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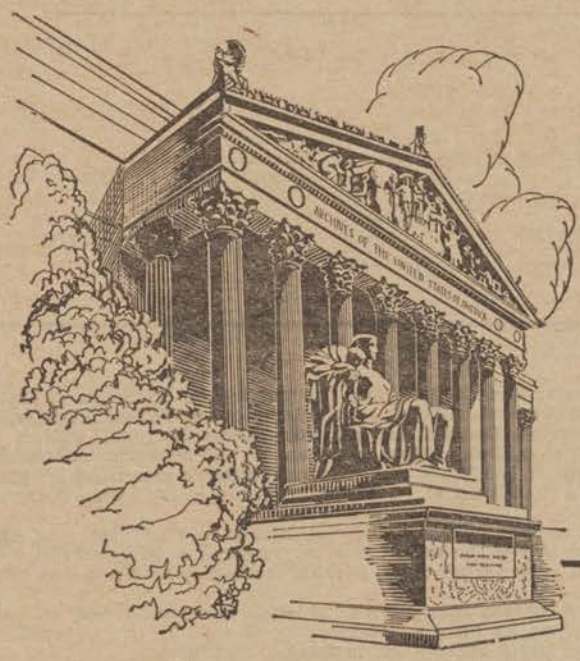

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RELATING TO THE IMPLEMENTATION OF THE CONVENTION BETWEEN THE UNITED STATES AND GREECE

Under and by virtue of the authority vested in me as President of the United States of America, particularly with respect to the conduct of the foreign relations of this Nation, and in order to ensure that Article XIII of the Convention between the United States and Greece (33 Stat. 2122, 2131) can be observed and fulfilled with good faith by the United States, I hereby designate the Attorney General of the United States, and such other officers and employees of the Executive Branch of the Government as he may from time to time specify, to be the "local authorities" and "competent officers" on the part of the United States within the meaning of Article XIII of the Convention. The Attorney General, and the designees specified by him, shall fulfill the obligations assumed by the United States pursuant to Article XIII of the Convention in the manner and form therein prescribed.

LYNDON B. JOHNSON

THE WHITE HOUSE,
August 17, 1966.

[F.R. Doc. 66-9087; Filed, Aug. 17, 1966; 2:53 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 5]

PART 722—COTTON

Subpart—Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton

MISCELLANEOUS AMENDMENTS

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is to (1) provide a further limitation on the reserve acreage which a State committee may withhold from the State allotment beyond that prescribed in section 344 of the act; and (2) provide that allotment acreage that is attributable to pooled history acreage resulting from productivity adjustments in permanent transfers by sale or by owner under 344a shall not be allotted to farms in future years, but shall be frozen at the State level. Freezing of the pooled allotment at the State level will continue the allocation of the national acreage allotment to States in the same ratio as if no productivity adjustments had been made and at the same time will keep in effect at the farm and county level those productivity adjustments made in 1966–1969 transfers of allotments. In addition, this amendment will clarify the procedure for transfers of history acreage subject to productivity adjustments, including exchanges of cotton for rice allotments, under 344a.

In order that the State and county ASC committees may determine the appropriate history acreages for use in allocating the 1967 national acreage allotment as soon as possible, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

The regulations for Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton (31 F.R. 5300, as amended) are amended as follows:

1. Subdivision (iii) of paragraph (b)(2) and subparagraph (15) of § 722.404 of the regulations are amended to read as follows:

§ 722.404 Definitions.

* * * * *

(b) *Cotton program terms.* * * *

(2) Acreage planted to cotton in the State and county during the base period (for use in establishing State and county allotments; acreage devoted to production of extra long staple cotton shall be excluded)—

* * * * *

(iii) *For 1966–1969, State.* The sum of the acreages planted to cotton in the counties of the State for 1966 through 1969 as determined under subdivision (ii) of this subparagraph: *Provided,* That the acreage planted to cotton for each year in a State shall include such acreage remaining unassigned to any county as a result of productivity adjustments of allotments transferred under section 344a of the act.

* * * * *

(15) State reserve—Acreage reserved by the State committee from the State allotment not in excess of 10 percent thereof (15 percent for Oklahoma) for use in accordance with section 344(e) of the act: *Provided,* That beginning with the 1967 crop year the total State reserve for all uses shall be limited to a maximum of 2 percent of the State allotment less the allotment attributable to the history acreage pooled as a result of productivity adjustments under section 344a of the act, unless the State committee recommends a larger figure which is approved by the Deputy Administrator, State and County Operations.

* * * * *

2. The first paragraph of § 722.408 of the regulations is amended to read as follows:

§ 722.408 State reserve.

The State committee shall establish a State reserve for the current year not in excess of 2 percent of the State allotment available for distribution to counties in the State, unless the State committee recommends a larger acreage which is approved by the Deputy Administrator, State and County Operations, ASCS. The allotment available for distribution shall be the State's share of the national allotment less the allotment attributable to history acreage pooled as a result of productivity adjustments under § 722.437(c). The reserve shall be allocated to uses as follows:

* * * * *

3. The first sentence of paragraph (a) of § 722.409 of the regulations is amended to read as follows:

§ 722.409 Apportionment of State allotment and State's share of national reserve among counties and establishment of county reserve.

(a) *Apportionment of State allotment.* The State allotment less (1) the allotment attributable to history pooled as a result of productivity adjustments under § 722.437(c), and (2) the State reserve for the current year, shall be apportioned among counties on the basis of the average acreage planted to cotton in each county in the 5 base years with adjustments in such acreage for failure to seed cotton because of abnormal weather conditions. * * *

* * * * *

4. Paragraph (c) of § 722.434 of the regulations is amended to read as follows:

§ 722.434 Exchange of cotton and rice farm allotments.

* * * * *

(c) *Productivity adjustments*—(1) *Reduction in farm allotment being transferred.* The acreage allotment for cotton or rice, as the case may be, received by any farm in an exchange under this section shall be adjusted for differences in farm productivity if the projected yield for the commodity on the receiving farm exceeds the projected yield therefor on the farm from which the transfer is made, by more than 10 percent. The adjustment, if any, shall be made for cotton by comparing the projected cotton yields for the farms involved in the exchange. Similarly the adjustment, if any, shall be made for rice by comparing the projected rice yields for the farms involved in the exchange. The county committee shall determine the amount of allotment for cotton or rice, as the case may be, received by any farm in an exchange under this section where productivity adjustment is required by dividing the allotment to be exchanged by a percentage quotient obtained by dividing the yield of the receiving farm by the yield of the transferring farm. The projected yields used in the productivity adjustment shall be those for the first crop for which the exchange will be effective. The amount of allotment for a commodity so transferred from a farm shall be the full amount and the amount of allotment for a commodity so transferred to a farm shall be the reduced amount.

(2) *Adjustment in history acreage for rice.* Any adjustment in history acreage for rice allotments transferred under this section shall be governed by the regulations in Part 730 of this chapter.

(3) *Adjustment in history acreage for cotton.* The history acreage for cotton shall be adjusted in accordance with the provisions of subparagraphs (2), (3), (4), and (5) of § 722.437(c).

* * * * *

5. Paragraph (c) of § 722.437 of the regulations is amended to read as follows:

§ 722.437 Amount of allotment transferable.

* * * * *

(c) *Productivity adjustments*—(1) *Reduction in farm allotments being transferred.* If the projected yield for the farm to which transfer is made for the year the transfer is to take effect exceeds the projected yield for the farm from which transfer is made for the year the transfer is to take effect by more than 10 percent, the allotment so transferred shall be reduced for differences in farm productivity. The county committee shall determine the amount of allotment to be transferred by sale, lease, and by owner, under section 344a of the act where productivity adjustment is required under this paragraph as follows: (i) Divide the yield of the receiving farm by the yield of the transferring farm, then (ii) divide the allotment to be transferred by the percentage quotient so obtained. The amount of allotment so transferred from a farm shall be the reduced amount. In amount of allotment so transferred to a farm shal be the reduced amount. In the case of temporary transfers of allotment for 1 or more years by lease or by owner, the productivity adjustment and amount of allotment so transferred shall be redetermined by the county committee each year the transfer remains in effect in accordance with § 722.438(j).

(2) *Adjustment in farm history acreage.* The farm history acreage for the immediately preceding 5 years on farms from which and to which permanent transfers of allotment are made shall be adjusted by the county committee for each of the base years to correspond with the amount of allotment transferred between the farms. In the case of temporary transfers of allotment for 1 or more years by lease or by owner, there shall be no reduction in farm history acreage on the farm from which the transfer is made and no farm history acreage shall be transferred to the receiving farm. The net loss in history acreage, if any, resulting from productivity adjustments for transfers in the same county and across county lines shall be obtained by the county committee and furnished to the State committee.

(3) *Adjustment in county history acreage.* The county history acreage for the 5-year base period shall be adjusted by the State committee for each of the base years to correspond with the adjustments in farm history acreages under subparagraph (2) of this paragraph.

(4) *Adjustment in State history acreage.* The State committee shall determine the State history acreage for each of the 5 base years by adjusting the totals of previously reported county history acreages to reflect permanent transfers of history acreage, as adjusted under subparagraph (3) of this paragraph, among farms within the same county and from one county to another.

(5) *Acreage regarded as planted to cotton in the State.* For purposes of establishing future State acreage allotments only and not for purposes of establishing future county allotments, the net losses of county history acreage as determined under subparagraph (3) of this paragraph shall be regarded as planted to cotton.

* * * * *

(Secs. 344, 344a, 375, 52 Stat. 57, as amended, 79 Stat. 1197, 52 Stat. 66, as amended; 7 U.S.C. 1344, 1344b, 1375)

Effective date. Date of filing with the Director, Office of the FEDERAL REGISTER.

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

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

[F.R. Doc. 66-9033; Filed, Aug. 18, 1966; 8:47 a.m.]

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

PART 932—OLIVES GROWN IN CALIFORNIA

Percentage Tolerances for Canned Whole Ripe Olives

Notice was published in the FEDERAL REGISTER (31 F.R. 10038) that the Department was giving consideration to an administrative regulation under the marketing agreement and Order No. 932 (7 CFR Part 932), regulating the handling of olives grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons 10 days to file with the Department written data, views, or arguments pertaining to the proposal. An exception to the proposed administrative regulation was filed, within the prescribed time, by James Oberti of Madera, Calif. Such exception recited that the proposed tolerances were unrealistic in that such proposed percentages do not conform to established trade practices. This is based on tests of olives packed prior to the order which show that some lots of olives have a greater percentage of undersized olives than the percentages contained in the proposal. At the hearing, the established practices of the industry were recited and the need to change these practices was shown to be necessary in order to pack a more desirable product, increase trade demand, and thus improve returns to growers. Testimony also supported the establishment of the percentages for undersize set forth in the order, but with the understanding that if such were found to be too drastic, upon a recommendation of the committee, such percentages could be altered. The committee has unanimously recommended increasing the tolerances as set forth in the attached document. The exception, therefore, is denied.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was submitted by the Olive Administrative Committee (established pursuant to the marketing agreement and order as the agency to administer the provisions thereof), it is hereby found that the administrative regulation, as hereinafter set forth, is in accordance with the provisions of the marketing agreement and order, and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended. The administrative regulation is hereby approved as follows:

§ 932.150 Changes in the percentage tolerances for canned whole ripe olives.

The percentage tolerances for canned whole ripe olives, set forth in § 932.52 (a)(2), are changed as follows:

(a) With respect to variety group 1 olives, except the Ascolano, Barouni, and Saint Agostino varieties, the individual fruits shall each weigh not less than 1/75 pound except that (1) for such olives of the mammoth size designation, not more than 25 percent, by count, of such olives may weigh less than 1/75 pound each: *Provided,* That not more than 10 percent, by count, of such olives may weigh less than 1/82 pound each; and (2) for such olives of all size designations except the mammoth size, not more than 5 percent, by count, of such olives may weigh less than 1/75 pound each;

(b) With respect to variety group 1 olives of the Ascolano, Barouni, and Saint Agostino varieties, the individual fruits except that (1) for such olives of the extra large size designation, not more than 25 percent, by count, of such olives may weigh less than 1/88 pound each: *Provided,* That not more than 10 percent, by count, of such olives may weigh less than 1/98 pound each; and (2) for such olives of all size designations, except the extra large size, not more than 5 percent, by count, of such olives may weigh less than 1/88 pound each;

(c) With respect to variety group 2 olives, except the Obliza variety, the individual fruits shall each weigh not less than 1/140 pound except that (1) for such olives of the small, select or standard size designation, not more than 35 percent, by count, of such olives may weigh less than 1/140 pound each: *Provided,* That not more than 7 percent, by count, of such olives may weigh less than 1/160 pound each; and (2) for such olives of all size designations, except the small, select or standard size, not more than 5 percent, by count, of such olives may weigh less than 1/140 pound each; and

(d) With respect to variety group 2 olives of the Obliza variety, the individual fruits shall each weigh not less than 1/121 pound except that (1) for such olives of the medium size designation, not more than 35 percent, by count, of such olives may weigh less than 1/121 pound each: *Provided,* That not more than 7 percent, by count, of such olives may weigh less than 1/135 pound each; and (2) for such olives of all size designations, except the medium size, not more than 5 percent,

by count, of such olives may weigh less than 1/121 pound each.

It is hereby further found that good cause exists for not postponing the effective date of this administrative regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the provisions of § 932.52, which are to become effective September 1, 1966, establishes percentage tolerances for undersize olives; (2) numerous tests of canned ripe olives conducted by the committee show that cans of olives that apparently were properly sized had a larger percentage of undersized olives than the tolerance provided in the order; and (3) this administrative regulation relieves restrictions on the handling of olives. It should, therefore, be made effective September 1, 1966, the same date the order provisions are to become effective, so that the tolerances specified in the order will be superseded at the effective date.

Dated: August 16, 1966, to become effective September 1, 1966.

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

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

[F.R. Doc. 66–9039; Filed, Aug. 18, 1966; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs., 1966-Crop Barley Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1966 Crop Barley Loan and Purchase Program

SUPPORT RATES, ADDITIONAL PAYMENTS AND DISCOUNTS; CORRECTION

In F.R. Doc. 66–7874 published at page 9842 of the issue dated Thursday, July 21, 1966, the following terminal market rates are corrected:

	Rate per bushel	
	From	To
Minneapolis, Minn	$0.96	$0.99
Duluth, Minn	.96	.99
Superior, Wis	.96	.99
St. Paul, Minn	.96	.99

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

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

[F.R. Doc. 66–9035; Filed, Aug. 18, 1966; 8:47 a.m.]

[C.C.C. Grain Price Support Regs., 1966 Crop Grain Sorghum Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1966 Crop Grain Sorghum Loan and Purchase Program

SUPPORT RATES AND DISCOUNTS; CORRECTION

F.R. Doc. 66–7875, published at page 9847 in the issue dated Thursday, July 21, 1966, is corrected by changing the spelling of "Summer" County in the State of Kansas to "Sumner".

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

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

[F.R. Doc. 66–9034; Filed, Aug. 18, 1966; 8:47 a.m.]

SUBCHAPTER C—EXPORT PROGRAMS

[Announcement PR TB–1; Amdt. 2]

PART 1487—TERMS AND CONDITIONS UNDER WHICH EXPORT COMMODITY CERTIFICATES ISSUED BY COMMODITY CREDIT CORPORATION UNDER CERTAIN PROGRAMS MAY BE REDEEMED IN TOBACCO

Export Requirements for Tobacco Acquired With Export Commodity Certificates

The Regulations issued by Commodity Credit Corporation, published in 30 F.R. 644 and 6639, which contain the terms and conditions under which export commodity certificates issued by Commodity Credit Corporation under certain programs may be redeemed in tobacco are hereby amended.

In order to permit export payments on the exportation of certain kinds of tobacco acquired with export commodity certificates, § 1487.5(e) is amended to read as follows:

§ 1487.5 Export requirements for tobacco acquired with export commodity certificates.

* * * * *

(e) The proof of exportation furnished under this part shall not have been used, and shall not subsequently be used, as evidence of exportation under any other CCC or Department of Agriculture export program except to the extent that such proof is in excess of that needed to satisfy the export requirements of this part: *Provided, however,* That this limitation on the use of the proof of exportation shall not apply to programs under Title I and Title IV of P.L. 480, 83d Congress, and programs providing for payments on exports of certain kinds of tobacco set out at 31 F.R. 6862, 7556, and 9208, and any amendments thereof or supplements thereto.

(Secs. 4, 5, 62 Stat. 1070, as amended; 15 U.S.C. 714b, 714c)

Effective date. Date of filing with Office of Federal Register.

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

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

[F.R. Doc. 66–9036; Filed, Aug. 18, 1966; 8:47 a.m.]

[Announcement PR TB–2; Amdt. 1]

PART 1489—TERMS AND CONDITIONS FOR PURCHASE OF TOBACCO UNDER COMMODITY CREDIT CORPORATION EXPORT CREDIT SALES PROGRAM

General Statement and Export Requirements for Tobacco Purchased

The Regulations issued by Commodity Credit Corporation, published in 30 F.R. 12067 (Sept. 22, 1965), which contain the terms and conditions for purchase of tobacco under Commodity Credit Corporation Export Credit Sales Program, are hereby amended.

§ 1489.1 [Amended]

1. In order to update the general statement, the last sentence of § 1489.1 is amended to read as follows: "This part sets forth the additional terms and conditions applicable to purchases of tobacco under the CCC Export Credit Sales Program (GSM–3, Rev. II) set out at 31 F.R. 2997 and any revisions thereof."

2. In order to permit export payments on the exportation of certain kinds of tobacco purchased under the CCC Export Credit Sales Program § 1489.4(d) is amended to read as follows:

§ 1489.4 Export requirements for tobacco purchased.

* * * * *

(d) The proof of exportation furnished under this part shall not have been used, and shall not subsequently be used, as evidence of exportation under any other CCC or Department of Agriculture export program except to the extent that such proof is in excess of that needed to satisfy the export requirements of this part: *Provided, however,* That this limitation on the use of the proof of exportation shall not apply to the program providing for payments on export of certain kinds of tobacco set out at 31 F.R. 6862, 7556, and 9208 and any amendments thereof or supplements thereto.

* * * * *

(Secs. 4, 5, 62 Stat. 1070, as amended; 15 U.S.C. 714b, 714c)

Effective date. Date of filing with Office of Federal Register.

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

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

[F.R. Doc. 66–9037; Filed, Aug. 18, 1966; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3688]

[Oregon 015334]

OREGON

Withdrawal for National Forest Administrative Sites and Recreation, Botanical, Geological and Archeological Areas

Correction

In F.R. Doc. 65-6253 appearing in the issue for Wednesday, June 16, 1965, at page 7753, make the following change: Near the top of the first column on page 7754, the description for the Illahee Administrative Site, Sec. 21, now reading "lot 1 and NE¼NE¼, lot 6" should read "lot 1 and NE¼NE¼ lot 6".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 63-SO-56]

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

Alteration of Transition Area and Revocation of Control Area Extension

On June 10, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 8182) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Key West, Fla., transition area and revoke the Key West control area extension.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The Air Transport Association of America concurred with the proposal. No other comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., October 13, 1966, as hereinafter set forth.

1. In § 71.165 (31 F.R. 2055), the Key West, Fla., control area extension is revoked.

2. In § 71.181 (31 F.R. 2149), the Key West, Fla., transition area is amended to read:

KEY WEST, FLA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of NAS Key West (Boca Chica) (latitude 24°-34'26" N., longitude 81°41'18" W.); within 2 miles each side of the 251° bearing from the Navy Key West UHF RBN, extending from the 7-mile radius area to 23 miles W of the UHF RBN; within 2 miles each side of the Navy Key West TACAN 246° radial, extending from the 7-mile radius area to 16 miles SW of the TACAN; and that airspace extending upward from 1,200 feet above the surface bounded by a line extending from latitude 25°04'05" N., longitude 81°58'15" W., thence clockwise along the arc of a 35-mile radius circle centered at the Key West VORTAC to latitude 24°08'50" N., longitude 82°04'35" W., to latitude 24°13'00" N., longitude 82°-02'30" W., to latitude 24°13'00" N., longitude 82°21'00" W., to latitude 24°25'00" N., longitude 82°32'00" W., to latitude 24°45'00" N., longitude 82°32'00" W., to latitude 24°45'00" N., longitude 81°56'50" W., to latitude 24°-49'00" N., longitude 81°55'00" W., to the point of beginning, including the airspace NE of Key West bounded on the N by B-19, on the E and S by V-3, and on the SW by the 35-mile radius circle, excluding the portion within W-173 and W-465.

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510); E.O. 10854 (24 F.R. 9565))

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

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66-9003; Filed, Aug. 18, 1966; 8:45 a.m.]

[Airspace Docket No. 66-SW-24]

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

Alteration of Transition Areas

On June 15, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 8375) stating that the Federal Aviation Agency proposed to alter controlled airspace in the El Dorado, Ark., and Shreveport, La., transition areas.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., October 13, 1966, as herein set forth.

1. In § 71.181 (31 F.R. 2183) the El Dorado, Ark., transition area is amended to read:

EL DORADO, ARK.

That airspace extending upward from 700 feet above the surface within 5 miles SE and 8 miles NW of the El Dorado VORTAC 059° radial extending from the VORTAC to 12 miles NE, within 5 miles SE and 5 miles NW of the 239° radial extending from the VORTAC to 5 miles SW; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 33°20'30" N., longitude 92°51'30" W.; to latitude 33°30'00" N., longitude 92°51'30" W.; to latitude 33°30'00" N., longitude 92°-30'00" W.; to latitude 32°44'00" N., longitude 92°20'00" W.; to point of beginning.

2. In § 71.181 (31 F.R. 2256) the Shreveport, La., transition area description is amended by deleting that part which states, "excluding the portion within the El Dorado, Ark., transition area."

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

Issued in Fort Worth, Tex., on August 10, 1966.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 66-9004; Filed, Aug. 18, 1966; 8:45 a.m.]

[Airspace Docket No. 66-SW-21]

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

Alteration of Control Zones and Transition Area

On June 15, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 8374) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Killeen, Tex., terminal area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., October 13, 1966, as hereinafter set forth.

In § 71.171 (31 F.R. 2104) the Killeen, Tex., control zones are designated as follows:

KILLEEN, TEX. (FORT HOOD AAF)

Within a 5-mile radius of Fort Hood AAF (latitude 31°08'15" N., longitude 97°42'50" W.), within 2 miles each side of the Hood VOR 352° radial extending from the 5-mile radius zone to the VOR, within a 3-mile radius of Killeen Municipal Airport (latitude 31°05'10" N., longitude 97°41'05" W.), and within 2 miles each side of the Hood VOR 219° radial extending from the 3-mile radius zone to 8 miles SW of the VOR.

KILLEEN, TEX. (ROBERT GRAY AAF)

Within a 5-mile radius of Robert Gray AAF (latitude 31°04'20" N., longitude 97°49'45" W.), within 2 miles each side of the 341° bearing from the Gray RBN extending from the 5-mile radius zone to 8 miles N of the RBN, and within 2 miles each side of the Hood VOR 271° radial extending from the 5-mile radius zone to the VOR, excluding the portion within the Killeen, Tex. (Fort Hood AAF) control zone. This control zone is effective during the dates and times published in the Airman's Information Manual.

In § 71.181 (31 F.R. 2207) the Killeen, Tex., transition area is designated as follows:

KILLEEN, TEX.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Hood AAF (latitude 31°08'15" N., longitude 97°42'50" W.), within a 7-mile radius of Robert Gray AAF (latitude 31°04'20" N., longitude 97°49'45" W.); within 8 miles W and 5 miles E of the Hood VOR 352° and 172° radials extending from 5 miles N to 12 miles S of the VOR; that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 30°48'00" N., longitude 97°39'00" W.; to latitude 30°48'00" N., longitude 98°-

03'00" W.; to latitude 30°33'30" N., longitude 98°31'30" W.; to latitude 31°13'00" N., longitude 98°38'00" W.; to latitude 31°23'31" N., longitude 97°47'45" W.; to latitude 31°-22'33" N., longitude 97°42'45" W.; to latitude 31°20'48" N., longitude 97°40'32" W.; to latitude 31°19'37" N., longitude 97°40'32" W.; to latitude 31°13'45" N., longitude 97°-32'35" W.; to latitude 31°06'06" N., longitude 97°32'42" W.; to latitude 30°57'00" N., longitude 97°36'00" W.; to point of beginning.

