand, and, on the other, points in Virginia and South Carolina. Fred Folger, Jr., 115 Moore Street, Mount Airy, N.C. 27030, attorney for applicants.

No. MC–FC–68916. By order of July 22, 1966, the Transfer Board approved the transfer to E. J. Peter Trucking, Inc., Athens, Wis., of the operating rights in certificates Nos. MC–119924 and MC–119924 (Sub-No. 1), issued February 21, 1961, and January 25, 1962, respectively, to Emery Rahm, Colby, Wis., authorizing transportation, over irregular routes, of livestock between specified points in Taylor and Clark Counties, Wis., on the one hand, and, on the other, South St. Paul and Newport, Minn.; building materials, feeds, seeds, and farm machinery from Minneapolis, St. Paul, and South St. Paul to specified points in Taylor and Clark Counties, Wis.; and mill feeds, oil meal, and bran from St. Paul, Minneapolis, Hastings, and Red Wing, Minn., to points in Clark, Taylor, and Wood Counties, Wis. Frank L. Nikolay, Colby, Wis. 54421, attorney for applicants.

No. MC–FC–68929. By order of July 20, 1966, the Transfer Board approved the transfer to Brown Moving & Storage, Inc., 99 West Main Street, New Britain, Conn., of the operating rights in certificate No. MC–109720 issued March 19, 1958, to H. Brown Moving & Storage Co., Inc., 242 Main Street, New Britain, Conn., authorizing the transportation of: Household goods, as defined by the Commission, in radial movements, between specified points in Connecticut, and points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, New York, New Jersey, and Pennsylvania.

No. MC–FC–68930. By order of July 20, 1966, the Transfer Board approved the transfer to George B. Grant, Jr., doing business as Grant Trucking & Moving, Manchester, N.H., of the operating rights in certificate No. MC–52801 (Sub-No. 1) issued February 17, 1950, to Daniel J. McCabe and Bernard J. McCabe, doing business as McCabe Bros., Manchester, N.H., authorizing the transportation of: Household goods, as defined by the Commission, between specified points in New Hampshire, on the one hand, and, on the other, points in, Massachusetts, Rhode Island, and Connecticut.

Andre J. Barbeau, 795 Elm Street, Manchester, N.H., attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–8309; Filed, July 28, 1966; 8:49 a.m.]

[Notice 221]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 26, 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 17226 (Sub-No. 26 TA), filed July 21, 1966. Applicant: FRUIT BELT MOTOR SERVICE, INC., 6038 West 29th Street, Cicero, Ill. 60650. Applicant's representative: Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiber glass and/or plastic bathtub enclosures, and fiber glass and/or plastic shower enclosures, and parts and accessories thereof* when moving in connection therewith and intended for installation thereon, for the account of the Whirlpool Corp., (1) from the plantsite of the Whirlpool Corp. at La Porte, Ind., to the plantsites of the Whirlpool Corp. at Benton Harbor and St. Joseph, Mich., Clyde and Marion, Ohio, and Evansville, Ind.; (2) from the plantsites of the Whirlpool Corp. at La Porte, Ind., Benton Harbor and St. Joseph, Mich., Clyde and Marion, Ohio, and Evansville, Ind., to Detroit, Grand Rapids, and Lansing, Mich., Indianapolis Fort Wayne, and South Bend, Ind., Louisville, Ky., Milwaukee, Wis., Toledo, Cleveland, Columbus, Cincinnati and Dayton, Ohio, Chicago, Moline and Rockford, Ill., and Pittsburgh, Pa.; (3) from the plantsites of the Whirlpool Corp. at Benton Harbor, St. Joseph, Mich., Evansville and La Porte, Ind., and Clyde and Marion, Ohio, to points in Indiana, Illinois, Michigan, Ohio, and Wisconsin, and points in Meade, Arden, and Jefferson Counties, Ky., St. Louis, Jefferson, and St. Charles Counties, Mo., Scott and Clinton Counties, Iowa, and Erie, Crawford, Mercer, Lawrence, Beaver, Washington, Greene, Alleghany, Westmoreland, and Fayette Counties, Pa., for 180 days. Supporting shipper: The Whirlpool Corp., Benton Harbor, Mich. 49022. Send protests to: District Supervisor Raymond E. Mauk, Interstate Commerce Commission, Bureau of Operations and Compliance, 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 61973 (Sub-No. 5 TA), filed July 22, 1966. Applicant: J. N. ZIEGLER, INC., 908 DeKalb Street, Bridgeport, Pa. Applicant's representative: Morris J. Winokur, 2 Penn Center Plaza, John F. Kennedy Boulevard, at 15th Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, in flatbed trailers with self unloading equipment, from Perkiomen Junction, Pa., to New York, N.Y., points in Nassau, Suffolk, Westchester, Putnam, New Haven, Dutchess, Rockland, Orange, and Ulster Counties, N.Y., Fairfield, New Haven, Middlesex, and Hartford Counties, Conn., and points in New Jersey. Send protests to: McAvoy Vitrified Brick Co., Phoenixville, Chester County, Pa. 19460. Send protests to: Ross A. Davis, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 900 U.S. Customhouse, Philadelphia, Pa. 19106.