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

Issued in Forth Worth, Tex., on August 10, 1966.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 66-9005; Filed, Aug. 18, 1966; 8:45 a.m.]

[Airspace Docket No. 66-CE-49]

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

Alteration of Transition Area

On June 10, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 8183) stating that the Federal Aviation Agency proposed to alter controlled airspace in the Manhattan, Kans., terminal area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., October 13, 1966, as hereinafter set forth:

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

MANHATTAN, KANS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Manhattan Airport (latitude 39°08'85" N., longitude 96°40'05" W.), within 2 miles each side of the Manhattan VOR 046° radial extending from the 7-mile radius area to 8 miles NE of the VOR; within 2 miles NE and 3 miles SW of the 127° bearing from the Manhattan RBN, extending from the RBN to 10 miles SE; within 6 miles S and 9 miles N of the Fort Riley VOR 059° radial extending from the VOR to 21 miles NE; within 2 miles each side of the Fort Riley VOR 222° radial extending from the VOR to 8 miles SW; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 39°27'00" N., longitude 96°31'00" W., direct to latitude 39°02'50" N., longitude 97°28'20" W., thence S clockwise along the arc of the 14-mile radius circle centered on the Salina VORTAC, to the N edge of V-48, thence E along the N boundary of V-48 to the Emporia VORTAC 346° radial, thence N along the Emporia VORTAC 346° radial to the point of beginning. The portion of this transition area within R-3602 shall be used only after obtaining prior approval from the appropriate authority.

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

Issued in Kansas City, Mo., on August 3, 1966.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 66-9006; Filed, Aug. 18, 1966; 8:45 a.m.]

[Airspace Docket No. 66-CE-70]

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

Designation of Controlled Airspace

On May 7, 1965, Airspace Docket No. 65-CE-4 was published in the FEDERAL REGISTER (30 F.R. 6384) which amended Part 71 of the Federal Aviation Regulations by altering controlled airspace in the Goodland, Kans., terminal area. A subsequent editorial correction was made. The descriptions include a reference to the Goodland, Kans., Municipal Airport. The name of this airport has been changed to Renner Field. As a result of the change, the Goodland, Kans., control zone and transition area must be amended by deleting all references to Goodland Municipal Airport and substituting Renner Field in lieu thereof.

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

In consideration of the foregoing, Part 71, §§ 71.171 (31 F.R. 2065) and 71.181 (31 F.R. 2149), of the Federal Aviation Regulations is amended, effective immediately, by deleting all references therein to Goodland Municipal Airport and inserting Renner Field in lieu thereof.

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

Issued in Kansas City, Mo., on August 4, 1966.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 66-9007; Filed, Aug. 18, 1966; 8:45 a.m.]

[Airspace Docket No. 66-SO-51]

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

Alteration of Transition Areas and Control Zone and Designation of Control Zone

On July 7, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 9306) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Savannah, Ga., Fort Stewart, Ga., and Beaufort, S.C., transition areas; alter the Savannah, Ga., control zone; and, designate the Fort Stewart, Ga., control zone.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., October 13, 1966, as hereinafter set forth.

In § 71.181 (31 F.R. 2149) the following transition areas are amended to read:

SAVANNAH, GA.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Hunter AFB (latitude 32°00'35" N., longitude 81°08'45" W.); within an 8-mile radius of Travis Field (latitude 32°07'35" N., longitude 81°12'05" W.); within 2 miles each side of the Savannah VORTAC 065° radial, extending from the Travis Field 8-mile radius area to 8 miles NE of the VORTAC; within 2 miles each side of the Travis Field ILS localizer E course, extending from the Travis Field 8-mile radius area to 8 miles E of the INT of the ILS localizer E course and the Savannah VORTAC 179° radial; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 32°45'50" N., longitude 80°30'30" W.; thence SE to latitude 32°29'30" N., longitude 80°12'00" W.; thence SW via a line 3 nautical miles from the coastline to latitude 32°13'00" N., longitude 80°30'00" W.; thence S to latitude 32°00'00" N., longitude 80°33'-00" W.; thence SW to latitude 31°30'00" N., longitude 80°51'05" W.; thence W via latitude 31°30'00" N., to the E boundary of V-267; thence NW via the E boundary of V-267 to the SE boundary of V-157; thence NE via the SE boundary of V-157 to the S boundary of V-18S; thence E via the S boundary of V-18S to the W boundary of V-3; thence S via the W boundary of V-3 to latitude 32°44'00" N.; thence E via latitude 32°44'00" N., to longitude 80°43'25" W.; thence E to the point of beginning.

FORT STEWART, GA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Liberty AAF (latitude 31°53'20" N., longitude 81°33'45" W.).

BEAUFORT, S.C.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of MCAS Beaufort (latitude 32°28'40" N., longitude 80°43'20" W.); within a 1.5-mile radius of Beaufort County Airport (latitude 32°24'40" N., longitude 80°38'05" W.).

In § 71.171 (31 F.R. 2065) the Savannah, Ga., control zone is amended to read:

SAVANNAH, GA.

Within a 5-mile radius of Travis Field (latitude 32°07'35" N., longitude 81°12'05" W.); within a 5-mile radius of Hunter AFB (latitude 32°00'35" N., longitude 81°08'45" W.); within 2 miles each side of the Hunter AFB TACAN 264° radial, extending from the 5-mile radius zone to 7 miles W of the TACAN; within 2 miles each side of the Hunter AFB ILS localizer E course, extending from the 5-mile radius zone to 2 miles W of the Hunter AFB OM; within 2 miles each side of the Travis Field ILS localizer W course, extending from the 5-mile radius zone to 1 mile E of the Travis Field ILS OM; within 2 miles each side of the Savannah VORTAC 245° radial, extending from the 5-mile radius zone to the VORTAC.

In § 71.171 (31 F.R. 2065) the following control zone is added:

FORT STEWART, GA.

Within a 5-mile radius of Liberty AAF (latitude 31°53'20" N., longitude 81°33'45" W.); within a 1.5-mile radius of the Liberty County Airport (latitude 31°47'20" N. longitude 81°38'20" W.); within 2 miles each side of the 048° bearing from the Stewart RBN, extending from the 5-mile radius zone to the RBN.

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

Issued in East Point, Ga., on August 11, 1966.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 66-9008; Filed, Aug. 18, 1966; 8:45 a.m.]

[Airspace Docket No. 66-SO-50]

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

Alteration of Control Zone and Transition Area

On July 2, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 9137) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Selma, Ala., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable except a letter from Mr. Roy S. Jones, Selma Parts Service Co., Inc., Selma, Ala. Mr. Jones objected to the amendment on the basis it would burden general aviation by placing a 700-foot ceiling on aircraft operations to and from Selfield, Ala. A review of this proposed amendment disclosed that alteration of the control zone and 700-foot transition area is required to protect instrument approach and departure procedures for Craig AFB, Ala., and would impose no substantial adverse effect upon operations at Selfield.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., October 13, 1966, as hereinafter set forth.

In § 71.171 (31 F.R. 2065) the Selma, Ala., control zone is amended by adding the following:

Within 2 miles each side of the Selma TACAN 153° radial extending from the 5-mile radius zone to 5.5 miles SE of the TACAN; within 2 miles each side of the Selma TACAN 316° radial extending from the 5-mile radius zone to 6 miles NW of the TACAN.

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

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Craig AFB (latitude 32°20'31" N., longitude 86°59'32" W.); within a 5-mile radius of Selfield Airport (latitude 32°26'28" N., longitude 86°57'05" W.); within 8 miles each side of the Craig AFB ILS localizer SE course extending from the AFB to 12 miles SE of the OM; within 2 miles each side of the Selma TACAN 316° radial, extending from the 9-mile radius area to 12 miles NW of the TACAN.

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

Issued in East Point, Ga., on August 11, 1966.

WILLIAM M. FLENER,
Acting Director, Southern Region.

[F.R. Doc. 66-9009; Filed, Aug. 18, 1966; 8:45 a.m.]

[Airspace Docket No. 66-SO-60]

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

Alteration of Control Zone and Transition Area

On July 21, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 9875) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Jackson, Tenn., control zone and transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., October 13, 1966, as hereinafter set forth.

In § 71.171 (31 F.R. 2065) the Jackson, Tenn., control zone is amended to read:

JACKSON, TENN.

Within a 5-mile radius of McKellar Field (latitude 35°35'55" N., longitude 88°54'55" W.); within 2 miles each side of the McKellar VOR (latitude 35°36'12.5" N., longitude 88°54'37.4" W.) 208° radial extending from the 5-mile radius zone to 8.5 miles SW of the VOR.

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

JACKSON, TENN.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of McKellar Field (latitude 35°35'55" N., longitude 88°54'55" W.); and that airspace extending upward from 1,200 feet above the surface within 8 miles E and 5 miles W of the McKellar VOR (latitude 35°36'12.5" N., longitude 88°54'37.4" W.) 208° radial, extending from the VOR to 12 miles SW; within 5 miles each side of the McKellar VOR 212° radial, extending from the VOR to 27 miles SW; and that airspace bounded on the N by V-140S, on the E by V-16N, on the S by V-16, and on the W by V-11E.

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

Issued in East Point, Ga., on August 11, 1966.

WILLIAM M. FLENER,
Acting Director, Southern Region.

[F.R. Doc. 66-9010; Filed, Aug. 18, 1966; 8:45 a.m.]

[Airspace Docket No. 66-WE-23]

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

PART 73—SPECIAL USE AIRSPACE

Alteration and Designation of Restricted Areas and Alteration of Controlled Airspace

On June 15, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 8375) stating the Federal Aviation Agency was considering amendments to Parts 71 and 73 of the Federal Aviation Regulations which would establish a restricted area near Fort Carson, Colo., alter the continental control area, and make minor changes in the description of the Fort Carson, Colo., Restricted Area R-2601.

Interested persons were afforded an opportunity to participate in the proposed rule making through submission of comments. One comment was received which interposed no objection.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0001 e.s.t., effective October 13, 1966, as hereinafter set forth.

1. In § 73.26 (31 F.R. 2305), the following is added:

R-2602 FORT CARSON, COLO.

Boundaries: Beginning at latitude 38°39'-00" N., longitude 104°52'00" W.; to latitude 38°36'20" N., longitude 104°52'00" W.; to latitude 38°32'06" N., longitude 104°49'18" W.; to latitude 38°32'06" N., longitude 104°45'-00" W.; to latitude 38°26'10" N., longitude 104°45'00" W.; to latitude 38°26'10" N., longitude 104°57'13" W.; to latitude 38°32'38" N., longitude 104°57'13" W.; thence northeast along Colorado Highway No. 115 to point of beginning.

Designated altitudes: Surface to 35,000 feet MSL.

Time of designation: Continuous.

Controlling agency: Federal Aviation Agency, Denver ARTC Center.

Using agency: Commanding General, Fort Carson, Colo.

2. In § 73.26 (31 F.R. 2305), Restricted Area R-2601 is amended by deleting "longitude 104°51'40" W." wherever it appears and substituting "longitude 104°-52'00" W." therefor.

3. In § 71.151 (31 F.R. 2047) "R-2602 Fort Carson, Colo." is added.

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

Issued in Washington, D.C., on August 10, 1966.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 66-9012; Filed, Aug. 18, 1966; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7552; Amdt. 497]

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	
MKC VOR	LOM	Direct	2600	T-dn	300-1	300-1	200-½
Farley Int	LOM	Direct	2600	C-dn	500-1	500-1	500-1½
Lansing Int	LOM	Direct	2600	S-dn-36	400-1	400-1	400-1
Bonner Springs Int	LOM	Direct	2600	A-dn	800-2	800-2	800-2
Camden Int	LOM	Direct	2600				
BSP VOR	LOM	Direct	3000				

Radar available.
Procedure turn W side of crs, 185° Outbnd, 005° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 005°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing LOM, climb to 2800′ on crs, 005°. Proceed to Camden Int, or, when directed by ATC, turn left, climbing to 2600′ on 185° bearing from MC LOM within 10 miles, make right turn and return to LOM.
MSA within 25 miles of facility: 090°–180°—3100′; 180°–360°—2600′; 000°–090°—2400′.

City, Kansas City; State, Mo.; Airport name, Mid-Continent International; Elev., 1011′; Fac. Class., H-SAB/LOM; Ident., MC; Procedure No. 1, Amdt. 3; Eff. date, 10 Sept. 66; Sup. Amdt. No. 2; Dated, 29 June 63

COL VOR	Narrows Int	Direct	2000	T-dn	300-1	300-1	200-½
Narrows VHF Int	JF OM/RBn (final)	Direct	700	C-dn	600-1	600-1	600-1½
				S-dn-4R, 4L	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn S side of crs, 222° Outbnd, 042° Inbnd, 1300′ within 10 miles of OM/RBn.
Minimum altitude over facility on final approach crs, 700′.
Crs and distance, facility to Runway 4R, 042°—2.7 miles; to Runway 4L, 029°—2.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles after passing OM/RBn, make right-climbing turn to 3000′ on JFK VOR, R 077° to DPK VOR. Hold E, 1-minute left turns, Inbnd crs, 257°, or, when directed by ATC, climb on crs, 042° to 1900′ to Kennedy (IW) LOM, hold NE, 1-minute left turns, Inbnd crs, 222°.
MSA within 25 miles of facility: 000°–270°—1600′; 270°–360°—2600′.

City, New York; State, N.Y.; Airport name, John F. Kennedy International; Elev., 12′; Fac. Class., MHW/LOM; Ident., JF; Procedure No. 1, Amdt. 26; Eff. date, 10 Sept. 66; Sup. Amdt. No. 25; Dated, 18 Dec. 65

Kennedy VOR	LOM	Direct	1900	T-dn	300-1	300-1	200-½
Deer Park VOR	Roslyn Int	Via LGA VOR, R 100.	2000	C-dn	600-1	600-1	600-1½
				S-dn-22L	500-1	500-1	500-1
Roslyn Int	LOM (final)	Direct	1700	A-dn	800-2	800-2	800-2

Radar available.
Procedure turn E side NE crs, 042° Outbnd, 222° Inbnd, 1900′ within 10 miles of IW/LOM.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 222°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing IW/LOM, make left-climbing turn to 2000′ on JFK VOR, R 189° to Channel Int. Hold S, 1-minute right turns, Inbnd crs, 009°, or when directed by ATC, climb on crs, 222° to 1500′ to JFK (JF) OM/RBn. Hold SW, 1-minute right turns, Inbnd crs, 042°.
MSA within 25 miles of facility: 000°–270°—1700′; 270°–360°—2600′.

City, New York: State, N.Y.; Airport name, John F. Kennedy International; Elev., 12′; Fac. Class., LOM; Ident., IW; Procedure No. 2, Amdt. 7; Eff. date, 10 Sept. 66; Sup. Amdt. No. 6; Dated, 18 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	
Deer Park VOR	Carol Int	Direct	2000	T-dn	300–1	300–1	200–½
Deer Park VOR	Carol Int	JFK, R 077° to 11.5-mile clockwise arc.	2000	C-dn	600–1	600–1	600–1½
				S-dn-31R	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2
Channel Int	Carol Int	Direct	2000				
Channel Int (19-mile DME Fix, JFK, R 189°).	Carol Int	JFK, R 189° to 11.5-mile counterclockwise arc.	2000				
Carol Int	LOM (final)	Direct	1600				
Kennedy VOR	LOM	Direct	1600				

Radar available.
Procedure turn S side of crs, 131° Outbnd, 311° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 311°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing LOM, make left-climbing turn to 2000′ on JFK, R 189° to Channel Int. Hold S, 1-minute right turns, Inbnd crs, 009° or when directed by ATC, make right-climbing turn to 1900′ to Kennedy (IW) LOM, hole NE, 1-minute left turns, Inbnd crs, 222°.
MSA within 25 miles of facility: 000°–270°—1700′; 270°–360°—2600′.

City, New York; State, N.Y.; Airport name, John F. Kennedy International; Elev., 12′; Fac. Class., LOM; Ident., RT; Procedure No. 3, Amdt. 4; Eff. date, 10 Sept. 66; Sup. Amdt. No. 3; Dated, 18 Dec. 65

TOY VOR	CPS RBn	Direct	2000	T-dn*	300–1	300–1	200–½
MTS VOR	CPS RBn	Direct	2600	C-d	900–1½	900–1½	900–1½
				C-n	900–2	900–2	900–2
				A-dn	NA	NA	NA
				Minimums with ADF/VOR receivers:			
				C-d	800–1½	800–1½	800–1½
				C-n	800–2	800–2	800–2
				S-dn-31	500–1	500–1	500–1

Radar available.
Procedure turn S side of crs, 127° Outbnd, 307° Inbnd, 1800′ within 10 miles.
Minimum altitude over Millstadt Int on final approach crs, 1313′.
Facility on airport, breakoff point to Runway 31, 312°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing CPS RBn, make left turn climbing to 1800′ on the 127° bearing from CPS RBn within 10 miles, make right turn and return to CPS RBn.
NOTES: (1) Use Scott AFB, Ill., altimeter setting. (2) 1649′ tower, 7 miles SW of airport. Numerous towers N of field to 1075′ within 5-mile radius of airport. (3) 500′ powerline towers, 0.3 mile NE and parallel to Runways 13–31. (4) 900′ smokestacks, 1.3 miles NW of airport. (5) 663′ tower, 1.2 miles NE of airport.
*500–1 required for takeoffs on Runways 31, 04.
MSA within 25 miles of facility: 000°–180°—2000′; 180°–360°—2700′.

City, St. Louis (Cahokia—East Saint Louis, Ill.); State, Mo.; Airport name, Bi-State Parks; Elev., 413′; Fac. Class., MHW; Ident., CPS; Procedure No. 1, Amdt. 1; Eff. date, 10 Sept. 66; Sup. Amdt. No. Orig.; Dated, 6 Nov. 65

Chardon VOR	Lost Nation RBn	Direct	3000	T-dn	300–1	300–1	300–1
Mentor Int	Lost Nation RBn	Direct	3000	C-dn	600–1	600–1	600–1½
Fairport Int	Lost Nation RBn	Direct	3000	S-dn-27	500–1	500–1	500–1
				A-dn	NA	NA	NA

Radar available.
Procedure turn N side of crs, 092° Outbnd, 272° Inbnd, 3000′ within 10 miles of Falstaff Int.
Minimum altitude over Falstaff Int on final approach crs, 1800′.
Crs and distance, Falstaff Int to airport, 272°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of LNN RBn or 4.3 miles after passing Falstaff Int, climb to 3000′ on crs of 272° within 10 miles and return to LNN RBn, hold W, 092° Inbnd.
NOTE: Facility owned and operated by Lost Nation Airport.
CAUTION: Stack, 920′—1.7 miles WSW of airport. High lines along E boundary of airport.
MSA within 25 miles of facility: 000°–090°—2300′; 090°–180°—2700′; 180°–270°—3000′; 270°–360°—1600′.

City, Willoughby; State, Ohio; Airport name, Lost Nation; Elev., 626′; Fac. Class., MH; Ident., LNN; Procedure No. 1, Amdt. 6; Eff. date, 10 Sept. 66; Sup. Amdt. No. 5; Dated, 27 Nov. 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	
Anthony Int	CLL VOR (final)	Direct	1000	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-10	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 278° Outbnd, 098° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 098°—2.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.5 miles after passing CLL VOR, climb to 1800′ on R 096° within 20 miles of VOR.
MSA within 25 miles of facility: 000°-090°—1900′; 090°-180°—1600′; 180°-270°—1600′; 270°-360°—1700′.

City, College Station; State, Tex.; Airport name, Easterwood Field; Elev., 319′; Fac. Class., L-BVOR; Ident., CLL; Procedure No. 1, Amdt. 5; Eff. date, 10 Sept. 66; Sup. Amdt. No. 4; Dated, 3 Apr. 65

R 261°, JOT VOR, clockwise	R 001°	Via 6-mile DME Arc.	2300	T-dn	300-1	300-1	300-1
				C-d	700-1	700-1	700-1½
R 091°, JOT VOR, counterclockwise	R 001°	Via 6-mile DME Arc.	2300	C-n	700-2	700-2	700-2
				A-dn	NA	NA	NA
6-mile DME Arc, R 001°	VOR (final)	Direct	2300	Minimums with DME:			
				C-d	500-1	500-1	500-1½
				C-n	500-2	500-2	500-2

Procedure turn W side of crs, 001° Outbnd, 181° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′; over 4-mile DME Fix, R 211°, 1288′.
Crs and distance, facility to airport, 211°—8.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.2 miles after passing JOT VOR, make left turn climbing to 2300′ and proceed direct to JOT VOR.
NOTE: Use Joliet, Ill., altimeter setting.
MSA within 25 miles of facility: 000°-090°—2500′; 090°-180°—2100′; 180°-270°—2100′; 270°-360°—2300′.

City, Morris; State, Ill.; Airport name, Morris Municipal; Elev., 588′; Fac. Class., H-BVORTAC; Ident., JOT; Procedure No. 1, Amdt. 2; Eff. date, 10 Sept. 66; Sup. Amdt No. 1; Dated, 3 Apr. 65

R 100°, CAP VOR, counterclockwise	R 036°	Via 8-mile DME Arc.	2100	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
R 265°, CAP VOR, clockwise	R 036°	Via 8-mile DME Arc.	2100	S-dn-22#	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
8-mile DME Arc, R 036°	VOR (final)	Direct	1400				

Procedure turn N side of crs, 036° Outbnd, 216° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 216°—3.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing CAP VOR, make right turn, climb to 2100′ and proceed to CAP VOR.
NOTE: Final approach from holding pattern at VOR not authorized. Procedure turn required.
#400-¾ authorized, with operative high-intensity runway lights; except for 4-engine turbojets. Reduction not authorized for REILs.
MSA within 25 miles of facility: 060°-150°—2600′; 150°-240°—2000′; 240°-330°—2000′; 330°-060°—2000′.

City, Springfield; State, Ill.; Airport name, Capital; Elev., 593′; Fac. Class., H-BVORTAC; Ident., CAP; Procedure No. 1, Amdt. 11; Eff. date, 10 Sept. 66; Sup. Amdt. No. 10; Dated, 14 Aug. 65

AMP RBn	PIE VOR	Direct	1600	T-dn#	300-1	300-1	200-½
Landfall 8-mile DME/Radar Fix	PIE VOR (final)	Direct	1600	C-d	700-1	700-1	700-1½
				C-n	700-2	700-2	700-2
				S-d-9*	700-1	700-1	700-1½
				S-n-9*	700-2	700-2	700-2
				A-dn	800-2	800-2	800-2
				If 5-mile DME of Radar Fix on R 063° received, the following minimums are authorized:			
				C-dn	500-1	500-1	500-1½
				S-dn-9*	500-1	500-1	500-1

Radar available.
Procedure turn S side of crs, 243° Outbnd, 063° Inbnd, 1600′, within 10 miles.
Minimum altitude over facility on final approach crs, 1600′; at 5-mile DME or Radar Fix on R 063°, 700′.
Crs and distance, facility to airport, 063°—8.7 miles; 5-mile DME or Radar Fix on R 063° to airport, 063°—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 5-mile DME or Radar Fix or 8.7 miles after passing PIE VOR, turn left, climb to 1600′ and return direct to PIE VOR, or when directed by ATC, turn left, climb to 1500′ and proceed direct to TP LOM.
NOTE: When authorized by ATC, DME orbits may be used from R 132° clockwise through R 334° within 8 miles at 1600′ to position aircraft for a straight-in approach with the elimination of the procedure turn.
CAUTION: 210′ radio towers, 1 mile WSW of airport.
#200-½ absolute minimum for takeoff, Runway 27.
*Reduction not authorized.
MSA within 25 miles of facility: 000°-090°—1600′; 090°-180°—2200′; 180°-270°—1600; 270°-360°—1600′.