No. MC 107002 (Sub-No. 320 TA), filed July 21, 1966. Applicant: HEARIN-MILLER TRANSPORTERS, INC., U.S. Highway 80 West, Post Office Box 1123, Jackson, Miss. 39205. Applicant's representative: D. D. Kennedy, Post Office Box 1123, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid corn syrup*, in bulk, in tank vehicles, from St. Francisville, La., to Crystal Springs, Miss., for 180 days. Supporting shipper: J. R. Hendricks, Traffic Manager, Clinton Corn Processing Co., a division of Standard Brands, Inc., Clinton, Iowa 52733. Send protests to: District Supervisor Floyd A. Johnson, Interstate Commerce Commission, Bureau of Operations and Compliance, 320 U.S. Post Office Building, Jackson, Miss. 39201.

No. MC 107403 (Sub-No. 689 TA), filed July 21, 1966. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: C. W. Zook (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground iron ore concentrate*, in bulk, in tank vehicles, from Exton, Pa., to Montrose, N.Y., for 150 days. Supporting shipper: United States Steel Corp., 525 William Penn Place, Pittsburgh, Pa. 15230. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Com-

pliance, 900 U.S. Customhouse, Philadelphia, Pa. 19106.

No. MC 110191 (Sub-No. 16 TA) (Amendment), filed July 20, 1966, published FEDERAL REGISTER in notice No. 220 and republished as amended this issue. Applicant: TURNER'S EXPRESS, INCORPORATED, 1300 Shelton Avenue, Norfolk, Va. Applicant's representative: W. P. Davis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Foodstuffs*, in mechanically refrigerated vehicles, from Norfolk, Va., to Ahoskie, N.C., over U.S. Highway 13, for 180 days. Applicant intends to tack the authority herein applied for to its authority in MC 110191 restricted to traffic moving from Baltimore, Md., on behalf of J. H. Filbert, Inc. Supporting shipper: J. H. Filbert, Inc., 3701 Southwestern Boulevard, Baltimore, Md. 21229. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, 10–502 Federal Building, Richmond, Va. 23240. NOTE: The purpose of this republication is to show a regular route operation in lieu of irregular route as previously published.

No. MC 113024 (Sub-No. 57 TA), filed July 22, 1966. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, South Du Pont Highway, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bathroom and washroom fixtures, sinks and accessories and attachments therefor*, for account of Universal-Rundle Corp., New Castle, Pa., from plantsites of Universal-Rundle Corp. at Camden, N.J., and New Castle, Pa. (in split pickups only) to Lawrenceville, Ga., Jacksonville, Fla., Greensboro, N.C., Columbia, Tenn., Harrisonburg, Newport News, Norfolk, and Richmond, Va., for 180 days. Supporting shipper: Universal-Rundle Corp., 217 North Mill Street, Post Office Box 960, New Castle, Pa. 16103, R. L. Gardner, traffic manager. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 206 Post Office Building, Salisbury, Md. 21801.

No. MC 114897 (Sub-No. 71 TA), filed July 22, 1966. Applicant: WHITFIELD TANK LINES, INC., Post Office Box Drawer 9897, 300–316 North Clark Road, El Paso, Tex. 79989. Applicant's representative: J. P. Rose (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sodium chlorate*, in bulk, in tank vehicles, from Henderson, Nev., to Idalou, Tex., for 180 days. Supporting shipper: Pacific Engineering & Production Co. of Nevada, Post Office Box 797, Henderson, Nev. 89015. Send protests to: Jerry R. Murphy, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 109 U.S. Courthouse Building, Albuquerque, N. Mex. 87101.