City, Tampa; State, Fla.; Airport name, Tampa International; Elev., 27′; Fac. Class., H-BVORTAC; Ident., PIE; Procedure No. 1, Amdt. Orig.; Eff. date, 10 Sept. 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	
Barclay Int	YNG VOR (final)	Direct	2200	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-d-18*	400-1	400-1	400-1
				S-n-18*	400-1	400-1	400-1½
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 003° Outbnd, 183° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 183°—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 YNG VOR, make climbing right turn to 2700′ returning to YNG VOR. Hold N, 1-minute right turns, 183° Inbnd.
*Reduction based on lighting aids not authorized.
MSA within 25 miles of facility: 090°-180°—3200′; 180°-090°—2800′.

City, Youngstown; State, Ohio; Airport name, Youngstown Municipal; Elev., 1196′; Fac. Class., L-BVOR/DME; Ident., YNG; Procedure No. 1, Amdt. 7; Eff. date, 10 Sept. 66; Sup. Amdt. No. 6; Dated, 5 Feb. 66

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	
GRI VOR	HSI VOR	Direct	3700	T-dn	300-1	300-1	300-1
				C-dn&$	600-1	600-1	600-1½
				S-dn-14&$	600-1	600-1	600-1
				A-dn&$	800-2	800-2	800-2
				Minimums with VOR/ADF receivers:			
				C-dn&$	500-1	500-1	500-1½
				S-dn-14&$	400-1	400-1	400-1

Procedure turn W side of crs 328° Outbnd, 148° Inbnd, 3700′ within 11 miles.
Minimum altitude over Hansen Int on final approach crs %2554′ (%2654′ when control zone not effective).
Crs and distance, Hansen Int to Airport, 148°—5 miles; Hansen Int to VOR, 148°—5.2 miles; breakoff point to Runway 14, 140°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing HSI VOR, climb to 3700′ on R 133° within 12 miles, make left turn and return to HSI VOR.
CAUTION: 2707′ tower, 2.8 miles NNE of airport.
NOTES: (1) Use Grand Island altimeter setting when control zone not effective. (2) When instrument flight planned to N, NW, or NE, maintain runway heading, 140°-320° as appropriate until 3700′ before departing on crs. (3) Lights operating on Runway 14-32 only.
&These minimums apply at all times for those air carriers with approved weather reporting service.
$Circling and straight-in ceiling minimums are raised 100′ and alternate minimums not authorized when control zone not effective.
MSA within 25 miles of facility: 315°-225°—3800′; 225°-315°—4300′.

City, Hastings; State, Nebr.; Airport name, Hastings Municipal; Elev., 1954′; Fac. Class., T-BVOR; Ident., HSI; Procedure No. TerVOR-14, Amdt. 6; Eff. date, 10 Sept. 66; Sup. Amdt. No. 5; Dated, 13 Aug. 66

IDA RBn	VOR	Direct	6200	T-dn%	300-1	300-1	200-½
Rigby Int	VOR	Direct	6200	C-dn	500-1	500-1	500-1½
Shelley Radar Fix (R 206°/10 miles)	VOR (final)	Direct	5200	S-dn-2*	500-1	500-1	500-1
PIH VOR	IDA VOR	Via PIR, R 010° and IDA, R 206°.	7000	A-dn	800-2	800-2	800-2

Radar available.
Procedure turn W side crs, 206° Outbnd, 026° Inbnd, 6200′ within 10 miles. Nonstandard due to high terrain E.
Minimum altitude over facility on final approach crs, 5200′.
Crs and distance, breakoff point to Runway 2, 021°—1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing IDA VOR, climb to 7000′ on R 013° within 10 miles, or when directed by ATC, within 0 mile after passing IDA VOR, turn left climbing to 7000′ on R 196° of IDA VOR within 10 miles.
* 500-¾ authorized, with operative high-intensity runway lights, except for 4-engine turbojet aircraft.
% Takeoff all runways: Shuttle climb on R 196° of IDA VOR within 20 miles to minimum altitude required for direction of flight.

Direction of flight	*MCA (feet)*
E, V-330	6400

MSA within 25 miles of facility: 000°-090°—9400′; 090°-180°—8600′; 180°-270°—7900′; 270°-360°—7000′.

City, Idaho Falls; State, Idaho; Airport name, Fanning Field; Elev., 4739′; Fac. Class., L-BVOR; Ident., IDA; Procedure No. VOR-2, Amdt. 9; Eff. date, 10 Sept. 66; Sup. Amdt. No. 8; Dated, 28 May 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	
				T-d	300–1	300–1	300–1
				C-d	500–1	500–1	500–1½
				S-d 31	500–1	500–1	500–1½
				A-d	NA	NA	NA

Procedure turn E side of crs, 125° Outbnd, 305° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, *1943′ (*2143′ when Park Rapids altimeter setting not available).
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of PKD VOR, make left-climbing turn to 3000′ on R 125° PKD VOR within 10 miles.
CAUTION: Runway unlighted.
NOTE: When Park Rapids altimeter setting is not available, use Alexandria altimeter setting. Circling and straight-in minimums are raised 200′ when using Alexandria altimeter setting.
MSA within 25 miles of facility: 000°–090°—3400′; 090°–180°—2800′; 180°–270°—2900′; 270°–360°—3000′.

City, Park Rapids; State, Minn.; Airport name, Park Rapids Municipal; Elev., 1443′; Fac. Class., L-BVOR; Ident., PKD; Procedure No. Ter VOR-31, Amdt. 2; Eff. date, 10 Sept. 66; Sup. Amdt. No. 1; Dated, 23 Oct. 65

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	
25-mile DME Fix, R 111°	15-mile DME Fix, R 111°	Direct	6000	T-dn%	300–1	300–1	200–½
15-mile DME Fix, R 111°	7-mile DME Fix, R 111°	Direct	4500	C-dn	500–1	500–1	500–1½
7-mile DME Fix, R 111°	3-mile DME Fix, R 111°	Direct	3800	A-dn	800–2	800–2	800–2
3-mile DME Fix, R 111°	1.5-mile DME Fix, R 111°	Direct	3358				

Radar available.
Procedure turn not authorized.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 1.5-mile DME Fix, R 111°, climb to 4200′ on R 286°, within 10 miles.
NOTE: When authorized by ATC, DME may be used within 20 miles at 9500′ between R 302° clockwise to R 111°, 6000′ between R 111° clockwise to R 190°, and 7500′ between R 190° clockwise to R 301°, to position aircraft for final approach. Minimum altitude over 15-mile DME Fix, R 111°—6000′; over 7-mile DME Fix, R 111°—4500′; over 3-mile DME Fix, R 111°—3800′; over 1.5-mile DME Fix, R 111°—3358′.
%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 (feet)*
N, V-253	6500
E, 096° radial	5000
E, 087° radial	7000

MSA within 25 miles of facility: 000°–090°—8600′; 090°–180°—7700′; 180°–270°—6700′; 270°–360°—8200′.

City, Boise; State, Idaho; Airport name, Boise Air Terminal; Elev., 2858′; Fac. Class., BVORTAC; Ident., BOI; Procedure No. VOR/DME No. 2, Amdt. 4; Eff. date, 10 Sept. 66; Sup. Amdt. No. 3; Dated, 27 Aug. 66

15-mile DME Fix, R 229°	Elko VORTAC	049°—15 miles	8500	T-dn%	1500–2	1500–2	1500–2
15-mile DME Fix, R 241°	Elko VORTAC	061°—15 miles	8500	C-dn	1300–2	1300–2	1300–2
25-mile DME Fix, R 160°	10-mile DME Fix, R 160°	340°	10,000	A-dn	1500–2	1500–2	1500–2
10-mile DME Fix, R 160°	Elko VOR	340°	7500				
Elko VOR	2-mile DME Fix, R 324°	324°	6900				

Procedure turn not authorized.
Minimum altitude over 10-mile DME Fix, R 160°—10,000′; over EKO VOR, 7,500′; over 2-mile DME Fix, R 324°—6900′ on final approach crs.
Crs and distance, facility to airport, 324°—4.1 miles; 2-mile DME Fix to airport, 324°—2.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing EKO VOR, turn left and climb to 8500′ on R 160° within 10 miles of EKO VOR.
NOTE: When authorized by ATC, DME may be used within 25 miles at 13,000′ between R 135° clockwise to R 160°, and within 10 miles at 10,000′ between R 135° clockwise through R 270°, and within 10 miles at 13,000′ between R 060° clockwise to R 135°, to position aircraft on final approach crs.
%Takeoff all runways; climb clear of clouds over the Elko Airport until reaching 6600′, continue climb direct to the Elko VORTAC then climb on the 160° radial within 10 miles of EKO VORTAC to minimum altitude required for direction of flight, or as directed by ATC.

Direction of flight	*MCA (feet)*
NE, V32N/494	8300
E, V32	10,300
SE, V293	10,500
W, V32/494	7500

MSA within 25 miles of facility: 000°–090°—13,300′; 090°–180°—13,300′; 180°–270°—10,700′; 270°–360°—11,100′.

City, Elko; State, Nev.; Airport name, Elko Municipal; Elev., 5135′; Fac. Class., BVORTAC; Ident., EKO; Procedure No. VOR/DME No. 1, Amdt. 2; Eff. date, 10 Sept. 66; Sup. Amdt. No. 1; Dated, 31 July 65

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	
LAS VOR	12.9-mile DME Fix, R 066	Direct	6000	T-dn %	300–1	300–1	200–½
30-mile DME Fix, R 079°	20.7-mile DME Fix, R 079	Direct	6500	C-dn	500–1	500–1	500–1¼
Mead Int	20.7-mile DME Fix, R 079	Direct	6500	S-dn-25*	400–1	400–1	400–1
20.7-mile DME Fix, R 079°	13.6-mile DME Fix, R 079	Direct	5000	A-dn	800–2	800–2	800–2
13.6-mile DME Fix, R 079°	7.6-mile DME Fix, R 079 (final)	Direct	4300				
BLD VOR	13.6-mile DME Fix, R 079	Direct	5000				
12.9-mile DME Fix, R 066° (Kids Int)	12.9-mile DME Fix, R 079	Via 12.9-mile DME Arc.	5000				

Radar available.
Procedure turn not authorized.
Minimum altitude over 20.7-mile DME Fix, LAS, R 079°—6500'; over 13.6-mile DME Fix, LAS, R 079°—5000'; over 7.6-mile DME Fix, LAS, R 079°—4300'.
Facility on airport. Breakoff point to runway, 1.1 miles—256°.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 1.6-mile DME Fix, R 079°, turn right, climb to 5000' via LAS VOR, R 066° to Kids Int (12.9-mile DME Fix).
NOTE: When authorized by ATC, DME may be used at 15 miles at 8000' altitude from LAS, R 030° clockwise to LAS, R 211°, to position aircraft for a straight-in approach.
%Takeoff all runways: IFR departures must comply with published LAS SID's, or as directed by ATC. *400–¾ authorized with operative high-intensity runway lights except for 4-engine turbojet aircraft. MSA within 25 miles of facility: 030°–120°—6000'; 120°–210°—7300'; 210°300°—12,000'; 300°–030°—9700'.

City, Las Vegas; State, Nev.; Airport name, McCarran Airport; Elev., 2171'; Fac. Class., H-BVORTAC; Ident., LAS; Procedure No. VOR/DME No. 4, Amdt. 3; Eff. date, 10 Sept. 66; Sup. Amdt. No. 2; Dated, 23 July 66

PROCEDURE CANCELED, EFFECTIVE 10 SEPT. 1966.

City, Tampa; State, Fla.; Airport name, Tampa International; Elev., 27'; Fac. Class., BVORTAC; Ident., PIE; Procedure No. VOR/DME No. 1; Amdt. 1; Eff. date, 25 Dec. 65; Sup. Amdt. No. Orig.; Dated, 25 Apr. 64

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

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BRO VOR	LOM	Direct	1600	T-dn	300–1	300–1	200–½
Fresnos Int	LOM (final)	Via localizer	1200	C-dn	400–1	500–1	500–1¼
				S-dn-17L*	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Procedure turn W side N crs, 353° Outbnd, 173° Inbnd, 1600' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1200'.
Altitude of glide slope and distance to approach end of runway at OM, 1157'—3.8 miles; at MM', 246'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left, climb to 1600' on BRO VOR, R 062°, within 15 miles, or when directed by ATC, climb to 1200' on S crs, ILS within 4.5 miles.
*400–¾ required when glide slope not utilized.

City, Brownsville; State, Tex.; Airport name, Rio Grande Valley International; Elev., 22'; Fac. Class., ILS; Ident, I-BRO; Procedure No. ILS-17L, Amdt. 21; Eff. date, 10 Sept. 66; Sup. Amdt. No. 20; Dated, 6 Aug. 66

CLE RBn	Gilbert RBn	Direct	3000	T-dn**	300–1	300–1	200–½
CLE VOR	Louis Int (final)	Direct	3000	C-dn	400–1	500–1	500–1¼
Sharon Int	Louis Int (final)	Direct	3000	S-dn-5R*%	200–½	200–½	200–½
Louis Int (11.8-mile DME Fix)	Gilbert RBn (final) (7-mile DME Fix)	Direct	2700	A-dn	600–2	600–2	600–2
Vermillion Int	Gilbert RBn	Via STG VOR, R 309° and ILS 5R front crs.	3000				
Mentor Int	Gilbert RBn	Via CLE, R 072° and ILS 5R front crs.	3000				

Radar available.
Procedure turn SE side of crs, 234° Outbnd, 054° Inbnd, 2700' within 10 miles of Gilbert RBn.
Crs and distance, Gilbert RBn to airport, 054°—6.8 miles.
Minimum altitude at glide slope interception Inbnd, 2700'.
Altitude of glide slope and distance to approach end of runway at OM, 1787'—3.5 miles; at MM, 966'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make left-climbing turn to 3000', intercept and proceed Outbnd on Strongsville R 346° to Crib Int., hold SE, 1-minute right turns, 346° Inbnd.
CAUTION: Towers, 1971', approximately 6 miles ESE of airport. Poles, 818', 1175' out, 785' right of centerline, Runway 5R.
NOTE: DME indication at Gilbert RBn, 7 miles, at OM, 3.7 miles. DME should not be used to determine aircraft position over MM, runway threshold or runway touchdown point. DME located at glide slope site.
*400–¾ required with glide slope inoperative. 400–½ authorized with operative ALS except for 4-engine turbojet aircraft.
**RVR—2000', 4-engine turbojet; 1800', other aircraft Runway 5R.
%RVR—2000', 4-engine turbojet; 1800', other aircraft Runway 5R, descent below 992' not authorized unless approach lights are visible.

City, Cleveland; State, Ohio; Airport name, Cleveland-Hopkins International; Elev., 792'; Fac. Class., ILS; Ident., I-CLE; Procedure No. ILS-5R, Amdt. 4; Eff. date, 10 Sept. 66; Sup. Amdt. No. 3; Dated, 2 July 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	
Camp Int	McGregor Point RBn	Via S crs of ILS	2700	T-dn#	300–1	300–1	200–½
Harpoon Int	Camp Int	Direct	4000	C-dn	600–1	600–1	600–1½
Keiki Int	Camp Int	Direct	3000	S-dn-2*	300–¾	300–¾	300–¾
Target Int	Camp Int	Direct	4000	A-dn	700–2	700–2	700–2
OGG VOR	McGregor Point RBn	Direct	6500				
McGregor Point RBn	Keiki Int$	Direct	5000				

Procedure turn not authorized. Straight-in from McGregor Point RBn only.
Crs, McGregor Point RBn to airport, 024°.
Altitude of glide slope and distance to approach end of runway at McGregor Point RBn, 2700'—8.2 miles; at OM, 1205'—3.5 miles; at LMM, 289'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000' on OGG VOR, R 027°, reverse crs, climb to 5000' and return to VOR, or when directed by ATC (1) climb to 7000' on OGG VOR, R 027°, reverse crs and return to VOR, or (2) climb to 1500' on OGG VOR, R 340°, turn left, continue climb to 6000' and proceed to Porpoise Int.
CAUTION: (1) Precipitous terrain W of McGregor Point RBn. Turbulence and changes of wind direction may be encountered. (2) 570' tower, 4 miles W of airport; 252' stacks, 1.6 miles SW on final. (3) Approach lights not installed. (4) Glide slope unusable below 289'. (5) Back crs unusuable.
$Reverse crs to N or S.
*When glide slope not utilized do not descend below 1700' until 3 miles past McGregor Point RBn and minimums are 500–1.
#Takeoff minimums, Runways 23, 20, and 17 are 600–1, and all aircraft must cross airport under visual conditions prior to departing on crs. All IFR aircraft must comply with published Kahului SID's.

City, Kahului, Maui; State, Hawaii; Airport name, Kahului; Elev., 57'; Fac. Class., ILS; Ident., I-OOG; Procedure No. ILS-2, Amdt. 4; Eff. date, 10 Sept. 66; Sup. Amdt. No. 3; Dated, 10 Apr. 65

MKC VOR	Platte City Int	Direct	2600	T-dn#	300–1	300–1	200–½
MC LOM	Platte City Int	Direct	2600	C-dn	500–1	500–1	500–1½
Camden Int	Platte City Int (final)	Direct	2200	S-dn-18@	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Radar available.
Procedure turn W side of crs, 005° Outbnd, 185° Inbnd, 2600' within 10 miles of Platte City Int.
Minimum altitude over Platte City Int on final approach crs, 2200'.
Crs and distance, Platte City Int to airport, 185°—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 Platte City Int, climb to 2600' on S crs, ILS, proceed to MC LOM.
NOTE: (1) No glide slope. (2) Radar identification of Platte City Int authorized.
#RVR—2400' authorized Runway 36.
@400–¾ authorized with operative high-intensity runway lights, except for 4-engine turbojets.

City, Kansas City; State, Mo.; Airport name, Mid-Continent International; Elev., 1011'; Fac. Class., ILS; Ident., I-MCI; Procedure No. ILS-18 (back crs), Amdt. 4; Eff. date, 10 Sept. 66; Sup. Amdt. No. 3; Dated, 30 Oct. 65

MKC VOR	MC LOM	Direct	2600	T-dn##	300–1	300–1	200–½
Farley Int	MC LOM	Direct	2600	C-dn	500–1	500–1	500–1½
Lansing Int	MC LOM	Direct	2600	S-dn-36@#	200–½	200–½	200–½
Bonner Springs Int	MC LOM	Direct	2600	A-dn	600–2	600–2	600–2
Camden Int	MC LOM	Direct	2600				
BSP VOR	MC LOM	Direct	3000				

Radar available.
Procedure turn W side of crs, 185° Outbnd, 005° Inbnd, 2600' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2500'.
Altitude of glide slope and distance to approach end of runway at OM, 2470'—4.4 miles; at MM, 1239'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing MC LOM, climb to 2800' on N crs, MCI localizer and proceed to Camden Int, or when directed by ATC, turn left climbing to 2600' on S crs of localizer within 10 miles of LOM, make right turn and return to LOM.
@400–¾ required when glide slope not utilized. Reduction below ¾ mile (RVR—4000') not authorized.
#RVR, 2400': Descent below 1211' not authorized unless approach lights are visible.
##RVR, 2400': Authorized Runway 36.

City, Kansas City; State, Mo.; Airport name, Mid-Continent International; Elev., 1011'; Fac. Class., ILS; Ident., I-MCI; Procedure No. ILS-36, Amdt. 4; Eff. date, 10 Sept. 66; Sup. Amdt. No. 3; Dated, 30 Oct. 65

Channel VHF Int	LOM	Direct	1300	T-dn*	300–1	300–1	200–½
Channel VHF Int	Narrows VHF Int	Via JFK VOR, R 189° and SBJ VOR, R 114°.	1500	C-dn	600–1	600–1	600–1½
				S-dn-4R**	200–½	200–½	200–¾
				A-dn	600–2	600–2	600–2
Narrows VHF Int	LOM (final)	Direct	1300				

Radar available.
Procedure turn S side of crs, 222° Outbnd, 042° Inbnd, 1300' within 10 miles of LOM.
Minimum altitude at glide slope interception Inbnd, 1300'.
Altitude of glide slope and distance to approach end of runway at OM, 756'—2.7 miles; at MM 211'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles after passing LOM, climb straight ahead to 500' then make a climbing right turn to 3000' on JFK, R 077° to Deer Park VOR. Hold E, 1-minute left turns, Inbnd crs, 257°.
CAUTION: DME indication at 1300' altitude/glide slope interception 4.9 miles; at OM, 2.8 miles, at MM, 0.75 mile. DME should not be used to determine aircraft position over MM, runway threshold or runway touchdown point.
*RVR Runways 4R, 22L, 2000', 4-engine turbojet. 1800' other aircraft. RVR Runway 31L, 2000'. RVR, 31R, 2400'.
**RVR, 2000', 4-engine turbojet. 1800' other aircraft. Descent below 212' not authorized unless ALS visible.

City, New York; State, N.Y.; Airport name, John F. Kennedy, International; Elev. 12'; Fac. Class., ILS; Ident., I-JFK; Procedure No. ILS-4R, Amdt. 12; Eff. date, 10 Sept. 66; Sup. Amdt. No. 11; Dated, 18 June 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	
Deer Park VOR	Roslyn VHF Int	LGA R 100°	2000	T-dn*	300-1	300-1	200-½
Roslyn VHF Int	OM (final)	Direct	1700	C-dn	600-1	600-1	600-1½
Kennedy VOR	OM	Direct	1900	S-dn-22L%**	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar available.
Procedure turn E side of NE crs, 042° Outbnd, 222° Inbnd, 1900′ within 10 miles of OM.
Minimum altitude at glide slope interception Inbnd, 1700′.
Altitude of glide slope and distance to approach end of runway at OM, 1692′—5.6 miles: at MM, 218′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing OM, climb to 500′ straight ahead, make climbing left turn to 2000′ on JFK, R 189° to Channel VHF Int, hold S, 1-minute right turns, Inbnd crs, 009°.
%400-¾ (RVR 4000′) required when glide slope not utilized. 400-½ (RVR 2400′) authorized with operative ALS, except for 4-engine turbojet aircraft.
*RVR Runways 4R, 22L, 2000′, 4-engine turbojet. 1800′ other aircraft. RVR Runway 31L, 2000′. RVR, 31R, 2400′.
**RVR, 2000′, 4-engine turbojet. 1800′ other aircraft. Descent below 212′ not authorized unless ALS visible. RVV available on Runway 22R for takeoff and landing.

City, New York; State, N.Y.; Airport name, John F. Kennedy International; Elev., 12′; Fac. Class., ILS; Ident., I-IWY; Procedure No. ILS-22L, Amdt. 14; Eff. date, 10 Sept. 66; Sup. Amdt. No. 13; Dated, 18 June 66

Deer Park VOR	Carol Int	Direct	2000	T-dn*	300-1	300-1	200-½
Deer Park VOR	Carol Int	JFK, R 077° to 11.5-miles clockwise arc.	2000	C-dn	600-1	600-1	600-1½
				S-dn-31R%**	300-¾	300-¾	300-¾
				A-dn	600-2	600-2	600-2
Channel Int	Carol Int	Direct	2000				
Channel Int	Carol Int	JFK, R 189° to 11.5-miles counterclockwise arc.	2000				
Carol Int	LOM (final)	Direct	1600				
Kennedy VOR	LOM	Direct	1600				

Radar available.
Procedure turn S side of SE crs, 131° Outbnd, 311° Inbnd, 1600′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1600′.
Altitude of glide slope and distance to approach end of runway at OM, 1557′—5.6 miles; at MM, 198′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing LOM, climb straight ahead to 500′, make climbing left turn to 2000′ on JFK, R 189° to Channel Int. Hold S, 1-minute right turns, Inbnd crs, 009°.
NOTE: Back crs unusable.
**Runway visual range, 4000′ also authorized for landing on Runway 31R in lieu of ¾ mile visibility provided that all components of the ILS and all related airborne equipment are in satisfactory operating condition.
%400-1 required when glide slope not utilized. 400-¾ (RVR 4000′) authorized with operative HIRL, except for 4-engine turbojet aircraft.
*RVR Runways 4R, 22L. 2000′, 4-engine turbojet. 1800′ other aircraft. RVR Runway 31L, 2000′. RVR 31R, 2400′.

City, New York; State, N.Y.; Airport name, John F. Kennedy International; Elev., 12′; Fac. Class., ILS; Ident., I-RTH; Procedure No. ILS-31R, Amdt. 5; Eff. date, 10 Sept. 66; Sup. Amdt. No. 4; Dated, 18 June 66

Marion Int	LOM	Direct	2200	T-dn@	300-1	300-1	200-½
Rochester VOR	LOM	Direct	2000	C-dn**	500-1	600-1	600-1½
Fishers Int	LOM	Direct	2000	S-dn-28%*	200-½	200-½	200-½
				A-dn#	600-2	600-2	600-2

Radar available.
Procedure turn N side E crs, 097° Outbnd, 277° Inbnd, 2000′ within 10 miles of LOM.
Minimum altitude at glide slope interception Inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM, 2000′—4.5 miles; at MM, 780′**—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right-climbing turn to 3000′, intercept R 298° of Rochester VOR, proceed to Spencerport Int. Hold W, 1-minute left turns, 118° Inbnd, or when directed by ATC, make left-climbing turn to 3900′, proceed to Geneseo VOR, hold SE, 1-minute, right turns, 333° Inbnd.
AIR CARRIER NOTE: Takeoff on Runway 12 and landing on Runway 30 not authorized.
CAUTION: (1) Multiple unshielded lights in final approach area. (2) Glide slope unusable below 760′. (3) Back crs unusable.
%2400′ RVR. Descent below 760′ not authorized unless approach lights are visible.
*Circling minimums applicable with glide slope inoperative.
**Minimum altitude 1300′ over MM with glide slope inoperative.
#All installed components of the ILS must be operating otherwise alternate minimums of 800-2 apply.
@RVR, 2400′ authorized Runway 28.

City, Rochester; State, N.Y.; Airport name, Rochester-Monroe County; Elev., 560′; Fac. Class., ILS; Ident., I-ROC; Procedure No. ILS-28, Amdt. 15; Eff. date, 10 Sept. 66; Sup. Amdt. No. 14; Dated, 13 Aug. 66

CAP VOR	LOM	Direct	2200	T-dn	300-1	300-1	200-½
Waverly Int	LOM	Direct	2200	C-dn	400-1	500-1	500-1½
Dawson Int	LOM	Direct	2600	S-dn-4#	200-½	200-½	200-½
Tallula Int	LOM	Direct	2200	A-dn	600-2	600-2	600-2

Procedure turn S side of crs, 218° Outbnd, 038° Inbnd, 2200′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2100′.
Altitude of glide slope and distance to approach end of runway at OM, 2077′—5.1 miles; at MM, 797′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2100′ and proceed to CAP VORTAC.
NOTE: When authorized by ATC, DME may be used to position aircraft on final approach crs via 15-mile DME Arc from CAP VORTAC between R 100° clockwise to R 265° at 2200′ with elimination of procedure turn.
#400-¾ required when glide slope not utilized; reduction below ¾ mile not authorized for ALS.

City, Springfield; State, Ill.; Airport name, Capital; Elev., 593′; Fac. Class., ILS; Ident., I-SPI; Procedure No. ILS-4, Amdt. 12; Eff. date, 10 Sept. 66; Sup. Amdt. No. 11; Dated, 14 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	
SP LOM	Sherman Int	Direct	2100	T-dn	300-1	300-1	200-½
CAP VOR	Sherman Int	Direct	2100	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 N side of crs, 038° Outbnd, 218° Inbnd, 2100' within 10 miles of Sherman Int.
Minimum altitude over facility on final approach crs, 1400'.
Crs and distance, facility to airport, 218°—3.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing Sherman Int, climb to 2200' and proceed to SP LOM.
NOTES: (1) Dual VOR receivers required. (2) Approach from VOR holding pattern not authorized. Procedure turn required. (3) When authorized by ATC, DME may be used to position aircraft on final approach crs via 8-mile DME Arc from CAP VORTAC between R 265° clockwise to R 101° at 2100' with elimination of procedure turn. #400-¾ authorized with operative high-intensity runway lights, except for 4-eng ac inelig. Execution not authorized for nonstandard ILS

City, Springfield; State, Ill.; Airport name, Capital; Elev., 593'; Fac. Class., ILS; Ident., I-SPI; Procedure No. ILS-22 (back crs), Amdt. 4; Eff. date, 10 Sept. 66; Sup. Amdt. No. 3; Dated, 14 Aug. 65

These procedures shall become effective on the dates specified therein.

These amendments are made under the authority of Secs. 307(c), 313(a), 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 August 4, 1966.

EDWARD C. HODSON,
Acting Director, Flight Standards Service.

[F.R. Doc. 66-8678; Filed, Aug. 18, 1966; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 14—ADMINISTRATIVE INTERPRETATIONS

Tire Advertising and Labeling Guides

Statement by the Commission. These Guides represent the most recent action in the lengthy history of the Commission's concern with practices employed in the marketing of automotive tires. Because of the nature of these practices and the large segment of the American public affected thereby, the Commission considers this to be an extremely important area in which consumer protection is needed. The Guides are designed to afford both guidance to tire marketers and consumer protection to the full extent of the Commission's authority.

Proceedings leading to the adoption of the Guides, which included 3 days of public hearings, were initiated by the Commission upon its own motion. The practices which were the subjects of these proceedings included the areas of tire safety, grade, quality, guarantees, deceptive pricing and related matters.

On the basis of the information developed during the proceedings, proposed Tire Advertising and Labeling Guides, excepting Guide 15 relating to deceptive pricing, were published (31 F.R. 4303) and the comments and suggestions of interested persons invited. At the same time Guide 15 was issued in final form (31 F.R. 4293). After full consideration of all comments received concerning the proposed Guides, the Commission adopted the Guides in their present form.

The Guides are intended to encourage voluntary compliance with the law by those whose practices are subject to the jurisdiction of the Commission. Proceedings to enforce the requirements of law set forth in the Guides may be brought under the Federal Trade Commission Act (15 U.S.C., secs. 41–58). Briefly stated, the Act makes it illegal for one to engage in "unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce."

The Guides were published on August 19, 1966, and become effective February 19, 1967, except Guide 15 which became effective May 10, 1966. They supersede the Tire Advertising Guides adopted May 20, 1958, as amended April 3, 1964.

Inquiries and requests for copies of the Guides should be directed to the Bureau of Industry Guidance, Federal Trade Commission, Washington, D.C. 20580.

§ 14.3 Tire advertising and labeling guides.

(a) *"Industry Product" and "Industry Member" defined.* As used in this section, the terms "Industry Product" or "Product" shall mean pneumatic tires for use on passenger automobiles, station wagons, and similar vehicles, or the materials used therein. The term "Industry Member" shall mean: All persons or firms who are engaged in the manufacture, sale or distribution of industry products as above defined whether under the manufacturer's or a private brand; and the manufacturers of passenger automobiles, station wagons, and similar vehicles for which industry products are provided as original equipment.

(b) *Use of guide principles.* The following general principles will be used in determining whether terminology and other direct or indirect representations subject to the Commission's jurisdiction regarding industry products conform to laws administered by the Commission.

(c) *Tire description.* (1) The purchase of tires for a motor vehicle is an extremely important matter to the consumer. Not only are substantial economic factors involved, but in most instances the purchaser will entrust the safety of himself and others to the performance of the product.

(2) To avoid being deceived, the consumer must have certain basic information. Certain of this information should be provided before the purchaser makes his choice but other is essential throughout the life of the tire.

(i) *Disclosure before the sale.* The following information should be disclosed in point of sale material which is prominently displayed and of easy access, on the premises where the purchase is to be made in order to apprise the consumer:

(a) *Load-carrying capacity of the tire.* This information is essential to assure the purchaser that the tires he selects are capable of safely carrying the intended load. This information should consist of the maximum load-carrying capacity as related to various recommended air pressures and may include data which indicates the effect such varying pressures will have on the operation of the automobile. All such information shall be based on actual tests utilizing adequate and technically sound procedures. The test procedures and results shall be in writing and available for inspection.

(b) *Generic name of cord material.* Different cord materials can have performance characteristics that will affect the consumer's selection of tires. These various characteristics are widely advertised, and the consumer is aware of the distinctions. Without a disclosure of the generic name of the cord material, the consumer is unable to consider this factor in his purchase.

(c) *Actual number of plies.* Consumers have preference for industry products of a stated type of construction (e.g., 2 ply v. 4 ply). Without adequate disclosure the consumer is denied the basis for considering this factor in his selection.

NOTE: Where the tire is of radial construction the ply count disclosure will be satisfied by the statement "radial ply."

(ii) *Disclosure on the tire.* The following information should be clearly disclosed in a permanent manner on the outside wall of the tire:

(a) *Size.* Size is extremely important not only to insure that the tire will fit the vehicle wheel, but because it also is a determining factor as to the load-carrying capacity of the vehicle.

(b) *Whether tire is tubeless or tube type.*

(c) *Actual number of plies.*

NOTE: Where the tire is of radial construction the ply count disclosure will be satisfied by the statement "radial ply."

(iii) *Other disclosures.*—(a) *Generic name of cord material used in ply.* A disclosure of the generic name of the cord material used in the ply of the tire should be made on a label or tag prominently displayed on the tire itself, and affixed in such a fashion that it cannot be easily removed prior to sale.

(b) *Load-carrying capacity and inflation pressure.* One of the most important factors in obtaining tire performance is proper care and use. Included in such care is inflating the tire to the required level as related to load-carrying capacity and use. To insure that such pressures are maintained by the user and the tire is not overloaded beyond its safe capacity, a table or chart should be provided for retention by the purchaser. This will apprise the purchaser of the load-carrying capacity of the tires as related to the range of recommended air pressures and use. It may also supply data which indicate the effect such varying pressures will have on the operation of the automobile.

NOTE: Automobile manufacturers who provide tires as original equipment with new automobiles should incorporate such information in the owner's manual given to new car purchasers. To permit the car owner to calculate for himself the proper size tires for his car, the owner's manual should also contain the following information: (1) The curb weight of the empty vehicle, and the distribution of the weight, in pounds, on each tire; (2) The total weight of the vehicle when loaded to its designed capacity (e.g., for a six passenger car, the weight of the car when loaded with six passengers and 240 pounds of baggage) and the distribution of such weight, in pounds, on each tire.

[Guide 1]

(d) *Designations of grade, line, level, or quality.* (1) There exists today no industrywide, government or other accepted system of quality standards or grading of industry products. Within the industry, however, a variety of trade terminology has developed which, when used in conjunction with consumer transactions, has the tendency to suggest that a system of quality standards or grading does in fact exist. Typical of such terminology are the expressions "line," "level," and "premium." The exact meaning of such terminology may vary from one industry member to another. Therefore, the "1st line" or "100 level" or "premium" tire of one industry member may be grossly inferior to the "1st line" or "100 level" or "premium" tire of another member since in the absence of an accepted system of grading or quality standards, each member can determine what "line," "level," or "premium" classification to attach to a tire.

(2) The consumer does not understand the significance of the absence of accepted grading or quality standards and is likely to assume that the expressions "line," "level," and "premium" connote valid criteria. Since the consumer is likely to misinterpret the meaning of such terminology, he may be deceived into purchasing an inferior product because it has been given such designation.

(3) In the absence of an accepted system of grading or quality standards for industry products, it is improper to represent, either through the use of such expressions as "line," "level," "premium" or in any other manner, that such a system exists, unless the representation is accompanied by a clear and conspicuous disclosure:

(i) That no industrywide or other accepted system of quality standards or grading of industry products currently exists, and

(ii) That representations as to grade, line, level, or quality, relate only to the private standard of the marketer of the tire so described (e.g., "XYZ first line").

(4) Additionally, products should not be described as being "first line" unless the products so described are the best products, exclusive of premium quality products embodying special features, of the manufacturer or brand name distributor applying such designation. [Guide 2]

(e) *Deceptive designations.* In the advertising or labeling of products, industry members should not use designations for grades of products they offer to the public:

(1) Which have the capacity to deceive purchasers into believing that such products are equal or superior to a better grade or grades of their products when such conclusion would be contrary to fact (for example, if the "first line" tire of a manufacturer is designated as "Standard," "High Standard," or "Deluxe High Standard," the tires of that manufacturer which are of lesser quality should not be designated or described as "Super Standard," "Supreme High Standard," "Super Deluxe High Standard," or "Premium"), or

(2) Which are otherwise false or misleading.

NOTE: When a manufacturer applies a designation to a product which falsely represents or implies the product is equal or superior in quality to its better grade or grades of products, it is responsible for any resulting deception whether it is a direct result of the designation or a result of the placing in the hands of others a means and instrumentality for the creation by them of a false and deceptive impression with respect to the comparative quality of products made by that manufacturer.

[Guide 3]

(f) *Original equipment.* Original equipment tires are understood to mean the same brand and quality tires used generally as original equipment on new current models of vehicles of domestic manufacture. A tire which was formerly but is not currently used as "Original Equipment," should not be described as "Original Equipment" without clear and conspicuous disclosure in close conjunction with the term, of the latest actual year such tire was used as "Original Equipment." [Guide 4]

(g) *Comparative quality and performance claims.* Representations and claims made by industry members that their products are superior in quality or performance to other products should not be made unless:

(1) The representation or claim is based on an actual test utilizing adequate and technically sound procedures of the performance of the advertised product and of the product with which it is compared; the test procedure, results of which are in writing and available for inspection; and

(2) The basis of the comparison is clearly stated and the comparison is based on identical conditions of use. Dangling comparatives should not be used.

(3) Claims or representations that one tire is comparable or identical to another should not be used unless the advertiser is able to establish that such tires are comparable not only as respects the molds in which the tires are made, but also as respects all significant materials used in their construction. [Guide 5]

(h) *Ply count, plies, ply rating.* A ply is a layer of rubberized fabric contained in the body of the tire and extending from one bead of the tire to the other bead of the tire. The consumer is interested in, and is entitled to know, certain information in regard to plies in tires. However, a great deal of terminology connected with plies which is utilized in advertising has the tendency to confuse and deceive the public and is accordingly inappropriate.

(1) It is improper to utilize any statement or depiction which denotes or implies that tires possess more plies than they in fact actually possess. Phrases such as "Super 6" or "Deluxe 8" as descriptive of tires of less than 6 or 8 plies, respectively, should not be used.

(2) The actual number of plies in a tire is not necessarily determinative of the ultimate strength, performance or quality of the product. Variations in the amount and type of fabric utilized in the ply and other construction features of the tire will determine the ultimate strength, performance or quality of the product. Through variations in these construction aspects, a tire of a stated number of plies may be inferior in strength, quality, and performance to another tire of lessor actual ply count.

Accordingly, it is improper to represent in advertising, or otherwise, that solely because a product has more plies than another, it is superior.

(3) (i) The expression "ply rating" as used in the trade is an index of tire strength. Each manufacturer, however, has his own system of computing "ply rating." Thus, a product of one industry member of a stated "ply rating" is not necessarily of the same strength as the product of another member with the identical rating. While the expression "ply rating" may have significance to industry members, in the absence of a publicized system of standardized ratings, the use of such expressions in connection with sales to the general public may be deceptive.

(ii) To avoid deception, the expression "ply rated" or "ply rating" or any similar language should not be used unless said claim is based on actual tests utilizing adequate and technically sound procedures, the results of which are in writing and available for inspection. Further, certain disclosures must be made when such expressions are used in connection with consumer transactions.

(iii) When ply rating is stated on the tire itself, it must be accompanied in immediate conjunction therewith, and in identical size letters, the disclosure of the actual ply count. In addition, there must be a tag or label attached to the tire or its packaging, of such permanency that it cannot easily be removed prior to sale to the consumer, which tag or label contains a clear and conspicuous disclosure (*a*) that there is no industrywide definition of ply rating; and (*b*) of the basis of comparison of the claimed rating. (For example, "2-ply tire, 4-ply rating means this 2-ply tire is equivalent to our current or most recent 4-ply nylon cord tire.")

(iv) When ply rating is used in advertising or in other sales or promotional materials, in addition to the disclosure of actual ply count as indicated, it must be accompanied by the disclosure: (*a*) That there is no industrywide definition of ply rating; and (*b*) of the basis of comparison of the claimed rating. (For example, "2-ply tire, 4-ply rating means this 2-ply tire is equivalent to our current or most recent 4-ply nylon cord tire.") [Guide 6]

(i) *Cord materials.* (1) The fabric that is utilized in the ply is known as the cord material. The use of a particular type of cord material may be determined by the use to which the tire will be placed. One type of cord material may provide one desired characteristic, but not be used because of other characteristics which may be unfavorable.

(2) The type of cord material utilized in a tire is not necessarily determinative of its ultimate quality, performance or strength. Through variations in the denier of the material, the amount to be used and other construction aspects of the tire, the ultimate quality, performance, and strength is determined.

(3) It is improper to represent in advertising, or otherwise, that solely because a particular type of cord material is utilized in the construction of a tire, it is superior to tires constructed with other types of cord material. Such advertising is deceptive for it creates that impression in the consumer's mind whereas in fact it does not take into consideration the other variable aspects of tire construction.

(4) When the type of cord material is referred to in advertising, it must be made clear that it is only the cord that is of the particular material and not the entire tire. For example, it would be improper to refer to a product as "Nylon Tire." The proper description is "Nylon Cord Tire." Similarly, when the manufacturer of the cord material is mentioned, it should be made clear that he did not manufacture the tire. For example, a tire should be described as "Brand X Nylon Cord Material" and not "Brand X Nylon Tire."

(5) Cord material should be identified by its generic name when referred to in advertising. [Guide 7]

(j) *"Change-overs," "New car take offs," etc.* Industry products should not be represented as "Change-Overs" or "New Car Take Offs" unless the products so described have been subjected to but insignificant use necessary in moving new vehicles prior to delivery of such vehicles to franchised distributor or retailer. "Change-Overs" or "New Car Take Offs" should not be described as new. Advertisments of such products should include a clear and conspicuous disclosure that "Change-Overs" or "New Car Take Offs" have been subjected to previous use. [Guide 8]

(k) *Retreaded and used tires.* Advertisements of used or retreaded products should clearly and conspicuously disclose that same are not new products. Unexplained terms, such as "New Tread," "Nu-Tread" and "Snow Tread" as descriptive of such tires do not constitute adequate disclosure that tires so described are not new. All such tires should be clearly designated as "retreads" or "retreaded." [Guide 9]

(l) *Disclosure that products are obsolete or discontinued models.* Advertisements should clearly and conspicuously disclose that the products offered are discontinued models or designs or are obsolete when such is the fact.

NOTE: The words "model" and "design" used in connection with tires include width, depth, and pattern of the tread as well as other aspects of their construction.

[Guide 10]

(m) *Blemished, imperfect, defective, etc. products.* Advertisements of products which are blemished, imperfect, or which for any reason are defective, should contain conspicuous disclosure of that fact. In addition, such products should have permanently stamped or molded thereon or affixed thereto and to the wrappings in which they are encased, a plain and conspicuous legend or statement to the effect that such products are blemished, imperfect, or defective. Such markings by a legend such as "XX" or by a color marking or by any other code designation which is not generally understood by the public are not considered to be an adequate disclosure. [Guide 11]

(n) *Pictorial misrepresentations.* (1) It is improper to utilize in advertising, any picture or depiction of an industry product other than the product offered for sale. Where price is featured in advertising, any picture or depiction utilized in connection therewith should be the exact tire offered for sale at the advertised price.

(2) For example, it would be improper to depict a white side wall tire with a designated price when the price is applicable to black wall tires. Such practice would be improper even if a disclosure is made elsewhere in the advertisement that the featured price is not for the depicted whitewalls. [Guide 12]

(o) *Racing claims.* (1) Advertising in connection with racing, speed records, or similar events should clearly and conspicuously disclose that the tires on the vehicle are not generally available all purpose tires, unless such is the fact.

(2) The requirement of this paragraph (o) is applicable also to special purpose racing tires, which although available for such special purpose, are not the advertiser's general purpose product.

(3) Similarly, designations should not be utilized in conjunction with any industry product which falsely suggest, directly or indirectly, that such product is the identical one utilized in racing events or in a particular event. [Guide 13]

(p) *Bait advertising.* (1) Bait advertising is an alluring but insincere offer to sell a product which the advertiser in truth does not intend or want to sell. Its purpose is to obtain leads as to persons interested in buying industry products and to induce them to visit the member's premises. After the person visits the premises, the primary effort is to switch him from buying the advertised product in order to sell something else, usually at a higher price.

(2) No advertisement containing an offer to sell a product should be published when the offer is not a bona fide effort to sell the advertised product. Among the acts and practices which will be considered in determining if an advertisement is bona fide are:

(i) The advertising of a product at a price applicable only to unusual or off size tires or for special purpose tires;

(ii) The refusal to show or sell the product offered in accordance with the terms of the offer;

(iii) The failure to have available at all outlets listed in the advertisement a sufficient quantity of the advertised product to meet reasonably anticipated demands, unless the advertisement clearly and adequately discloses that the supply is limited and/or the merchandise is available only at designated outlets;

(iv) The disparagement by acts or words of the advertised product or the disparagement of the guarantee, credit terms, or in any other respect in connection with it;

(v) Use of a sales plan or method of compensation for salesmen or penalizing salesmen, designed to prevent or discourage them from selling the advertised product. [Guide 14]

(q) *Deceptive pricing*—(1) *Former price comparisons.* One form of advertising in the replacement market is the offering of reductions or savings from the advertiser's former price. This type of advertising may take many forms, of which the following are examples:

Formerly $_____—Reduced to $_____.
50% Off—Sale Priced at $_____.

Such advertising is valid where the basis of comparison, that is, the price on which the represented savings are based, is the actual bona fide price at which the advertiser recently and regularly sold the advertised tire to the public for a reasonably substantial period of time prior to the advertised sale. However, where the basis of comparison (i) is not the advertiser's actual selling price, (ii) is a price which was not used in the recent past but at some remote period in the past, or (iii) is a price which has been used for only a short period of time and a reduction is claimed therefrom, the claimed savings or reduction is fictitious and the purchaser deceived. Following are examples illustrating the application of this provision:

Example 1. Dealer A advertises a tire as follows: "Memorial Day Sale—Regular price of tire, $15.95—Reduced to $13.95." During the preceding 6 months Dealer A has conducted numerous "sales" at which the tire was sold in large quantities at the $13.95 price. The tire was sold at $15.95 only during periods between the so-called "sales." In these circumstances, the advertised reduction from a "regular" price of $15.95 would be improper, since that was not the price at which the tire was recently and regularly sold to the public for a reasonably substantial period of time prior to the advertised sale.

Example 2. Dealer B engaged in sale advertising weekly on the last 3 days of the week. It was his practice during the selling week to offer a particular line of tires at $24.95 on Monday, Tuesday, and Wednesday, and advertise the same line as "Sale Priced $19.95" on the final 3 days of the selling week. Use of the price for only 3 days prior to the reduction, even though the higher price is resumed after 3 days of "sale" advertising would not constitute a basis for claiming a price reduction. The higher price was not the regular selling price for a reasonably substantial period of time. Furthermore, when the higher price is used only for the first 3 days of the week and another price is used for the final 3 days, the higher price has not been established as a regular price, especially when most sales are made at the lower price during the final 3 day period.

(2) *Trade area price comparisons.* (i) Another recognized form of bargain advertising is to offer tires at prices lower than those being charged by others for the same tires in the area where the advertiser is doing business. Examples of this type of advertising where used in connection with the advertiser's own price are:

Sold Elsewhere at $_____.
Retail Value $_____.