No. MC 117304 (Sub-No. 11 TA), filed July 21, 1966. Applicant: PAFFILE TRUCK LINES, doing business as DON PAFFILE, 2906 29th Street North, Lewiston, Idaho 83501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Wood chips*, in bulk, in special equipment, from Coeur d'Alene, Idaho, to Waldorf-Hoerner Paper Co. plant located approximately 15 miles west of Missoula, Mont., over U.S. Highway 10, for 150 days. Supporting shippers: Diamond National Corp., Northwest Lumber, Post Office Box 1119, Coeur d'Alene, Idaho 83184; DeArmond-Joyner Lumber Co., Inc., Post Office Box 398, Coeur d'Alene, Idaho 83814. Send protests to: L. C. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 401 U.S. Post Office, Spokane, Wash. 99201.

No. MC 119295 (Sub-No. 1 TA), filed July 21, 1966. Applicant: RAY E. CAGLE AND FORREST L. CAGLE, a partnership, doing business as CAGLE BROS. TRUCKING SERVICE, Post Office Box 14187 Maryvale Station, Phoenix, Ariz. 85031. Applicant's representative: P. H. Dawson, 4453 East Piccadilly, Phoenix, Ariz. 85018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Washington, Oregon, and California, to points in Arizona, and from points in Arizona to points in California, for 180 days. Supporting shippers: Arizona Box Co., Post Office Box 11127, Pheonix, Ariz., O'Malley Building Materials, Post Office Box 14300, Pheonix, Ariz., Spellman Hardwood, 1316 North 19th Avenue, Pheonix, Ariz., Grand Avenue Lumber & Hardware Co., Inc., Post Office Box 865, Glendale, Ariz., Western Pine Sales, Inc., 2929 East Thomas Road, Pheonix, Ariz., Weyerhaeuser Co., Post Office Box 6676, Phoenix, Ariz. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 4006 Federal Building, Phoenix, Ariz. 85025.

No. MC 124569 (Sub-No. 11 TA), filed July 21, 1966. Applicant: JOHN HUSZAR, JR., doing business as HUSZAR'S VEGETABLE FARM, Route 1, Box 204, Holden, La. 70744. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Root beer*, in half gallon bottles, from Ponchatoula, La., to points in Tennessee, Florida, and Arkansas for 180 days. Supporting shipper: Dads Bottling Co., Ponchatoula, La. 70454, Don L. Layrisson, owner. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, T–4009 Federal Office Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 124807 (Sub-No. 5 TA), filed July 21, 1966. Applicant: JACK LINK TRUCK LINE, INC., Dyersville, Iowa 52040. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa 50306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Orange juice*, in containers, from Chippewa Falls, Wis., to points in Iowa, Missouri, Nebraska, South Dakota, Indiana, and Illinois (except Chicago, Ill.), for 180 days. Supporting shipper: Bowman Dairy Co., 201 North Wells Street, Chicago, Ill. 60606. Send protests to: Chas. C. Biggers, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 235 U.S. Post Office Building, Davenport, Iowa 52801.

No. MC 125161 (Sub-No. 6 TA), filed July 21, 1966. Applicant: UNITED FREIGHTWAYS, INC., 671 Chestnut Street, North Andover, Mass. Applicant's representative: George C. O'Brien, 33 Broad Street, Boston, Mass. 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fish solubles*, in bulk, in tank vehicles, from Point Judith, R.I., to Marlborough and West Springfield, Mass.; Manchester, North Franklin, and Norwich, Conn.; Concord, Greenfield, and Manchester, N.H.; Brattleboro, Richford, and St. Albans, Vt.; Albany, Cayuga, and Waverly, N.Y.; Gettysburg, Greenville, and Winfield, Pa., for 180 days. Supporting shipper: Point Judith By-Products, Rockland, Maine 04841. Send protests to: Maurice C. Pollard, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, John F. Kennedy Building, Government Center, Boston, Mass. 02203.

No. MC 127638 (Sub-No. 2 TA), filed July 22, 1966. Applicant: RALPH BEYER, doing business as RALPH BEYER TRUCKING CO., 3808 Carman Road, Schenectady, N.Y. Applicant's representative: John F. Brady, Jr., 75 State Street, Albany, N.Y. 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream mix and milk products*, in bulk, in tank vehicles, from Canastota, N.Y., to points in New York State and points in New Jersey, for 150 days. Supporting shipper: Queensboro Farm Products, Inc., 35–13 41st Street, Long Island City, N.Y. Send protests to: Wilmot E. James, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 518 Federal Building, Albany, N.Y. 12207.