(ii) The tire market, because of its nature, requires that special care and precaution be exercised before this type of advertising is used. Trade area price comparisons are understood by purchasers to mean that the represented bargain is a reduction or saving from the price being charged by representative retail outlets for the same tires at the time of the advertisement.

(iii) If a tire manufacturer decides to conduct a promotion of a particular tire, reduces the price in his wholly owned stores and independent dealers follow the promotion price, the "sale" price has become the retail price in the area and it would be deceptive to represent that this "sale" price is reduced from that charged by others. In most circumstances where a promotion is sponsored by the manufacturer and is followed by the wholly owned stores and most of the independent dealers in the area, such trade area price comparisons would be improper.

(iv) A trade area price comparison would be valid where an individual dealer, acting on his own, decides to lower the price of a tire significantly below that being charged by others in his area. In this situation, he would be honestly offering a genuine reduction from the price charged by others in his area.

(v) When using a retail price comparison great care should be exercised to make the advertising clear that the basis of the reduction or saving is the price being charged by others and not the advertiser's own former selling price.

(3) *Substantiality of reduction or savings.* In order for an advertiser to represent that a price is reduced or offers savings to purchasers without specifying the extent thereof, it is necessary that the represented reduction or savings be significant. When the amount of the reduction or savings is not stated in advertising and is not substantial enough to attract and influence prospective purchasers if they knew the true facts, the representation is deceptive.

Example. Dealer C advertises a Fourth of July sale featuring X brand tires at a claimed reduction in price. The sale price in the advertisement is stated as $14.75 per tire. The advertisement does not state the former price of the tire. The tire previously had been sold at $14.95. Under the circumstances, the advertised would be deceptive. The 20-cent reduction in price is insignificant when compared with the actual selling price of the tire. Purchasers generally, if they knew the amount of the reduction, would not be influenced sufficiently thereby to cause them to purchase the tire at the reduced price.

(4) *Representations of specific price reductions and savings.* (i) Advertisements which offer a specified amount or percentage of price reduction or savings should not be used where there is no determinable regular selling price, whether it be the advertiser's former price or the retail price in the area.

(ii) The lack of a determinable actual selling price does not preclude all "sale" advertising. For example, if a dealer desires to offer a tire at a price which represents a significant reduction from the lowest price in the range of prices at which he has actually sold the tire in the recent regular course of his business, it would not be deceptive to advertise the tire with such representations as "Sale Priced," "Reduced" or "Save."

(iii) However, an advertiser is not precluded from offering specific savings from the lowest price at which he has actually sold tires, provided that the advertising clearly states that the offered savings are a reduction from the lowest previous selling price and not from the advertiser's regular selling price.

(5) *No trade-in prices.* (i) The most common device used in advertising is to offer a purported reduction or savings from a so-called "no trade-in" price. Prospective purchasers are entitled to believe this to mean that they would realize a savings from the price they would have had to pay for the tire prior to the "Sale," either in cash or in cash plus the fair value of a trade-in tire. If this is not true, purchasers are deceived. Where a significant number of sales in relation to a seller's total sales is not made at the so-called "no trade-in" price and such price appreciably exceeds the price purchasers would normally pay the seller (including the fair value of any trade-in), use of the price as a basis for claiming a reduction or savings would be deceptive and contrary to this section.

(ii) Representations of high trade-in allowances are sometimes used in combination with fictitious "no trade-in" prices to deceive purchasers. These may take the form of direct representations that a specified amount (usually significantly higher than the value of the tire carcass) will be allowed for a trade-in tire, or, representations of specific savings in the purchase of a new tire when a tire is traded in during a "sale." In either case, the purchaser is given the illusion of a bargain in the guise of a high trade-in allowance which he does not in fact receive if the amount of the allowance is deducted from a fictitiously high "no trade-in" price.

Example 1. An advertisement offers a 25 percent reduction during a May tire sale. The body of the advertisement sets forth a "no trade-in" price as the price from which the represented 25 percent reduction is made. However, such price represents the price at which only 15 percent of the advertiser's total sales were made and which was appreciably higher than the price at which the tire usually sold with a trade-in even with the addition of an amount representing a reasonable, bona fide trade-in allowance. Use of the "no trade-in" price in the advertisement is deceptive.

Example 2. Dealer D advertises, "Now Get $4.00 to $10.00 Per Tire Trade-In Allowance" in connection with the sale of a certain tire. Dealer D has regularly sold the tire for $12.00 to customers having a good recappable tire to offer in trade. During the regular course of Dealer D's business he has granted allowances ranging from 50 cents to $3, depending upon the condition of the tire taken in trade. During the advertised sale, however, Dealer D sells all of the tires at the manufacturer's suggested "no trade-in" price of $22.00 and deducts from that price the inflated trade-in allowances. Under the circumstances, the advertisement would be deceptive. Dealer D has not granted the allowances in connection with his regular selling price but has used instead the fictitious "no trade-in" price as a basis for offering the inflated allowances. The consumer has been led to believe that his old tire is worth far more than its actual value and Dealer D receives what has been his regular selling price

or, in some instances, an amount in excess of the regular price, depending upon the allowance granted.

(6) *Combination offers.* (i) Frequent use is made in the tire market of purported bargain advertising which offers "free" or at a represented reduced price a tire, some other article of merchandise or a service, with the purchase of one or more tires at a specified price. The following are typical examples of this type of offer:

Buy 3, get four at no additional cost.
Buy one tire at $____, get second tire at 50% off.
Get a wheel free with purchase of each snow tire.
Free wheel alignment with purchase of two new tires.

Such advertising is understood by purchasers to mean that the price charged by the advertiser for the initial tire or tires to be purchased is the price at which they have been regularly sold by the advertiser for a reasonably substantial period of time prior to the sale, and that the amount of the purported reduction or the value of the so-called "free" article or service represents actual savings. If the price of the tires to be purchased is not the advertiser's regular selling price, purchasers are deceived.

Example. Dealer E advertises "2nd Tire ½ Off When You Buy First Tire At Price Listed Below—No Trade-In Needed!" In the body of the advertisement the first tire is listed as costing $25.15 and the second tire $12.57. The figure listed as the price for the first tire is not Dealer E's regular selling price, but the manufacturer's suggested "no trade-in" price. E's regular selling price prior to the so-called sale had been $18.85 per tire. Under the circumstances, the "½ Off" offer would be deceptive. The basis for the advertised offer is not the advertiser's actual selling price for the tire. While consumers are led to believe that they are being afforded substantial savings by purchasing a second tire, in fact they are paying Dealer E's regular selling price for two tires.

(7) *Federal Excise Tax.* Since the Federal Excise Tax on tires is assessed on the manufacturer and is based on the weight of the materials used and not the retail selling price, the tax should be included in the price quoted for a particular tire, or the amount of the tax set out in immediate conjunction with the tire price. For example, assuming the tax on a particular tire to be $1 and the advertised selling price $9.95, the price should be stated as "$10.95" or "$9.95 plus $1 Federal Excise Tax" and not "$9.95 plus Federal Excise Tax."

(8) *Advertising furnished by tire manufacturers.* It is the practice of some tire manufacturers to supply advertising to independent as well as to wholly owned retail outlets in local trade areas. A tire manufacturer providing advertising material to be used in local trade areas by either wholly owned or independent outlets is responsible for the representations made in such advertising and should base price and savings claims on conditions actually existing in the particular areas. In view of price fluctuations at the local level, the general dissemination (i.e., in more than one trade area) to independent retail outlets of advertising material containing stated prices or reduction claims results in deception [2] and is, accordingly, contrary to this section. [Guide 15]

(r) *Guarantees.* (1) In general, any advertising containing a guarantee representation shall clearly and conspicuously disclose:

(i) *The nature and extent of the guarantee.* (*a*) The general nature of the guarantee should be disclosed. If the guarantee is, for example, against defects in material or workmanship, this should be clearly revealed.

(*b*) Disclosure should be made of any material conditions or limitations in the guarantee. This would include any limitation as to the duration of a guarantee, whether stated in terms of treadwear, time, mileage, or otherwise. Exclusion of tire punctures also would constitute a material limitation. If the guarantor's performance is conditioned on the return of the tire to the dealer who made the original sale, this fact should be revealed.

(*c*) When a tire is represented as "guaranteed for life" or as having a "lifetime guarantee," the meaning of the term "life" or "lifetime" should be explained.

(*d*) Guarantees which under normal conditions are impractical of fulfillment or for such a period of time or number of miles as to mislead purchasers into the belief the tires so guaranteed have a greater degree of serviceability or durability than is true in fact, should not be used.

(ii) *The manner in which the guarantor will perform.* This consists generally of a statement of what the guarantor undertakes to do under the guarantee. Types of performance would be repair of the tire, refund of purchase price or replacement of the tire. If the guarantor has an option as to the manner of the performance, this should be expressly stated.

(iii) *The identity of the guarantor.* The identity of the guarantor should be clearly revealed in all advertising, as well as in any documents evidencing the guarantee. Confusion of purchasers often occurs when it is not clear whether the manufacturer or the retailer is the guarantor.

(iv) *Pro rata adjustment of guarantees—(a) Disclosure in advertising.* Many guarantees provide that in the event of tire failure during the guarantee period a credit will be allowed on the purchase price of a replacement tire, the amount of the credit being in proportion to the treadwear or time remaining under the guarantee. All advertising of the guarantee should clearly disclose the pro rata nature of the guarantee and the price basis upon which adjustments will be made.

(*b*) *Price basis for adjustments.* Usually under this type of guarantee the same predetermined amount is used as a basis for the prorated credit and the purchase price of the replacement tire. If this so-called "adjustment" price is not the actual selling price but is an artificial, inflated price the purchaser does not receive the full value of his guarantee. This is illustrated by the following example:

"A" purchases a tire which is represented as being guaranteed for the life of the tread. After 75 percent of the tread is worn, the tire fails. The dealer from whom "A" seeks an adjustment under his guarantee is currently selling the tire for $15 but the "adjustment" price of the tire is $20. "A" receives a credit of 25 percent or $5 toward the price of the replacement tire. This credit is applied not on the actual selling price but on the artificial "adjustment" price of $20. Thus, "A" pays $15 for the new tire which is the current selling price of the tire.

Under the facts described in this illustration the guarantee was worthless as the purchaser could have purchased a new tire at the same price without a guarantee. If 50 percent of the tread remained when the adjustment was made, the purchaser would have received a credit of $10 toward the $20 replacement price. He must still pay $10 for a replacement tire. Had the adjustment been made on the basis of the actual selling price he would have obtained a new tire for $7.50. Thus, while deriving some value from his guarantee he did not receive the value he had reason to expect under the guarantee.

(2) Accordingly, to avoid deception of purchasers as to the value of guarantees, adjustments should be made on the basis of a price which realistically reflects the actual selling price of the tire. The following would be considered appropriate price bases for making guarantee adjustments:

(i) The original purchase price of the guaranteed tire; or

(ii) The adjusting dealer's actual current selling price at the time of adjustment; or

(iii) A predetermined price which fairly represents the actual selling price of the tire.

Whenever an advertisement for tires includes reference to a guarantee, the advertisement should also disclose, clearly and conspicuously, the price basis on which adjustments will be made. Such disclosure of the price basis for adjustments should be in terms of actual purchase or selling price, e.g., original purchase price, adjusting dealer's current selling price, etc. A mere reference to a guarantor's "adjustment price," for example, would not satisfy this disclosure requirement. In addition, written material disclosing the basis for adjustments should be made available to prospective purchasers at the point of sale, and if the third method of adjustment is chosen, such written material should include the actual price on which guarantee adjustments will be made. [Guide 16]

(s) *Safety or performance features.* Absolute terms such as "skidproof," "blowout proof," "blow proof," "puncture proof" should not be unqualifiedly used unless the product so described affords complete and absolute protection from skidding, blowouts, or punctures, as the case may be, under any and all

[2] This section does not deal with the question of whether such practice may be improper as contributing to unlawful restraints of trade connected with the enforcement of the Antitrust Laws and the Federal Trade Commission Act.

driving conditions. [Guide 17]

(t) *Other claims and representations.* (1) No claim or representation should be made concerning an industry product which directly, by implication, or by failure to adequately disclose additional relevant information, has the capacity or tendency or effect of deceiving purchasers or prospective purchasers in any material respect. This prohibition includes, but is not limited to, representations or claims relating to the construction, durability, safety, strength, condition or life expectancy of such products.

(2) Also included among the prohibitions of this paragraph (t) are claims or representations by members of this industry or by distributors of any component parts of materials used in the manufacture of industry products, concerning the merits or comparative merits (as to strength, safety, cooler running, wear, or resistance to shock, heat, moisture, etc.) of such products, components or materials, which are not true in fact or which are otherwise false or misleading. [Guide 18]

(u) *Snow tire advertising.* Many manufacturers are now offering winter tread tires with metal spikes. Certain States, or other jurisdictions, however, prohibit the use of such tires because of possible road damage. Accordingly, in the advertising of such products, a clear and conspicuous statement should be made that the use of such tires is illegal in certain States or jurisdictions. Further, when such tires are locally advertised in areas where their use is prohibited, a clear and conspicuous statement to this effect must be included. [Guide 19]

(Secs. 5, 6, 38 Stat. 719, as amended, 721; 15 U.S.C. 45, 46)

Adopted: July 5, 1966 (except paragraph (q) adopted Mar. 3, 1966).

By direction of the Commission.

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

[F.R. Doc. 66-8889; Filed, Aug. 18, 1966; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Impropriety of Labeling Foreign-Made Machine With American-Made Parts Added to It as "Made in U.S.A."

§ 15.83 Impropriety of labeling foreign-made machine with American-made parts added to it as "Made in U.S.A."

(a) The Federal Trade Commission has advised an American manufacturer that a machine made in a foreign country with certain American-made parts added to it by the domestic manufacturer may not be labeled "Made in U.S.A."

(b) The Commission said that it would be "improper to label the machine in question as 'Made in U.S.A.' because this would constitute an affirmative representation that the entire machine was of domestic origin, when in fact a substantial part thereof was imported."

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: August 18, 1966.

By direction of the Commission.

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

[F.R. Doc. 66-8967; Filed, Aug. 18, 1966; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Proper Labeling of Rebuilt Fuses

§ 15.84 Proper labeling of rebuilt fuses.

(a) The Federal Trade Commission made public an advisory opinion concerning the proper labeling of rebuilt fuses to be used by public utilities and commercial consumers of electricity.

(b) The requesting company inquired as to whether it will be necessary to label a fuse as "rebuilt" or "remanufactured" if it is broken down to its smallest components and all parts that are used are inspected to meet new parts standards.

(c) Advising that the concern's "rebuilt fuses would have to be labeled as such," the Commission cited its frequent holding, "in connection with a variety of products, that in the absence of an adequate disclosure to the contrary, merchandise which resembles and has the appearance of merchandise composed of new materials but which is, in fact, composed of reclaimed materials, will be regarded by purchasers as being entirely new and that a substantial segment of the consuming public has a preference for merchandise which is composed of new and unused materials. This has been held to be so without regard to the comparative quality of the new and rebuilt products, for in such matters the public is entitled to get what it chooses no matter what dictates the choice."

(d) Answering other questions posed by the company, the Commission stated: All "advertising material promoting the sale of these fuses should also contain a disclosure of their used or rebuilt nature, [but] it is not necessary, once this disclosure is clearly and conspicuously made, to repeat the word over and over again even where technical instructions are being given. Technical instructions for the use of these fuses are not ordinarily part of the advertising designed to induce customers to buy and, if not, there would be no requirement for disclosure in the instructions as distinguished from advertising."

(e) "Generally speaking, * * * the disclosure must be on the cartons, invoices and in advertising literature, as well as on the fuses themselves. However, the disclosure need not be placed on the fuses themselves if you can establish that the disclosure on the bags, boxes, or other containers is such that the ultimate purchasers, at the point of sale, are informed that they are rebuilt fuses. The question of informing the ultimate purchasers here becomes important in the event any of your customers also resell the fuses to others under circumstances where those ultimate purchasers are not informed as to their rebuilt nature."

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: August 18, 1966.

By direction of the Commission.

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

[F.R. Doc. 66-8968; Filed, Aug. 18, 1966; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 7—Agency for International Development, Department of State

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 7 of Title 41 is amended as follows:

PART 7-3—PROCUREMENT BY NEGOTIATION

Subpart 7-3.2—Circumstances Permitting Negotiation

Section 7-3.211 is revised to delete, in its entirety, the sentence which begins with the words, "The reporting requirement * * *".

PART 7-12—LABOR

Subpart 7-12.51—Security Clearance

1. Section 7-12.5100 is revised to read as follows:

§ 7-12.5100 General.

The Foreign Assistance and Related Agencies Appropriation Act, 1966, imposes the following requirement:

None of the funds appropriated or made available by this or any predecessor Act for the year subsequent to fiscal year 1962 for carrying out the Foreign Assistance Act of 1961, as amended, may be used on or after 60 days from the date of enactment of this Act to make payments with respect to any contract for the performance of services outside the United States by U.S. citizens unless the President shall have promulgated regulations that provide for the investigation of such citizens for loyalty and security to the extent necessary to protect the security and other interests of the United States: *Provided,* That such regulations shall require that any such U.S. citizen who will have access, in connection with the performance of such services, to information or material classified for security reasons shall be subject to such investigation as may otherwise be provided by law and executive order.

2. Section 7-12.5102 is revised to read as follows:

§ 7-12.5102 AID Directives.

(a) Regulations have been issued under the statutory provision cited in AIDPR S7-12.5100 and are set out in AID Regulation 10, published in part 210, Title 22 of the Code of Federal Regulations.

(b) See also Manual Order 610.2, entitled "Security Clearance for Contractors and Contractor Personnel under AID Financed Contracts".

PART 7–15—CONTRACT COST PRINCIPLES AND PROCEDURES

Subpart 7–15.3—Principles for Determining Applicable Costs Under Research Contracts With Educational Institutions

1. Section 7–15.307–4 is added, as follows, to implement and supplement § 1–15.307–4 of the Federal Procurement Regulations.

§ 7–15.307–4 Predetermined fixed rates for indirect costs.

In accordance with the authority contained in section 635(k) of the Foreign Assistance Act of 1961, as amended, and Subpart 1–15.307–4 of the Federal Procurement Regulations, the following clause entitled "Indirect Costs (Overhead)—Predetermined (June 1966)" is authorized for use in cost-reimbursement contracts with educational institutions for payment of reimbursable indirect costs: *Provided,* That predetermined overhead rates are used as the basis for reimbursing indirect costs under all of the applicable AID contracts with an institution.

INDIRECT COSTS (OVERHEAD)—PREDETERMINED (JUNE 1966)

(A) Notwithstanding the provisions of any other clause of this contract, the allowable indirect costs under this contract shall be obtained by applying predetermined overhead rates to bases agreed upon by the parties, as specified below.

(B) The contractor, as soon as possible but not later than three (3) months after the expiration of his fiscal year, shall submit to the Contracting Officer, with a copy to the cognizant audit activity, a proposed predetermined overhead rate or rates based on the contractor's actual cost experience during that fiscal year, together with supporting cost data. Negotiation of predetermined overhead rates shall be undertaken as promptly as practicable after receipt of the contractor's proposal.

(C) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with the provisions of Subpart 1–15.3 (Principles for Determining Costs Applicable to Research and Development Under Grants and Contracts With Educational Institutions), of the Federal Procurement Regulations as in effect on the date of this contract.

(D) The results of each negotiation shall be set forth in a modification to this contract, which shall specify (i) the agreed predetermined overhead rates, (ii) the bases to which the rates apply, (iii) the fiscal year unless the parties agree to a different period for which the rates apply, and (iv) the specific items treated as direct costs or any changes in the items previously agreed to be direct costs.

(E) Pending establishment of predetermined overhead rates for any fiscal year on different period agreed to by the parties, the contractor shall be reimbursed either at the rates fixed for the previous fiscal year or other period or at billing rates acceptable to the Contracting Officer subject to appropriate adjustment when the final rates for that fiscal year or other period are established.

(F) Any failure by the parties to agree on any predetermined overhead rate or rates under this clause shall not be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the "Disputes" clause of this contract. If for any fiscal year or other period specified in Appendix D of this contract the parties fail to agree to a predetermined overhead rate or rates, it is agreed that the allowable indirect costs under this contract shall be obtained by applying negotiated final overhead rates in accordance with the terms of the "Indirect Costs (Overhead)" clause set forth in § 7–16.951–2 of the Agency for International Development Procurement Regulations as in effect on the date of this contract.

(G) Allowable indirect costs for the period until the end of the contractor's fiscal year during which performance begins shall be obtained by applying the predetermined overhead rates set forth in Appendix D to the bases set forth therein.

PART 7–60—CONTRACT APPEAL PROCEDURE

Part 7–60 is revised to read as follows:

Sec.

AUTHORITY: The provisions of this Part 7–60 issued under sec. 621, 75 Stat. 424, 22 U.S.C. 2381.

§ 7–60.1 Designation of Armed Services Board of Contract Appeals (ASBCA) to hear and determine appeals under AID contracts and special procedures.

1. The Armed Services Board of Contract Appeals is hereby designated the authorized representative of the Administrator of the Agency for International Development (AID) in hearing, considering, and determining as fully and finally as might the Administrator, appeals by contractors from decisions on disputed questions taken pursuant to the provisions of contracts requiring the determination of such appeals by the Administrator or his duly authorized representative or Board.

2. In acting under this designation, the Armed Services Board of Contract Appeals will follow such rules and procedures as are or may be prescribed for the conduct of Defense Department contract appeal cases, except for the rules entitled "Forwarding of Appeals" (Rule 3) and "Duties of the Contracting Officer" (Rule 4), which subjects will be governed by procedures to be promulgated by the General Counsel of AID with approval of the Chairman of the Armed Services Board of Contract Appeals.

3. The General Counsel of AID will assure representation of the interests of the Government in proceedings before the Armed Services Board of Contract Appeals.

4. All officers and employees of AID will cooperate with the Armed Services Board of Contract Appeals and Government counsel in the processing of appeals so as to assure their speedy and just determination.

5. This designation will apply to appeals which have not been docketed by the Agency for International Development Board of Contract Appeals before November 1, 1965, and, to such extent and in such manner as may be agreed upon by the General Counsel of AID and the Chairman of the Armed Services Board of Contract Appeals, to appeals docketed before that date.

6. The General Counsel of AID will assure that all matters docketed by the Agency for International Development Board of Contract Appeals before November 1, 1965, are transferred or brought to completion, that no appeals will subsequently be docketed by that Board, that upon completion of its business the records and files of the Board will be transferred to the Executive Secretary of AID. The General Counsel will thereupon dissolve the Board.

Dated: September 30, 1965.

WILLIAM S. GAUD,
Acting Administrator.

SPECIAL PROCEDURES REGARDING CONTRACT DISPUTE APPEALS PROMULGATED PURSUANT TO PARAGRAPH 2 OF THE ADMINISTRATOR'S DESIGNATION

The following rules will apply, in lieu of Rules 3 and 4 of the Armed Services Board of Contract Appeals, to contract dispute appeals to the Administrator of the Agency for International Development or his authorized representative which are docketed with that Board.

Rule 3 (AID): *Forwarding of appeals.* When a notice of appeal in any form has been received by the contracting officer, he shall endorse thereon the date of mailing (or date of receipt, if otherwise conveyed) and within 10 days shall forward said notice of appeal to the Board with a copy to the AID General Counsel, in Washington, D.C. Following receipt by the Board of the original notice of an appeal (whether through the contracting officer or otherwise), the contractor, the contracting officer, and the AID General Counsel will be promptly advised of its receipt, and the contractor will be furnished a copy of these rules.

Rule 4 (AID): *Duties of the contracting officer.* Following receipt of a notice of appeal, or advice that an appeal has been filed, the contracting officer shall promptly, and in any event within 30 days, compile and transmit to the AID General Counsel, in Washington, D.C., two copies of all documents pertinent to the appeal, including the following:

(1) The findings of fact and the decision from which the appeal is taken, and the letter or letters or other documents of claim in response to which the decision was issued;

(2) The contract, and pertinent plans, specifications, amendments, and change orders;

(3) Correspondence between the parties and other data pertinent to the appeal;

(4) Transcripts of any testimony taken during the course of proceedings, and affidavits or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board;

(5) Such additional information as may be considered material.

The General Counsel will compile the appeal file from such documents, which file must contain the items enumerated (1)–(4) above and will promptly, and in any event within 65 days after the appeal is docketed by the Board, transmit the appeal file to the Board. The General Counsel will notify the appellant when he has compiled the appeal file, will provide him with a list of its contents, and will afford him an opportunity to examine the complete file at the office of the Board, and, if the General Counsel deems it appropriate, at an overseas location, for the purpose of satisfying himself as to the contents, and furnishing or suggesting any additional documentation deemed pertinent to the appeal. After receipt of the foregoing file, as it may be augmented at the time of receipt, the Board will promptly advise the parties.

Issued pursuant to the order of the Administrator on Designation of the Armed

Services Board of Contract Appeals, dated September 30, 1965.

Dated: October 13, 1965.

THOMAS L. FARMER,
General Counsel.

Approved:

LOUIS SPECTOR,
Chairman, Armed Services Board of Contract Appeals.

§ 7–60.2 Rules and procedures governing contract appeals.

PREFACE TO RULES OF THE ARMED SERVICES BOARD OF CONTRACT APPEALS

I. SUMMARY OF PERTINENT CHARTER PROVISIONS

The Armed Services Board of Contract Appeals is the authorized representative of the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force in hearing, considering, and determining as fully and finally as might each of the Secretaries:

(a) Appeals by contractors from decisions of contracting officers or their authorized representatives or other authorities on disputed questions, taken pursuant to the provision of contracts requiring the determination of such appeals by the Secretary of Defense or by a Secretary of a Military Department or their duly authorized representative or board; or

(b) Appeals by contractors taken pursuant to the provisions of any directive whereby the Secretary of Defense or the Secretary of a Military Department has granted a right of appeal not contained in the contract.

When an appeal is taken pursuant to a Disputes clause in a contract which limits appeals to disputes concerning questions of fact, the Board may in its discretion hear, consider, and decide all questions of law necessary for the complete adjudication of the issue. In the consideration of an appeal, should it appear that a claim is involved which is not cognizable under the terms of the contract, the Board may make findings of fact with respect to such a claim without expressing an opinion on the question of liability.

When a contract requires the Secretary of Defense or the Secretary of a Military Department, personally to render a decision on the matter in dispute, the Armed Services Board of Contract Appeals makes and submits findings and recommendations to the appropriate Secretary with respect thereto.

There are a number of divisions of the Armed Services Board of Contract Appeals established by the Chairman of the Board in such manner as to provide for the most effective and expeditious handling of appeals. Appeals are assigned to the divisions for decision without regard to the military department or other procuring agency which entered into the contract involved. Hearing may be held by a designated member, or by a duly authorized examiner. The decision of a majority of a division constitutes the decision of the Board provided that the Chairman and two Vice Chairmen jointly signify their approval of the decision. If a majority of the members of a division is unable to agree on a decision, or if the Chairman or one or more of the Vice Chairmen does not signify approval of the decision, determination of the appeal is by the Chairman and Vice Chairmen. A decision by a majority of those individuals then constitutes the decision of the Board.

On request of the appellant, an appeal involving $5,000 or less is decided as provided in the Optional Accelerated Procedure set forth in Rule 12 of the Board.

II. STATEMENT OF PURPOSE

Emphasis is placed upon the sound administration of these rules in specific cases, because it is impracticable to articulate a rule to fit every possible circumstance which may be encountered. These rules will be interpreted so as to secure just and inexpensive determination of appeals without unnecessary delay.

Preliminary procedures are available to encourage full disclosure of relevant and material facts and to discourage unwarranted surprise.

All time limitations specified for various procedural actions are computed as maximums, and are not to be fully exhausted if the action described can be accomplished in a lesser period. These time limitations are similarly eligible for extension in appropriate circumstances, on good cause shown.

Whenever reference is made to contractor, appellant, contracting officer, respondent and parties, this shall include respective counsel for the parties, as soon as appropriate notices of appearance have been filed with the Board.

RULES

PRELIMINARY PROCEDURES

1. *Appeals, how taken.* Notice of an appeal must be in writing, and the original, together with two copies, may be filed with the contracting officer from whose decision the appeal is taken. The notice of appeal must be mailed or otherwise filed within the time specified therefor in the contract or allowed by applicable provision of directive or law.

2. *Notice of appeal, contents of.* A notice of appeal should indicate that an appeal is thereby intended and should identify the contract (by number), the department and agency or bureau cognizant of the dispute, and the decision from which the appeal is taken. The notice of appeal should be signed personally by the appellant (the contractor making the appeal), or by an officer of the appellant corporation or member of the appellant firm, or by the contractor's duly authorized representative or attorney. The complaint referred to in Rule 6 may be filed with the notice of appeal, or the appellant may designate the notice of appeal as a complaint, if it otherwise fulfills the requirements of a complaint.

3. (*AID*) *Forwarding of appeals.* When a notice of appeal in any form has been received by the contracting officer, he shall endorse thereon the date of mailing (or date of receipt, if otherwise conveyed) and within 10 days shall forward said notice of appeal to the Board with a copy to the AID General Counsel, in Washington, D.C. Following receipt by the Board of the original notice of an appeal (whether through the contracting officer or otherwise), the contractor, the contracting officer, and the AID General Counsel will be promptly advised of its receipt, and the contractor will be furnished a copy of these rules.

4. (*AID*) *Duties of the contracting officer.* Following receipt of a notice of appeal, or advice that an appeal has been filed, the contracting officer shall promptly, and in any event within 30 days, compile and transmit to the AID General Counsel, in Washington, D.C., two copies of all documents pertinent to the appeal, including the following:

(1) The findings of fact and the decision from which the appeal is taken, and the letter or letters or other documents of claim in response to which the decision was issued;

(2) The contract, and pertinent plans, specifications, amendments, and change orders;

(3) Correspondence between the parties and other data pertinent to the appeal;

(4) Transcripts of any testimony taken during the course of proceedings, and affidavits or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board;

(5) Such additional information as may be considered material.

The General Counsel will compile the appeal file from such documents, which file must contain the items enumerated (1)–(4) above and will promptly, and in any event within 65 days after the appeal is docketed by the Board, transmit the appeal file to the Board. The General Counsel will notify the appellant when he has compiled the appeal file, will provide him with a list of its contents, and will afford him an opportunity to examine the complete file at the office of the Board, and, if the General Counsel deems it appropriate, at an overseas location, for the purpose of satisfying himself as to the contents, and furnishing or suggesting any additional documentation.

5. *Dismissal for lack of jurisdiction.* Any motion addressed to the jurisdiction of the Board shall be promptly filed. Hearing on the motion shall be afforded on application of either party, unless the Board determines that its decision on the motion will be deferred pending hearing on both the merits and the motion. The Board shall have the right at any time and on its own motion to raise the issue of its jurisdiction to proceed with a particular case, and shall do so by an appropriate order, affording the parties an opportunity to be heard thereon.

6. *Pleadings.* (a) Within 30 days after receipt of notice of docketing of the appeal, the appellant shall file with the Board an original and two copies of a complaint setting forth simple, concise, and direct statements of each of his claims, alleging the basis, with appropriate reference to contract provisions, for each claim, and the dollar amount claimed. This pleading shall fulfill the generally recognized requirements of a complaint, although no particular form or formality is required. Upon receipt thereof, the Recorder of the Board shall serve a copy upon the respondent. Should the complaint not be received within 30 days, appellant's claim and appeal may, if in the opinion of the Board the issues before the Board are sufficiently defined, be deemed to set forth his complaint and the respondent shall be so notified.

(b) Within 30 days from receipt of said complaint, or the aforesaid notice from the Recorder of the Board, respondent shall prepare and file with the Board an original and two copies of an answer thereto, setting forth simple, concise, and direct statements of respondent's defenses to each claim asserted by appellant. This pleading shall fulfill the generally recognized requirements of an answer, and shall set forth any affirmative defenses or counterclaims, as appropriate. Upon receipt thereof the Recorder shall serve a copy upon the appellant. Should the answer not be received within 30 days, the Board may, in its discretion, enter a general denial on behalf of the Government, and the appellant shall be so notified.

7. *Amendments of pleadings or records.* The Board upon its own initiative or upon application by a party may, in its discretion, order a party to make a more definite statement of the complaint or answer, or to reply to an answer. The Board may, in its discretion, and within the proper scope of the appeal, permit either party to amend his pleading upon conditions just to both parties. When issues within the proper scope of the appeal, but not raised by the pleadings or the documentation described in Rule 4, are tried by express or implied consent of the parties, or by permission of the Board, they shall be treated in all respects as if they had been raised therein. In such instances, motions to amend the pleadings to conform to the proof may be entered but are not re-

quired. If evidence is objected to at a hearing on the ground that it is not within the issues raised by the pleadings or the Rule 4 documentation (which shall be deemed a part of the pleadings for this purpose), it may be admitted within the proper scope of the appeal: *Provided, however,* That the objecting party may be granted a continuance if necessary to enable him to meet such evidence.

8. Upon receipt of respondent's answer or the notice referred in the last sentence of Rule 6(b), above, appellant shall advise whether he desires a hearing, as prescribed in Rules 17 through 25, or whether in the alternative he elects to submit his case on the record without a hearing, as prescribed in Rule 11. In appropriate cases, the appellant shall also elect whether he desires the optional accelerated procedure prescribed in Rule 12.

9. *Prehearing briefs.* Based on an examination of the documentation described in Rule 4, the pleadings, and a determination of whether the arguments and authorities addressed to the issues are adequately set forth therein, the Board may in its discretion require the parties to submit prehearing briefs in any case in which a hearing has been elected pursuant to Rule 8. In the absence of a Board requirement therefor, either party may in its discretion, and upon appropriate and sufficient notice to the other party, furnish a prehearing brief to the Board. In any case where a prehearing brief is submitted, it shall be furnished so as to be received by the Board at least 15 days prior to the date set for hearing, and a copy shall simultaneously be furnished to the other party as previously arranged.

10. *Prehearing or presubmission conference.* Whether the case is to be submitted pursuant to Rule 11 or heard pursuant to Rules 17 through 25, the Board may upon its own initiative or upon the application of either party, call upon the parties to appear before a member or examiner of the Board for a conference to consider;

(a) The simplification or clarification of the issues;

(b) The possibility of obtaining stipulations, admissions, agreements on documents, understandings on matters already of record, or similar agreements which will avoid unnecessary proof;

(c) The limitation of the number of expert witnesses, or avoidance of similar cumulative evidence, if the case is to be heard;

(d) The possibility of agreement disposing of all or any of the issues in dispute;

(e) Such other matters as may aid in the disposition of the appeal.

The results of the conference shall be reduced to writing by the Board member or examiner in the presence of the parties, and this writing shall thereafter constitute part of the record.

11. *Submission without a hearing.* Either party may elect to waive a hearing and to submit his case upon the Board record, as settled pursuant to Rule 13. In the event of such election to submit, the submissions may be supplemented by oral argument (transcribed if requested), and/or by briefs, arranged in accordance with Rules 18 and 23.

12. *Optional accelerated procedure.* Should an appeal involve $5,000 in amount or less, it may at the option of the appellant be processed under this rule. In the event of such election, the Board will undertake to issue a decision on the appeal on an expedited basis, without regard to its normal position on the docket. Under this accelerated procedure, the case will be further expedited if the parties elect to waive pleadings and/or elect to waive the hearing and submit on the record. In all other respects, these rules will apply.

13. *Settling of the record.* A case submitted on the record pursuant to Rule 11 shall be ready for decision when the parties are so notified by the Board. A case which is heard shall be ready for decision upon receipt of transcript, or upon receipt of briefs when briefs are to be submitted. At any time prior to the date that a case is ready for decision, either party upon notice to the other, may supplement the record with documents and exhibits deemed relevant and material by the Board. The Board upon its own initiative may call upon either party, with appropriate notice to the other, for evidence deemed by it to be relevant and material. The weight to be attached to any evidence of record will rest within the sound discretion of the Board. Either party may at any stage of the proceeding, or notice to the other party, raise objection to material in the record or offered into the record, on the grounds of relevancy and materiality.

The Board record shall consist of documentation described in Rule 4, and any additional material, pleadings, prehearing briefs, record of prehearing or presubmission conferences, depositions, interrogatories, admissions, transcripts of hearing, hearing exhibits, and post-hearing briefs, as may thereafter be developed pursuant to these rules.

This record will at all times be available for inspection by the parties at the office of the Board. In the interest of convenience, prior arrangements for inspection of the file should be made with the Recorder of the Board. Copies of material in the record may, if practicable, be furnished to appellant at the cost of reproduction.

14. *Depositions*—(a) *When depositions may be taken.* After an appeal has been docketed, the Board may, upon application of either party or upon agreement by the parties, permit the taking of the testimony of any person, by deposition upon oral examination or written interrogatories, for use as evidence in the appeal proceedings. Leave to take a deposition will not ordinarily be granted unless it appears that it is impracticable to present the deponent's testimony at the hearing of the appeal, or unless a hearing has been waived and the case submitted pursuant to Rule 11.

(b) *Before whom taken.* Depositions to be offered in evidence before the Board may be taken before and authenticated by any person authorized by the laws of the United States, or by the laws of the place where the deposition is taken, to administer oaths.

(c) *By oral examinations.* When either party desires to take the testimony of any person by deposition upon oral examination, the moving party shall give the opposite party at least 15 days written notice of the time and place where such deposition is proposed to be taken; the name, address, and title of the person before whom it is proposed to be taken; and the name and address of the witness. This notice is unnecessary in any case where the deposition has been scheduled by mutual agreement. If the party so served finds it impracticable to appear at the taking of the deposition, in person or by counsel, he shall promptly so notify the moving party who shall make available to him a copy of the evidence given at the deposition. Within 15 days after receipt of such copy, the party so served may serve cross-interrogatories upon the moving party, and the proceedings shall be had thereon as provided in the next succeeding subparagraph (d) herein.

(d) *By written interrogatories.* When either party desires to take the testimony of any person by deposition upon written interrogatories, the moving party shall serve them upon the opposite party with a notice stating the name and address of the person who is to answer them and the name, address, and title of the person before whom the deposition is to be taken. Within 15 days thereafter, the party so served may serve cross-interrogatories upon the moving party. A copy of the notice and copies of all interrogatories served shall be delivered by the moving party to the person before whom the deposition is to be taken, and the latter shall proceed promptly to take the testimony of the witness in response to the interrogatories.

(e) *Form and return of deposition.* Each deposition shall show the docket number and the caption of the proceedings, the place and date of taking, the name of the witness, and the names of all persons present. The person taking the deposition shall certify thereon that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness, and he shall enclose the original deposition and exhibits in a sealed prepaid package and forward same to the Recorder, Armed Services Board of Contract Appeals.

(f) *Introduction in evidence.* No testimony taken by deposition shall be considered as part of the evidence in the hearing of an appeal unless and until such testimony is offered and received in evidence at the hearing. It will not ordinarily be received in evidence if the deponent is present and can testify personally at the hearing. In such case it can, however, be utilized to contradict or impeach the testimony of the deponent as a witness. If the opportunity to be heard has been waived and the case submitted pursuant to Rule 11, the deposition shall be deemed to be part of the record before the Board.

15. *Interrogatories to parties; inspection of documents; admission of facts.* Under appropriate circumstances, but not as a matter of course, the Board will entertain applications for permission to serve written interrogatories upon the opposing party, applications for an order to produce and permit the inspection of designated documents, and applications for permission to serve upon the opposing party a request for the admission of specified facts. Such applications shall be reviewed and approved only to the extent and upon such terms as the Board in its discretion considers to be consistent with the objective of securing just and inexpensive determination of appeals without unnecessary delay, and essential to the proper pursuit of that objective in the particular case.

16. *Service of papers.* Service of papers in all proceedings pending before the Board may be made personally, or by mailing the same in a sealed envelope registered, or certified, postage prepaid, addressed to the party upon whom service shall be made and the date of delivery as shown by return receipt shall be the date of service. Waiver of the service of any papers may be noted thereon or on a copy thereof or on a separate paper, signed by the parties and filed with the Board.

HEARINGS

17. *Where and when held.* Hearings will ordinarily be held in Washington, D.C., except that upon request reasonably made and upon good cause shown, the Board may in its discretion set the hearings at another location. Hearings will be scheduled at the discretion of the Board with due consideration to the regular order of appeals and other pertinent factors. On request or motion by either party and upon good cause shown, the Board may in its discretion advance a hearing.

18. *Notice of hearings.* The parties shall be given at least 15 days notice of the time and place set for hearings. In scheduling hearings, the Board will give due regard to the desires of the parties, and to the requirement for just and inexpensive determination of appeals without unnecessary delay. Notices of hearing shall be promptly acknowledged by the parties. A party failing

to acknowledge a notice of hearing shall be deemed to have submitted his case upon the Board record as provided in Rule 11.

19. *Unexcused absence of a party.* The unexcused absence of a party at the time and place set for hearing will not be occasion for delay. In the event of such absence, the hearing will proceed and the case will be regarded as submitted by the absent party as provided in Rule 11.

20. *Nature of hearings.* Hearings shall be as informal as may be reasonable and appropriate under the circumstances. Appellant and respondent may offer at a hearing on the merits such relevant evidence as they deem appropriate and as would be admissible under the generally accepted rules of evidence applied in the courts of the United States in nonjury trials, subject, however, to the sound discretion of the presiding member or examiner in supervising the extent and manner of presentation of such evidence. In general, admissibility will hinge on relevancy and materiality. Letters or copies thereof, affidavits, or other evidence not ordinarily admissible under the generally accepted rules of evidence, may be admitted in the discretion of the presiding member or examiner. The weight to be attached to evidence presented in any particular form will be within the discretion of the Board, taking into consideration all the circumstances of the particular case. Stipulations of fact agreed upon by the parties may be regarded and used as evidence at the hearing. The parties may stipulate the testimony that would be given by a witness if the witness were present. The Board may in any case require evidence in addition to that offered by the parties.

21. *Examination of witnesses.* Witnesses before the Board will be examined orally under oath or affirmation, unless the facts are stipulated, or the Board member or examiner shall otherwise order. If the testimony of a witness is not given under oath the Board may, if it seems expedient, warn the witness that his statements may be subject to the provisions of Title 18, United States Code, sections 287 and 1001, and any other provisions of law imposing penalties for knowingly making false representations in connection with claims against the United States or in any matter within the jurisdiction of any department or agency thereof.

22. *Copies of papers.* When books, records, papers, or documents have been received in evidence, a true copy thereof or of such part thereof as may be material or relevant may be substituted therefor, during the hearing or at the conclusion thereof.

23. *Posthearing briefs.* Posthearing briefs may be submitted upon such terms as may be agreed upon by the parties and the presiding member or examiner at the conclusion of the hearing. Ordinarily they will be simultaneous briefs, exchanged within 20 days after receipt of transcript.

24. *Transcript of proceedings.* Testimony and argument at hearings shall be reported verbatim, unless the Board otherwise orders. Transcripts of the proceedings shall be supplied to the parties at such rates as may be fixed by contract between the Board and the reporter. If the proceedings are reported by an employee of the Government, the appellant may receive transcripts upon payment to the Government at the same rates as those set by contract between the Board and the independent reporter.

25. *Withdrawal of exhibits.* After a decision has become final the Board may, upon request and after notice to the other party, in its discretion permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. The substitution of true copies of exhibits or any part thereof may be required by the Board in its discretion as a condition of granting permission for such withdrawal.

REPRESENTATION

26. *The Appellant.* An individual appellant may appear before the Board in person, a corporation by an officer thereof, a partnership or joint venture by a member thereof, or any of these by an attorney at law duly licensed in any state, Commonwealth, Territory, or in the District of Columbia.

27. *The Respondent.* Government counsel designated by the various departments to represent the departments, agencies, directorates, and bureaus cognizant of the disputes brought before the Board, may in accordance with their authority represent the interests of the Government before the Board. They shall file notices of appearance with the Board, and notice thereof will be given appellant or his attorney in the form specified by the Board from time to time. Whenever at any time it appears that appellant and Government counsel are in agreement as to disposition of the controversy, the Board may suspend further processing of the appeal in order to permit reconsideration by the contracting officer: *Provided, however,* That if the Board is advised thereafter by either party that the controversy has not been disposed of by agreement, the case shall be restored to the Board's calendar without loss of position.

28. Decisions of the Board will be made in writing and authenticated copies thereof will be forwarded simultaneously to both parties. The rules of the Board and all final orders and decisions (except those required for good cause to be held confidential and not cited as precedents) shall be open for public inspection at the offices of the Board in Washington, D.C. In accordance with paragraph 3 of the Charter, decisions of the Board will be made upon the record, as described in Rule 13.

29. A motion for reconsideration, if filed by either party, shall set forth specifically the ground or grounds relied upon to sustain the motion, and shall be filed within 30 days from the date of receipt of a copy of the decision of the Board by the party filing the motion.

DISMISSAL WITHOUT PREJUDICE

30. In certain cases, appeals docketed before the Board are required to be placed in a suspense status and the Board is unable to proceed with disposition thereof for reasons not within the control of the Board. In any such case where the suspension has continued, or it appears that it will continue, for an inordinate length of time, the Board may in its discretion dismiss such appeals from its docket without prejudice to their restoration when the cause of suspension has been removed.

EFFECTIVE DATE AND APPLICABILITY

31. These revised rules shall take effect on the first day of the month following the month in which they are approved by the Assistant Secretary of Defense (Installations and Logistics) and the Assistant Secretaries of the Military Departments responsible for procurement. Except as otherwise directed by the Board, these rules shall not apply to appeals which have been docketed prior to their effective date.

Approved this 15th day of July 1963.

THOMAS D. MORRIS,
The Assistant Secretary of Defense (Installations and Logistics).
PAUL R. IGNATIUS,
The Assistant Secretary of the Army (Installations and Logistics).
KENNETH E. BELIEU,
The Assistant Secretary of the Navy (Installations and Logistics).
JOSEPH S. IMIRIE,
The Assistant Secretary of the Air Force (Material).

These amendments are effective upon publication in the FEDERAL REGISTER.

Dated: August 10, 1966.

WILLIAM O. HALL,
Assistant Administrator for Administration.

[F.R. Doc. 66-9029; Filed, Aug. 18, 1966; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 925]

FRESH PRUNES GROWN IN IDAHO AND MALHEUR COUNTY, OREG.

Approval of Expenses and Fixing of Rate of Assessment for 1966–67 Fiscal Period and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee, established under the marketing agreement and Order No. 925 (7 CFR Part 925), regulating the handiing of fresh prunes grown in designated counties in Idaho and in Malheur County, Oreg., 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 expenses that are reasonable and likely to be incurred by the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee, during the period from July 1, 1966, through June 30, 1967, will amount to $5,310;

(2) That there be fixed, at $0.01 per one-half bushel or equivalent quantity of prunes, the rate of assessment payable by each handler in accordance with § 925.41 of the aforesaid marketing agreement and order; and

(3) That unexpended assessment funds, in excess of expenses incurred during the fiscal period ended June 30, 1966, be carried over as a reserve in accordance with the applicable provisions of § 925.42 of said marketing agreement and order to be available for use by the committee for all expenses authorized pursuant to § 925.40.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the 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 the 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: August 16, 1966.

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

[F.R. Doc. 66-9040; Filed, Aug. 18, 1966; 8:48 a.m.]

[7 CFR Part 926]

TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIF.