No. MC 128416 TA, filed July 21, 1966. Applicant: HARRY RAMSEY, East Sixth Street, Emporium, Pa. 15834. Applicant's representative: Edward M. Larkin, 901 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Kiln dried wood furniture stock and wood turnings*, between Shippen Township, Cameron County, Pa., on the one hand, and, on the other, Tell City, Perry County, Ind.; Grand Rapids, Kent County, and South Haven, Van Buren County, Mich.; and Hickory, Catawba County, N.C., for 180 days. Supporting shipper: Lew-Hoc Wood Products, Inc., Emporium, Pa., Lewis & Hockenberry, Inc., Emporium, Pa. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bu-

reau of Operations and Compliance, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 128421, filed July 21, 1966. Applicant: WILLIAM V. MURPHY, MERCURY TRANSPORT, Stapleton International Airport, Denver, Colo. 80207. Applicant's representative: Robert P. Grueter, 555 Petroleum Club Building, Denver, Colo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Freight (general commodities)*, having an immediately prior or subsequent movement by air, between Stapleton International Airport, Denver, Colo., and Golden, Colo., and Waterton, Colo., and from Golden and Waterton, Colo., to Stapleton International Airport, for 180 days. Supporting shippers: Adolph Coors Co., Golden, Colo.; Martin Co., Post Office Box 179, Denver, Colo. 80201. Send protests to: District Supervisor Luther H. Oldham, Interstate Commerce Commission, Bureau of Operations and Compliance, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 128425 TA, filed July 21, 1966. Applicant: ALAN WILLIAM TRANSFER CO., INC., 15J Morrisey Walk, Bergenfield, N.J. 07621. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York, N.Y. 10017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Polyurethane foam* (sheets, rolls, and blocks), in paper wrapped packages or cartons, from Moonachie, N.J., to New York, N.Y., Farmingdale, Patchogue, and Westbury, N.Y.; (2) *vinyl foam* (sheets, rolls, and blocks), in paper wrapped packages or cartons, from Moonachie, N.J., to New York, N.Y., for 180 days. Supporting shipper: Crest-Foam Corp., 100 Carol Place, Moonachie, N.J. 07075. Send protests to: District Supervisor Joel Morrows, Interstate Commerce Commission, Bureau of Operations and Compliance, 1060 Broad Street, Newark, N.J. 07102.

No. MC 128426 TA, filed July 22, 1966. Applicant: JOHN PFROMMER, INC., Post Office Box 307, Douglassville, Pa. Applicant's representative: Morris J. Winokur, Two Penn Center Plaza, John F. Kennedy Boulevard, at 15th Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Traprock*, in dump vehicles, from Perkiomenville, Pa., to Trenton, Newark, and Atlantic City, N.J.; New York, Syracuse, and Buffalo, N.Y.; Baltimore, Md.; Cleveland and Warren, Ohio; Chicago, Ill.; Washington, D.C.; Norfolk, Va.; Wilmington and Dover, Del., for 150 days. Supporting shipper: Kibblehouse Quarries, Inc., Bridgeport, Pa. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 900 U.S. Customhouse, Philadelphia, Pa.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-8310; Filed, July 28, 1966; 8:49 a.m.]

[S.O. 981; 2d Rev. Pfahler's Car Distribution Direction 3, Amdt. 1]

ERIE-LACKAWANNA RAILROAD CO. AND CHICAGO & EASTERN ILLINOIS RAILROAD CO.

Boxcar Distribution

Upon further consideration of Second Revised Pfahler's Car Distribution Direction No. 3 (Erie-Lackawanna Railroad Co.—Chicago & Eastern Illinois Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Second Revised Pfahler's Car Distribution Direction No. 3 be, and is hereby amended by substituting the following paragraph (4) for paragraph (4) thereof:

(4) *Expiration date.* This Direction shall expire at 11:59 p.m., August 14, 1966, unless otherwise modified, changed or suspended by order of this Commission.

It is further ordered, That this Direction shall become effective at 11:59 p.m., July 31, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of Federal Register.

Issued at Washington, D.C., July 25, 1966.

INTERSTATE COMMERCE COMMISSION,
[SEAL] H. R. LONGHURST, *Agent.*

[F.R. Doc. 66-8311; Filed, July 28, 1966; 8:49 a.m.]

[3d Rev. S.O. 562, Pfahler's ICC Order 207, Amdt. 1]

ASSOCIATION OF AMERICAN RAILROADS

Rerouting and Diversion of Traffic

TO ALL RAILROADS

Upon further consideration of Pfahler's ICC Order No. 207 and good cause appearing therefor:

It is ordered, That:

Pfahler's ICC Order No. 207 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., September 30, 1966, unless otherwise modified, changed or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., July 31, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 25, 1966.

INTERSTATE COMMERCE COMMISSION,
[SEAL] H. R. LONGHURST, *Agent.*

[F.R. Doc. 66-8312; Filed, July 28, 1966; 8:49 a.m.]

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