Approval of Expenses and Fixing of Rate of Assessment for 1966–67 Fiscal Period

Consideration is being given to the following proposals submitted by the Tokay Industry Committee, established under the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, Calif., 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 expenses that are reasonable and likely to be incurred by the Tokay Industry Committee, during the period from April 1, 1966, through March 31, 1967, will amount to $29,188.50, and (2) that there be fixed, at $0.01 per standard package or equivalent quantity of Tokay grapes, the rate of assessment payable by each handler in accordance with § 926.46 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 the 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 the 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: August 16, 1966.

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

[F.R. Doc. 66-9052; Filed, Aug. 18, 1966; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 66-CE-62]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter controlled airspace in the St. Joseph, Mo., terminal area.

Effective September 15, 1966, the St. Joseph, Mo., transition area will be designated as follows:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Rosecrans Memorial Airport (latitude 39°46'23" N., longitude 94°54'31" W.); and within 5 miles E and 8 miles W of the St. Joseph ILS localizer S course, extending from the 8-mile radius area to 12 miles S of the OM; and that airspace extending upward from 1,200 feet above the surface bounded by a line extending from the INT of the S boundary of V–216 and the W boundary of V–13 SW along the W boundary of V–13 to latitude 39°42'25" N., longitude 94°29'20" W.; thence W to latitude 39°44'00" N., longitude 94°43'-20" W.; thence S to latitude 39°30'00" N., longitude 94°49'00" W.; thence W along latitude 39°30'00" N., to longitude 95°09'00" W.; thence N along longitude 95°09'00" W. to the arc of a 20-mile radius circle centered on the Rosecrans Memorial Airport; thence clockwise along this arc to the N boundary of V–50; thence W along the N boundary of V–50 to the S boundary of V–216; thence E along the S boundary of V–216 to point of beginning.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the St. Joseph, Mo., terminal area, which revealed a need for revising the designated transition area, proposes the following airspace action:

Redesignate the St. Joseph, Mo., transition area as that airspace extending upward from 700 feet above the surface within an 8-mile radius of the Rosecrans Memorial Airport (latitude 39°46'23" N., longitude 94°54'31" W.); and within 5 miles E and 8 miles W of the St. Joseph ILS localizer S course, extending from the 8-mile radius area to 12 miles S of the OM; and that airspace extending upward from 1,200 feet above the surface bounded by the intersection of V–77 and V–13 thence S along the W boundary of V–13 to latitude 39°42'20" N., longitude 94°29'00" W., thence W to latitude 39°44'00" N., longitude 94°43'20" W., thence S to latitude 39°30'00" N., longitude 94°49'00" W., thence W along latitude 39°30'00" N. to the SW boundary of V–71, thence NW along the SW boundary of V–71 to the W boundary of V–77, thence NE along the W boundary of V–77 to the NE boundary of V–71, thence NW along the NE boundary of V–71 to the arc of a 20-mile radius circle centered on the Rosecrans Memorial Airport, thence clockwise along the arc to the SE boundary of V–77, thence NE along the SE boundary of V–77 to point of beginning; and that airspace extending upward from 4,500 MSL in the vicinity of St. Joseph bounded by V–13 on the W, V–161 on the E and V–50 on the S; within an area bounded on the W by V–13, on the N by V–50, on the E by V–161 and a direct line from latitude 39°39'30" N., longitude 94°07'40" W. to latitude 39°42'20" N., longitude 94°29'00" W.; within an area bounded on the SW by V–71 on the N by V–50 and on the E by a 20-mile arc centered on Rosecrans Memorial Airport; within an area bounded on the S by V–50, on

the N by V–216, on the NE by V–15/205; and within an area bounded on the SW by V–15/205, on the N by V–216 and on the SE by V–77.

The proposed alteration of the St. Joseph transition area will reduce the overall controlled airspace in the St. Joseph area.

Designation of controlled airspace, as outlined in this proposal, will enable the Kansas City Center to provide more efficient radar service to all users of airspace through and within the St. Joseph area.

The floors of airways that traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

No procedural changes would be effected in conjunction with the action proposed herein.

Specific details of this proposal may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, 601 East 12th Street, Kansas City, Mo. 64106.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The Public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 601 East 12th Street, Kansas City, Mo. 64106.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on August 4, 1966.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 66–9014; Filed, Aug. 18, 1966; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66–AL–17]

FEDERAL AIRWAY

Proposed Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would designate a colored Federal airway from Anchorage, Alaska, radio range via the intersection of Anchorage radio range 266° T (240° M) and Sparrevohn, Alaska, radio beacon 093° T (070° M) bearings; Sparrevohn radio beacon; to the Bethel, Alaska, radio beacon (identification BET) and designate the Sparrevohn radio beacon as low altitude reporting point.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed airway would provide a designated route for air traffic which operates between Anchorage and Bethel.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on August 10, 1966.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66–9015; Filed, Aug. 18, 1966; 8:46 a.m.]

[14 CFR Part 159]

[Regulatory Docket No. 6968; Ref. Notice 65–28]

SECURING OF UNATTENDED SMALL AIRCRAFT AT NATIONAL AND DULLES INTERNATIONAL AIRPORTS

Withdrawal of Notice of Proposed Rule Making

The Federal Aviation Agency had under consideration a proposal to amend Part 159 of the Federal Aviation Regulations to require that all unattended small aircraft at National and Dulles International Airports be secured against heavy wind by the person who parks the aircraft. This proposal was set forth in Notice 65–28 published in the FEDERAL REGISTER on October 16, 1965 (30 F.R. 13239).

In light of the comments received and of other developments it was determined that this project requires further study and that Notice 65–28 should be withdrawn.

Withdrawal of a notice of proposed rule making constitutes only such action, and does not preclude the Agency from issuing another notice in the future, nor commit the Agency to any course of action in the future.

In consideration of the foregoing, Notice 65–28 is hereby withdrawn.

This withdrawal is made under the authority of section 1602, Title 2, District of Columbia Code; section 2, Act of June 29, 1940, as amended (54 Stat. 686); section 4 of the Act of September 7, 1950, as amended (64 Stat. 770).

Issued in Washington, D.C., on August 9, 1966.

ARVEN H. SAUNDERS,
Director, Bureau of National Capital Airports.

[F.R. Doc. 66–9016; Filed, Aug. 18, 1966; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 11279]

SUBSCRIPTION TELEVISION SERVICES

Order Extending Time for Filing Comments and Reply Comments

1. On March 21, 1966, the Commission adopted, in the above-captioned proceeding, a further notice of proposed rule making and notice of inquiry (3 F.C.C. 2d 1). In both the rule making and the inquiry the dates for filing comments and reply comments were designated as September 1, 1966, and October 1, 1966, respectively.

2. In addition to the comments and reply comments, the Commission invited interested parties to submit within 60 days from March 21, 1966, detailed specifications of their present or proposed systems for over-the-air subscription television or to update submissions previously made. The filing time for such specifications was subsequently extended to June 22, 1966, and later to July 25, 1966.

3. The Commission now has before it informal requests by the American Civil Liberties Union (ACLU) and Americans for Democratic Action (ADA), and a formal request—a Request for Extension of Time Within Which To File Comments—filed by the National Association of Broadcasters (NAB), to extend the time for filing comments and reply comments to January 1, 1967, or later.

4. As grounds therefor it is asserted that the additional time is needed to permit proper consideration of the Commission's many detailed questions concerning a complex and far-reaching subject and submit helpful comments.

5. In addition, NAB urges that one of the questions concerning which the Further Notice invited comments is whether subscription television should be limited to a single technical system, and that to prepare meaningful answers to this question will require a thorough examination

and analysis of all of the proposed systems. NAB also urges that without such an analysis a practical evaluation of the possible effect of subscription television on the present system of broadcasting cannot be made. The extensions of time for submitting technical data mentioned in paragraph 2 above, NAB argues, have created a difficult situation for those parties wishing to prepare such comments since it shortened by about 2 months the time for study of the technical submissions.

6. Also before the Commission are oppositions to the aforementioned requests, filed by Field Communications Corp., International Telemeter Corp., Kaiser Broadcasting Corp., RKO General, Inc., and RKO Phonevision Co. (jointly), Trigg-Vaughn Stations, Inc., and Zenith Radio Corp., and Teco, Inc. (jointly). No replies to the oppositions were filed.

7. The oppositions variously argue that no extension of time should be granted because the Further Notice invited comments on a multitude of issues only one of which involved technical systems and the parties requesting extension of time have made no showing of what they have done with regard to preparing data for answering all of the other issues; that the question of whether there should be a single system or multiple systems authorized involves economic and social issues rather than technical issues; that paragraph 39 of the Further Notice stated that further proceedings would be held for consideration of any technical rules concerning subscription television; and that NAB when granted a substantial extension of time in which to file a helpful and informative response to the Zenith and Teco petition for further rule making, failed to file anything at all. It is also pointed out that the record in this proceeding already contains voluminous information, that a substantial period for comments was allowed initially because of the complexity of this matter, and further delay would be unfair to the proponents of subscription television.

8. The Commission has given consideration to the pleadings for and against an extension of time. On the one hand, we wish to benefit from the comments of all interested parties in arriving at ultimate decisions on this matter of considerable importance. On the other hand, the proceeding is of many years' standing, and a substantial period of time for filing comments to the Further Notice was originally granted for the purpose of affording adequate time to all parties, and we do not wish unwarranted delays. Under the circumstances, we are of the opinion that an extension of time for filing comments from September 1 to October 10, 1966, a period of nearly 6 weeks, strikes a proper balance between these two considerations. This extension will not unduly delay the proceeding and will afford parties, in our opinion, sufficient additional time in which to prepare their comments. It is granted with the understanding that no additional requests to extend comment time will receive favorable consideration.

9. In view of the foregoing: *It is ordered*, This 12th day of August 1966, that the informal requests for extension of time for filing comments in this proceeding filed by the American Civil Liberties Union and by Americans for Democratic Action, and the Request for Extension of Time Within Which To File Comments filed by the National Association of Broadcasters, are granted to the extent indicated above and in all other respects are denied, and that the times for filing comments and reply comments in response to the further notice of proposed rule making and notice of inquiry released herein on March 24, 1966, are extended from September 1, 1966, to October 10, 1966, and from October 1, 1966, to November 10, 1966, respectively.

10. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Released: August 15, 1966.

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

[F.R. Doc. 66-9053; Filed, Aug. 18, 1966; 8:49 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 115]

RUBBER TIRE INDUSTRY

Proposed Rescission of Trade Practice Rules

Notice is hereby given that pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41–58, and provisions of Part 1, Subpart F, of the Commission's procedures and rules of practice, 16 CFR 1.61–1.67, the Commission proposes to rescind the Trade Practice Rules for the Rubber Tire Industry promulgated October 17, 1936.

Interested or affected parties may submit their views, suggestions, objections or other information concerning the proposed rescission to the Chief, Division of Trade Practice Conferences and Guides, Bureau of Industry Guidance, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580, in writing not later than September 19, 1966.

All comments received will be available for examination by interested parties at the Federal Trade Commission, Washington, D.C., and will be fully considered by the Commission.

Approved: July 5, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-8966; Filed, Aug. 18, 1966; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

[Rev. 6]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Bidding on Government Procurements for Naval Architectural and Marine Engineering Services

Notice is hereby given that the Administrator of the Small Business Administration proposes to amend the Small Business Size Standards Regulation (Rev. 6) by establishing a new definition of a small business concern for the purpose of bidding on Government procurements for naval architectural and marine engineering services. The present definition of a small business concern for the purpose of bidding on Government procurements for naval architectural and marine engineering services is that a concern be independently owned and operated, not dominant in its field of operation, and together with its affiliates have average annual sales or receipts of $5 million or less for the preceding three fiscal years.

Information available to SBA shows that concerns primarily engaged in furnishing naval architectural and marine engineering services are in competition with large diversified concerns which are industry giants and which have marine engineering or naval architectural departments. These large industrial giants have total assets, annual receipts, and number of employees which are many times that of the nondiversified concerns primarily engaged in the marine engineering and naval architectural field.

Further, in many instances, the smaller nondiversified naval architectural and marine engineering concerns are disadvantaged in obtaining a "fair share" of Government procurements because Government procurements for naval architectural and marine engineering services are included as a part of a procurement for shipbuilding. The large industrial giants bidding on the shipbuilding contracts, as pointed out above, often have "in-house" capability for naval architectural and marine engineering services. Therefore, unless the smaller nondiversified naval architectural and marine engineering concerns can obtain Government work through subcontracting from the large prime contractor, they have no opportunity to bid on the aforementioned type services.

Further, available information shows that there has been a substantial increase in the volume of business activity in the naval architectural and marine engineering field and also cost-price increases.

Therefore, in view of the facts set forth above, it is proposed to establish a size standard of average annual sales or receipts of $6 million or less for the preceding 3 fiscal years for the purpose of bid-

ding on naval architectural and marine engineering services.

Interested persons may file with the Small Business Administration within thirty (30) days after publication in the FEDERAL REGISTER written statements of facts, opinions, or arguments concerning the proposed definition.

All correspondence shall be addressed to:

Deputy Administrator for Procurement and Management Assistance, Small Business Administration, 811 Vermont Avenue NW., Washington, D.C. 20416, Attention: Size Standards Staff.

It is proposed to change the definition of a small business for the purpose of bidding on Government procurements for naval architectural and marine engineering services as follows:

The Small Business Size Standards Regulation (Rev. 6), 31 F.R. 9721, is hereby amended by adding subparagraph (6) to § 121.3–8(e) as follows:

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

* * * * *

(e) *Services.* * * *

(6) Any concern bidding on a contract for naval architectural and marine engineering services is classified as small if it, including its affiliates, has average annual receipts of $6 million or less for the preceding 3 fiscal years.

* * * * *

Dated: August 12, 1966.

WILLIAM P. TURPIN,
Assistant Administrator for Administration.

[F.R. Doc. 66-9028; Filed, Aug. 18, 1966; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Customs Bureau

[T.D. 66-170; Customs Delegation Order 26]

CUSTOMS AGENTS

Delegation of Certain Functions, Rights, Privileges, Powers, and Duties

AUGUST 12, 1966.

By virtue of authority vested in me by Treasury Department Order No. 165, Revised (T.D. 53654, 19 F.R. 7241), the functions, rights, privileges, powers, and duties formerly vested by section 509 of the Tariff Act of 1930, as amended (19 U.S.C. 1509), in collectors of customs and appraisers of merchandise to cite to appear before them and examine upon oath, which said officers are authorized to administer, any owner, importer, consignee, agent, or other person upon any matter or thing which they may deem material respecting any imported merchandise then under consideration or previously imported within 1 year, in ascertaining the classification or the value thereof or the rate or amount of duty; and to require the production of any letters, accounts, contracts, invoices, or other documents relating to said merchandise, and to require such testimony to be reduced to writing, which functions, rights, privileges, powers, and duties were delegated to district directors of customs and regional commissioners of customs by Customs Delegation Order No. 22 (T.D. 56470, 30 F.R. 1180) and to the assistant regional commissioners and the deputy regional commissioner of customs for Customs Region II, New York, by Customs Delegation Orders Nos. 23 and 24 (T.D. 66-100, 31 F.R. 7150; and T.D. 66-113, 31 F.R. 7842), are hereby delegated also to supervising customs agents, assistant supervising customs agents, and customs agents in charge, effective on the date of publication of this order in the FEDERAL REGISTER.

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

[F.R. Doc. 66-9031; Filed, Aug. 18, 1966; 8:47 a.m.]

Office of Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM REPUBLIC OF KOREA

Available Certifications

Notice is hereby given that certificates of origin issued by the Ministry of Commerce and Industry of the Republic of Korea under procedures agreed upon between that Government and the Office of Foreign Assets Control in connection with the Foreign Assets Control Regulations are now available with respect to the importation into the United States directly, or on a through bill of lading, from Korea of the following additional commodities: duck eggs, shell fish, dried (oysters, scallops, other).

[SEAL] STANLEY L. SOMMERFIELD,
Acting Director,
Office of Foreign Assets Control.

[F.R. Doc. 66-9048; Filed, Aug. 18, 1966; 8:48 a.m.]

Office of the Secretary

[Treasury Dept. Order 167-76]

COMMANDANT, U.S. COAST GUARD

Delegation of Authority

By virtue of the authority vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and 14 U.S.C. 631, and pursuant to the authority delegated to me by Treasury Department Order No. 190 (Rev. 4), there are hereby transferred to the Commandant, U.S. Coast Guard the functions of the Secretary contained in section 2 of Public Law 89-381, concerning the leasing of certain housing facilities for use as public quarters for military personnel and their dependents.

Dated: August 11, 1966.

[SEAL] JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 66-9011; Filed, Aug. 18, 1966; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 01228; Survey Group 71]

MICHIGAN

Notice of Filing of Plats of Survey

AUGUST 15, 1966.

The plats of survey of islands in sec. 17, T. 41 N., R. 31 W., and sec. 35, T. 42 N., R. 32 W., Michigan Meridian, Michigan, accepted on March 31, 1966, will be officially filed in this Office effective at 10 a.m., on September 26, 1966.

The lands are described as:

T. 41 N., R. 31 W., Michigan Meridian, Michigan
Sec. 17, lot 6,

Containing 3.11 acres; and

T. 42 N., R. 32 W.,
Sec. 35, lots 8 and 9,

Containing an aggregate of 1.82 acres.

These islands were surveyed under special instructions which called for the survey of all islands found to be surveyable public land. As these islands are within the area of Federal Power Project 2431, they are withdrawn under the act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and are not subject to any form of leasing or disposition.

All inquiries relating to these islands should be sent to the Manager, Eastern States Land Office, Bureau of Land Management, Washington, D.C. 20240.

DORIS A. KOIVULA,
Manager, Land Office.

[F.R. Doc. 66-9026; Filed, Aug. 18, 1966; 8:47 a.m.]

[Montana 166]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

AUGUST 12, 1966.

The Department of Agriculture, on behalf of the Forest Service, has filed application, Montana 166, for the withdrawal of the lands described below, from location and entry under the mining laws, subject to existing valid claims.

The applicant desires the land for administrative sites and recreational areas.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, Mont. 59101.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

BEAVERHEAD NATIONAL FOREST

PRINCIPAL MERIDIAN, MONTANA

Crockett Lake Administrative Site

Unsurveyed, but which probably will be when surveyed:
T. 8 S., R. 2 W.,
Sec. 20, W½NW¼NE¼ and N½NW¼SW¼NE¼.
Total area—25 acres.

West Fork Administrative Site

Unsurveyed, but which probably will be when surveyed:
T. 12 S., R. 2 W.,
Sec. 7, W½SW¼SE¼NE¼, E½SE¼SW¼NE¼, W½NW¼NE¼ SE¼, and E½NE¼NW¼SE¼.
Total area—20 acres.

Willow Creek Campground

T. 3 S., R. 3 W.,
Sec. 22, NE¼NE¼SW¼ and N½NW¼SE¼.
Total area—30 acres.

Upper Sureshot Lake Picnic Area

T. 3 S., R. 3 W.,
Sec. 25, NW¼SW¼NE¼, E½SW¼NE¼, and W½SE¼NE¼.
Total area—50 acres.

Branham Lakes Campground

T. 4 S., R. 3 W.,
Sec. 5, SE¼SE¼NE¼, E½SW¼SE¼NE¼, and N½NE¼NE¼SE¼.
Total area—20 acres.

Aspen Campground

T. 5 S., R. 10 W.,
Sec. 4, S½SW¼SW¼SW¼.
Total area—5 acres.

Canyon Creek Campground

Unsurveyed, but which probably will be when surveyed:
T. 2 S., R. 11 W.,
Sec. 34, NW¼NE¼NE¼.
Total area—10 acres.

Dinner Station Campground

Unsurveyed, but which probably will be when surveyed:
T. 5 S., R. 11 W.,
Sec. 1, W½SE¼NE¼ and E½SW¼NE¼.
Total area—40 acres.

Boot Lake Campground

Unsurveyed, but which probably will be when surveyed:
T. 5 S., R. 11 W.,
Sec. 4, SW¼NE¼NW¼ and NW¼SE¼NW¼.
Total area—20 acres.

Pear Lake Campground

Unsurveyed, but which probably will be when surveyed:
T. 5 S., R. 11 W.,
Sec. 5, SW¼SE¼NE¼SW¼, NW¼NE¼SE¼SW¼, SE¼SW¼NE¼SW¼, and NE¼NW¼SE¼SW¼.
Total area—10 acres.

Little Joe Camp

Unsurveyed, but which probably will be when surveyed:
T. 3 S., R. 12 W.,
Sec. 21, S½SE¼NE¼SW¼ and N½NE¼SE¼SW¼.
Total area—10 acres.

Mono Creek Camp

Unsurveyed, but which probably will be when surveyed:
T. 3 S., R. 12 W.,
Sec. 34, NW¼NW¼NW¼.
Total area—10 acres.

Lower Seymour Campground

T. 3 N., R. 13 W.,
Sec. 26, SW¼NE¼NE¼NW¼, SE¼NW¼NE¼NW¼, NW¼SE¼NE¼NW¼, and NE¼SW¼NE¼NW¼.
Total area—10 acres.

Pintlar Falls Camp

Unsurveyed, but which probably will be when surveyed:
T. 1 N., R. 15 W.,
Sec. 2, S½S½SW¼SW¼;
Sec. 10, NE¼NE¼NE¼;
Sec. 11, NW¼NW¼, N½SW¼NW¼, and N½S½SW¼NW¼.
Total area—90 acres.

Reservoir Lake Campground

T. 8 S., R. 15 W.,
Sec. 21, E½W½NW¼SW¼, E½NW¼SW¼, and W½NE¼SW¼.
Total area—50 acres.

May Creek Camp

T. 2 S., R. 18 W.,
Sec. 13, SW¼SW¼SW¼;
Sec. 14, SE¼SE¼SE¼;
Sec. 23, E½NE¼NE¼;
Sec. 24, W½NW¼NW¼.
Total area—60 acres.

The areas described aggregate 460 acres.

EUGENE H. NEWELL,
Acting Land Officer Manager.

[F.R. Doc. 66-9027; Filed, Aug. 18, 1966; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Exchange Authority

NEW YORK PRODUCE EXCHANGE

Board of Trade Designated as Contract Market for Soybeans Under Commodity Exchange Act

Notice is hereby given that under the authorization and direction contained in the Commodity Exchange Act, as amended (7 U.S.C. 1–17a), the New York Produce Exchange, of New York, N.Y., was designated as a contract market for soybeans under the provisions of said Act on August 15, 1966, effective on said date.

Done at Washington, D.C., this 15th day of August 1966.

ALEX C. CALDWELL,
Administrator.

[F.R. Doc. 66-9038; Filed, Aug. 18, 1966; 8:47 a.m.]

Office of the Secretary

NEW YORK PRODUCE EXCHANGE

Contract Market for Soybeans Under Commodity Exchange Act

Pursuant to the authorization and direction contained in the Commodity Exchange Act, as amended (7 U.S.C. 1–17a), I hereby designate the New York Produce Exchange, of New York, N.Y., as a contract market for soybeans, effective August 15, 1966. The said exchange has applied for and has otherwise complied with the requirements imposed by the said act as a condition precedent to such designation.

This designation is subject to suspension or revocation in accordance with the provisions of the said act. For the purpose of any such suspension or revocation, this designation and the order issued by the Secretary of Agriculture on July 21, 1926, designating the said exchange as a contract market under the provisions of the Grain Futures Act (42 Stat. 998), together with the order issued by the Secretary of Agriculture on November 26, 1940, designating the said exchange as a contract market for cottonseed oil, soybean oil, and tallow, and the order issued by the Secretary of Agriculture on February 11, 1964, designating said exchange as a contract market for cottonseed meal under the provisions of the Commodity Exchange Act, as amended, shall constitute a single designation.

Issued this 15th day of August 1966.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 66-9041; Filed, Aug. 18, 1966; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

FRANK R. BAILEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions—No Change.
B. Additions—No Change.

This statement is made as of August 1, 1966.

FRANK R. BAILEY.

AUGUST 8, 1966.

[F.R. Doc. 66-9045; Filed, Aug. 18, 1966; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MONSANTO CO.

Notice of Filing of Petition for Food Additive Allyl Alcohol

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 6B1855) has been filed by Monsanto Co., Post Office Box 1531, Spring-

field, Mass. 01101, proposing that paragraph (b)(3)(xvii) of § 121.2514 *Resinous and polymeric coatings* be amended to provide for the safe use of allyl alcohol in the production of resinous and polymeric coatings intended for food-contact use by adding "allyl alcohol" to the list of polymers under "Styrene copolymerized with one or more of the following."

Dated: August 12, 1966.

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

[F.R. Doc. 66-9042; Filed, Aug. 18, 1966; 8:48 a.m.]

SYRACUSE UNIVERSITY RESEARCH CORP.

Notice of Filing of Petition for Food Additives

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 5B1786) has been filed by The Microbiological and Biochemical Center, Syracuse University Research Corp., 1075 Comstock Avenue, Syracuse, N.Y. 13210, proposing the issuance of a regulation to provide for the safe use of certain resins, produced by reacting trimellitic anhydride, 2,2-dimethylpropane-1,3-diol, and phosphoric acid anhydride, as food-contact coatings.

Dated: August 12, 1966.

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

[F.R. Doc. 66-9043; Filed, Aug. 18, 1966; 8:48 a.m.]

[Docket No. FDC-D-94; NDA No. 16-030]

CHESEBROUGH-POND'S, INC.

Measurin Tablets; Notice of Opportunity for Hearing

Notice is hereby given to the applicant, Chesebrough-Pond's, Inc., New York, N.Y., that the Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of new-drug application No. 16-030 and all approved amendments and supplements thereto held by Chesebrough-Pond's, Inc., for the drug Measurin Tablets (10-grain aspirin, sustained-release (timed-release) tablets) and under the provisions of section 505(d) of the act (21 U.S.C. 355(d)) refusing to approve all pending supplements to the application, on the grounds that:

1. New information before the Food and Drug Administration with respect to such drug evaluated together with the evidence available when the application was approved show that there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof, in that: New evidence concerning the clinical investigations of Measurin Tablets reported by Cass Research Associates, Inc., Cambridge, Mass., conducted under the sponsorship of and submitted by the applicant as evidence in said application of the effectiveness of the drug, and which were pertinent to the approval of said new-drug application, shows the presence of irregularities in the reports of these investigations of sufficient magnitude that such studies are not adequate as a basis on which it can fairly and responsibly be concluded, by experts qualified by scientific training and experience to evaluate the effectiveness of the drug involved, that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

2. The new-drug application contains untrue statements of material fact in that four reports of clinical investigations reported by Cass Research Associates, Inc., identified by Project Code No. 63-3-C dated August 20, 1963, Project Code No. 63-3-C II dated September 18, 1963, Project Code No. 63-3-C III dated October 18, 1963, and Project Code No. 63-11-A dated March 12, 1964, and submitted by the applicant in said application as evidence of the safety and effectiveness of Measurin Tablets, and two reports of clinical investigations reported by Cass Research Associates, Inc., identified by Project Code No. 64-9-F dated March 4, 1965, and Project Code No. 65-5-E dated August 9, 1965, and submitted by the applicant in the report of clinical experience with Measurin Tablets required by section 505(j) of the act (21 U.S.C. 355(j)) and § 130.13 of the new-drug regulations (21 CFR 130.13) contain untrue statements of material fact in that:

a. They contain the identification of a number of persons reported as being treated with the drug during the period of said investigations who in fact were not so treated; at all or part of the time pertinent to these investigations these persons were deceased or not hospitalized at the institution where the investigations were allegedly conducted.

b. They contain the identification of clinical conditions for which a number of persons were being treated with the drug, which conditions are not verified by the records of the institution where the investigations were allegedly conducted.

c. They omit full information concerning other relevant treatments, evidenced by the records of the institution where the investigations were allegedly conducted, given concurrently to patients reportedly being treated with the drugs.

d. They omit full information on all relevant clinical conditions of the persons reported as being treated with the drug during these investigations.

e. They contain statements of adverse effects and useful results observed in a number of persons being treated with the drug, which observations for reasons specified in paragraphs a, b, c, and d above could not have been made.

The Commissioner also proposes under the provisions of section 505(d) of the act to refuse to approve the supplements pending on new-drug application No. 16-030 on the grounds that the data submitted do not show that the drug will be safe for use under the conditions prescribed, recommended, and suggested in the labeling, and substantial evidence has not been included in such supplements to show that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the proposed labeling.

In accordance with the provisions of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and the regulations appearing in Title 21, Code of Federal Regulations, Part 130, the Commissioner will give the applicant named above, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of new-drug application No. 16-030 should not be withdrawn.

Within 30 days from the date of publication of this notice in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk of the Department of Health, Education, and Welfare, Office of the General Counsel, Food and Drug Division, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new-drug application. Failure of such persons to file such a written appearance of election within 30 days following the date of publication of this notice in the FEDERAL REGISTER will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public, except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing by filing a timely written appearance of election, a hearing examiner will be named by the Commissioner and he shall issue a written notice of the time and place for the hearing.

This notice is issued under the authority contained in the Federal Food, Drug, and Cosmetic Act (secs. 505, 701, 52 Stat. 1052, as amended, 1055, as amended; 21 U.S.C. 355, 371) and delegated by the Secretary of Health, Edu-

cation, and Welfare to the Commissioner (21 CFR 2.120; 31 F.R. 3008).

Dated: August 16, 1966.

WINTON B. RANKIN,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 66-9050; Filed, Aug. 18, 1966; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13577 etc.]

REOPENED TRANSATLANTIC ROUTE RENEWAL CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held on September 20, 1966, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., August 16, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-9046; Filed, Aug. 18, 1966; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16576; FCC 66M-1100]

CONNECTICUT RADIO FOUNDATION, INC. AND CONNECTICUT TELEVISION, INC.

Order Continuing Hearing

In re application of Connecticut Radio Foundation, Inc. (Assignor); and Connecticut Television, Inc. (Assignee); Docket No. 16576, File No. BAPCT-370; for assignment of the construction permit of television station WTVU (TV), Channel 59, New Haven, Conn.

Counsel for all parties having conferred informally with the Hearing Examiner on August 12, 1966;

It appearing, that it is probable that certain pleadings will be filed herein which, if granted, may obviate the necessity for hearing on some or all of the presently designated issues;

It is ordered, This 15th day of August 1966, that the procedural dates herein are continued as follows:

(1) Exchange of exhibits and identification of witnesses from August 15, to September 12, 1966;

(2) Notification of witnesses from August 29, to September 26, 1966; and

(3) Hearing from September 6, to October 4, 1966.

Released: August 15, 1966.

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

[F.R. Doc. 66-9054; Filed, Aug. 18, 1966; 8:49 a.m.]

[Docket No. 16607; FCC 66M-1095]

HIGHWOOD SERVICE, INC.

Order Canceling Prehearing Conference

In re application of Highwood Service, Inc., Topeka, Kans.; Docket No. 16607, File No. BPCT-3561, for construction permit for new Television broadcast station.

It is ordered, This 12th day of August 1966, on the Hearing Examiner's own motion, that the prehearing conference scheduled herein for September 7, 1966, is canceled.

Released: August 15, 1966.

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

[F.R. Doc. 66-9055; Filed, Aug. 18, 1966; 8:49 a.m.]

[Docket Nos. 16509, etc.; FCC 66M-1101]

MICROWAVE COMMUNICATIONS, INC. ET AL.

Order Continuing Hearing

In re applications of Microwave Communications, Inc. et al.; Docket No. 16509, File No. 4615-C1-P-64; Docket Nos. 16510, 16511, 16512, 16513, 16514, 16515, 16516, 16517, 16518, 16519; for construction permits to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Chicago, Ill., St. Louis, Mo., and Intermediate Points.

It is ordered, This 12th day of August 1966, that the unopposed motion for continuance filed by counsel for Microwave Communications, Inc., on August 1, 1966, is granted, and the several procedural dates are further extended as follows:

	From	To
Applicant to furnish its direct written case to other parties and Hearing Examiner by	Aug. 22	Sept. 30, 1966
Petitioners to furnish their direct written cases to applicant and Hearing Examiner by	Sept. 12	Oct. 21, 1966
Receipt of notification of witnesses for cross-examination	Sept. 22	Oct. 31, 1966
Hearing	Oct. 4	Nov. 7, 1966

Released: August 15, 1966.

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

[F.R. Doc. 66-9056; Filed, Aug. 18, 1966; 8:49 a.m.]

[Docket No. 14855; FCC 66M-1094]

NORTHERN INDIANA BROADCASTERS, INC.

Order Continuing Hearing

In re application of Northern Indiana Broadcasters, Inc., Mishawaka, Ind., Docket No. 14855, File No. BP-14771; for construction permit.

Under consideration is a petition for continuance filed by Northern Indiana. The petition seeks extension of time within which to exchange exhibits and an extension of hearing date.

It appearing that no other party to the proceeding has either objection to grant of the petition or to its immediate consideration;

It is ordered, This 11th day of August 1966, that the Petition for Continuance filed by Northern Indiana Broadcasters, Inc., on August 10, 1966, is granted and the date for exchanging exhibits is extended from September 6 to September 19, 1966, and that date for hearing is extended from September 26 to September 28, 1966.

Released: August 15, 1966.

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

[F.R. Doc. 66-9057; Filed, Aug. 18, 1966; 8:49 a.m.]

[Docket Nos. 16679, 16680; FCC 66M-1093]

RKO GENERAL, INC. (KHJ-TV) AND FIDELITY TELEVISION, INC.

Memorandum and Order, Following Hearing Conferences

In re applications of RKO General, Inc. (KHJ-TV), Los Angeles, Calif.; Docket No. 16679, File No. BRCT-58; for renewal of broadcast license; Fidelity Television, Inc., Norwalk, Calif.; Docket No. 16680, File No. BPCT-3655; for construction permit for new television broadcast station (Channel 9).

1. This hearing involves the mutually exclusive applications of RKO for renewal of license of its Los Angeles television station and of Fidelity for a new television station in Norwalk, Calif., a community located some 15 miles from Los Angeles. The Commission has found both applicants qualified to own and operate the stations they propose. Two issues have been designated to be heard. They read:

(1) To determine which of the proposals would better serve the public interest.

(2) To determine in the light of the evidence adduced, pursuant to the foregoing issue, which of the applications should be granted.

2. Two prehearing conferences have been held, one on July 11th and the other on July 29, 1966. These conferences in the main have been concerned with: (1) The issues; (2) a stipulation between the parties covering, among other things, a calendar of future procedural steps to be taken in the proceeding.

3. The problem presented by the issues is that though seemingly broad in scope they are sharply circumscribed by Commission policy. The applicants here, both, in one way or another, want to elicit evidence on programing. The Commission in its Policy Statement on Comparative Hearings, 5 RR 1901, takes a dim view of that subject being pursued at hearing. Under the policy statement,

programing engaged in in the past by an applicant falls under the heading of "Past Broadcast Record" and can only be considered at hearing if the records are "unusually good or unusually poor." Programing to be presented in the future is forbidden from consideration at hearing unless an issue going to that subject has first been obtained through petition to the Commission's Review Board and upon a finding that such an issue is "appropriate."

4. No little time was spent at the conference in exploring the possibility of the applicants meeting the designated hearing date, September 19, 1966, with knowledge of what issues they were to try. The effort failed.[1]

5. On the subject of programing under the issues, one step was taken at conference. The Examiner ruled that he would hear oral presentation from counsel for the two parties on what they propose to prove concerning RKO's past programing. At the conclusion of this presentation if, in his judgment, there is promise that evidence will be elicited tending to show that RKO's past programing has transcended the boundaries of "unusually good or unusually poor" programing, the proponent of the proffered evidence will be permitted to proceed with the showing proposed. Failure to meet this threshold standard will, of course, preclude presentation of evidence on the subject.[2]

6. After the first conference, the applicants were left pretty much to themselves to work out some kind of method under which the instant matter could eventually reach hearing stage. In this connection, it is well to bear in mind that the applications are for California stations and hearings are to be held in Washington. At the second conference applicants came up with a proposed stipulation. So much of that proposal as has been agreed to by all parties and has been approved by the Examiner is here set forth:

A. The direct case of any applicant may be presented orally or in writing except that evidence on matters as stipulated below shall be presented in written form as exhibits under oath. It is understood that each applicant may introduce orally as part of his direct case any evidence whether by way of explanation, clarification, or elaboration of the material contained in the exhibits which is not contrary to or inconsistent with the exhibits.

B. Except as specifically limited by stipulation, the parties may proceed with the presentation of evidence orally or through properly qualified documents as they deem appropriate.

C. Any person sponsoring an exhibit and any person whose affidavit is offered in evidence by either party shall be made available by that party for cross-examination at the request of the other applicant. The requirement for witness production here contemplated may be met by production of the person requested as a deponent under the terms of § 1.313 of the Commission's rules.

D. A further prehearing conference will be held on September 30, 1966, at which time the applicants will orally present threshold showings on why they should be permitted to elicit evidence on the past programing of RKO's Los Angeles station.

E. All material which the parties intend to offer in written form, except depositions, shall be exchanged on October 10, 1966, or 30 days after the release dates of the Review Board's decisions on pending petitions to enlarge issues, whichever date is later.

F. Assuming October 10th as the exchange date, the following dates shall apply. They shall be adjusted accordingly if the alternative exchange date is applicable.

(1) Request for additional information, where practicable, shall be made on October 20th.

(2) Such material as the applicant desires to submit in response to requests for additional information shall be submitted on November 7, 1966, and on the same date the parties shall supply lists of witnesses to be called.

(3) The hearing shall commence on November 14, 1966, at which time the exhibits will be offered in evidence and rulings made on objections to such offers of evidence.

(4) The names of witnesses desired for cross-examination shall be furnished on November 21.

(5) The hearing shall resume on December 5, 1966, with the presentation of oral testimony.

G. If any of the exhibits of either applicant are excluded on the grounds of competency, that applicant may adduce oral testimony with respect to the rejected material.

H. Material from the Commission's files which any party may request to have officially noted shall be reproduced, clearly identified, and introduced in the form of an exhibit.

I. The exhibits of each party shall be numbered serially. The lines of each page of the exhibits shall be numbered where practicable.

J. Statistical material prepared by the U.S. Census, whether decennial or special, may be accepted as facts, if source and date are indicated.

K. Letters from manufacturers, architects, builders, contractors, equipment suppliers, and service suppliers, if otherwise competent and admissible, will not be objected to on the grounds of authenticity or proof of signature.

7. The foregoing covers the sum total of conference accomplishment. Under present procedures, it seems to be about all that could have been accomplished. The Examiner might take this opportunity to point out that should the Commission's Review Board find its way clear to determine, sometime in advance of October 10, 1966, the "appropriateness" of consideration at the forthcoming hearing the programing proposed to be carried by the applicants, and whatever other areas of proof they wish to pursue and are now precluded from doing so without specific issues, a considerable contribution toward further delay in the trial and initial determination of this matter might be effected.

Accordingly, it is ordered, This 11th day of August 1966, that the stipulation set forth above is formally accepted, its terms are held binding on the parties, and in accordance with its terms the hearing now scheduled for September 19, 1966, is continued to November 14, 1966.

Released: August 15, 1966.

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

[F.R. Doc. 66-9058; Filed, Aug. 18, 1966; 8:49 a.m.]

[1] At the time of the second prehearing conference, at least six pleadings were on file with the Review Board directed to the issues.

[2] It is the Examiner's understanding that the procedure outlined in paragraph 5 is contemplated by the policy statement referred to above.

FEDERAL POWER COMMISSION

[Docket No. CP66-336]

ALABAMA-TENNESSEE NATURAL GAS CO.

Notice of Date of Hearing

AUGUST 11, 1966.

On May 2, 1966, the Secretary of the Federal Power Commission issued a notice of the application filed herein, which was published in the FEDERAL REGISTER on May 7, 1966 (31 F.R. 6845). By its application Alabama-Tennessee Natural Gas Co. (Applicant) requests the Commission to issue a certificate of public convenience authorizing the construction and operation of the natural gas facilities required to increase its lateral pipeline capacity in order to render additional natural gas service to the city of Corinth, Miss., an existing customer of Applicant, upon a condition proposed to be set forth in the certificate requiring Corinth to enter into certain contractual arrangements, all as set forth in said application.

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 on September 27, 1966, at 10 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by said application.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-9018; Filed, Aug. 18, 1966; 8:46 a.m.]

[Docket No. CI61-78, etc.]

ANADARKO PRODUCTION CO., ET AL.

Findings and Order; Correction

JULY 21, 1966.

Anadarko Production Co., et al., Docket Nos. CI61-78, etc.; Amerada Petroleum Corp., Docket No. CI66-669.

In the Findings and Order After Statutory Hearing Issuing Certificates of Public Convenience and Necessity, Amending Certificates, Permitting and Approving Abandonment of Service, Terminating Certificates, Making Successor Co-Respondent, Redesignating Proceedings, Accepting Agreement and Undertaking for Filing and Accepting Related Rate Schedules and Supplements for Filing, issued May 25, 1966, and published in the FEDERAL REGISTER June 3, 1966 (F.R. Doc. 66-6074, 31 F.R. 7920), insert "G-19252 '" before "RI60-45 '" in the second paragraph on page 7921.

In paragraph (8) of the findings and paragraphs (Q), (R), and footnote * add "G-19252" before "Docket No. RI60-45".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-9019; Filed, Aug. 18, 1966; 8:46 a.m.]

[Docket No. G-3699, etc.]

ATLANTIC RICHFIELD CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates; Correction

AUGUST 5, 1966.

Atlantic Richfield Co., et al., Docket Nos. G-3699, etc.; Tenneco Oil Co., Docket No. CI67-56.

In the Notice of Applications for Certification, Abandonment of Service and Petitions to Amend Certificates, issued July 29, 1966, and published in the FEDERAL REGISTER August 9, 1966 (F.R. Doc. 66-8536, 31 F.R. 10617), in the chart change "Docket No. CI66-56" to read "Docket No. CI67-56" after Tenneco Oil Co.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-9020; Filed, Aug. 18, 1966; 8:46 a.m.]

[Docket No. E-7234].

DETROIT EDISON CO. AND CONSUMERS POWER CO.

Order Amending Prior Order of Investigation and Hearing

AUGUST 12, 1966.

Subsequent to the initiation of this proceeding Commission staff requested an enlargement of the issues, a deferral of further hearings pending staff investigation of the operations, books and records of Respondent companies, the Detroit Edison Co. (Detroit), and Consumers Power Co. (Consumers), and a revision of procedural rulings covering service of testimony and cross examination of various witnesses. This order grants staff's requests.

This proceeding was instituted by order of investigation and hearing issued July 20, 1965. Among other things, that order directed a public hearing to find and determine whether Respondents are each a "public utility" within the meaning and subject as such to the regulatory requirements of the Federal Power Act. To date, a number of hearing sessions have been held. By ruling of June 20, 1966, the Presiding Examiner, Martin E. Rendelman, fixed the time for service of prepared testimony of Respondent companies' witnesses, of staff's witnesses and cross examination of all witnesses, at various times commencing August 12, 1966, and continuing through October 24, 1966.

Staff's requests are embodied in a Motion To The Commission For Enlargement of Proceeding filed July 29, 1966. By joint Answer of Respondents filed August 3, 1966, Detroit and Consumers support the staff and urge that staff's motion be granted. Intervenor, Michigan Public Service Commission, by answer filed August 10, 1966, states that it has no objection to staff's motion. No other parties appear of record.

In substance, staff seeks to include among the issues to be resolved in this proceeding all questions concerning this Commission's regulatory jurisdiction pursuant to the Federal Power Act over the wholesale electric sales, services, rates, charges, classification, rules, regulations, contracts, and practices of Respondents. Staff advises that in the course of the hearing as now scheduled, questions have arisen as to the scope of the proceeding fixed by the Commission's July 20, 1965 order. Respondent companies dispute the inclusion of any wholesale rate and service jurisdictional questions as a part of this proceeding as fixed by that order.

Paragraph A of this order lists wholesale for resale electric transactions of Edison and Consumers, respectively. Neither Company has submitted any rate schedules for wholesale electric service. Whether they are obligated to do so are matters which should be resolved. Pursuant to sections 201, 205, and 206 of the Federal Power Act we herein amend our earlier order as requested by staff and Respondents to include those questions within the procedural scope of this proceeding.

Additionally, this order defers further hearings in this matter to accommodate investigations and conferences among the parties. Staff's motion advises that discussions among respective counsel for the parties show "* * * Respondents are prepared to cooperate immediately with staff during the pendency of this proceeding in a review and investigation of the Companies' operations in the light of this Commission's substantive regulatory requirements. If, by reason of this proceeding, Respondents are determined to be subject to the Commission's regulatory jurisdiction, full compliance with the Commission's substantive regulatory requirements would be accomplished as of or shortly after the termination date of this matter. * * *"

Other representations contained in staff's motion reveal that all jurisdictional questions affecting Respondents, arising as a consequence of this proceeding, may be resolved upon the basis of further investigation and analysis of Respondents' operations without need for any additional formal hearings. If resolved, staff's motion contemplates that this proceeding would be terminated by subsequent Commission order.

In the event these matters are incapable of resolution in that manner staff and Respondents now propose to submit their differences for Commission decision upon the basis of a stipulated record, or failing stipulation, upon the basis of further factual hearings to be commenced following the submittal of prepared testimony. Staff and Respondents propose to exchange their respective prepared written testimony, with all exhibits attached, as follows: January 15, 1968, simultaneous service of all further direct testimony and February 15, 1968, simultaneous service of all reply testimony. Staff and Respondents propose to undertake any cross-examination commencing March 1, 1968.

In our opinion deferral of additional hearings in this proceeding as requested by staff and Respondents will lead to resolution of all jurisdictional issues herein raised and to overall effective implementation of the Commission's substantive regulatory requirements at the earliest practical time. The proposed revised order of procedure should be adopted.

Simultaneously, with the filing of its Motion For Enlargement of Proceeding staff filed a motion with the Presiding Examiner for a 60-day continuance of all dates for service of prepared testimony and further hearing as those dates are now reflected in the Examiner's Ruling of June 20, 1966. Under that Ruling, Respondent companies and staff are scheduled to serve prepared testimony at various times commencing August 12, 1966. Staff filed its Motion For Continuance with the Examiner in the event Commission action was not taken with respect to staff's Motion For Enlargement of Proceeding prior to August 12, 1966. Respondent companies joined in staff's motion to the Examiner by joint answer filed August 5, 1966. On August 3, 1966, staff's motion was referred to the Commission by the Examiner.

In view of the action taken herein in regard to staff's motion for enlargement of proceeding and deferral of further hearings, we find it unnecessary to pass upon staff's motion to the Examiner for continuance and the joint Answer of Respondents thereto.

The Commission further finds: It is necessary and appropriate for the purposes of the Federal Power Act, particularly, but not in limitation of the foregoing, sections 201, 205, 206, 208, 301, 307, 308, and 309, that the Commission find and determine in the above-entitled mat-

ter whether the sales and services of Detroit and Consumers at wholesale for resale to the respective entities as set forth in paragraph (A) below are sales and services at wholesale in interstate commerce subject to the jurisdiction of this Commission under the provisions of the Federal Power Act for which Detroit and Consumers must file appropriate rate schedules in the manner provided in Part 35 of the Commission's regulations under that Act; that the public hearing in the above-entitled matter be deferred to January 15, 1968; and that a revised order procedure be adopted.

The Commission orders:

(A) The Commission's order issued July 20, 1965, in the above-entitled matter is hereby amended by the addition of the following paragraphs (E), (F), and (G).

(E) The public hearing in this matter in addition to matters referred to above shall find and determine whether the following sales and services of Detroit and Consumers, respectively, are subject to this Commission's regulatory jurisdiction pursuant to the provisions of sections 205 and 206 of the Federal Power Act and Part 35 of the Commission's regulations thereunder.

Detroit:
- Village of Clinton, Mich.
- Consumers Power Co.
- City of Croswell, Mich.
- City of Detroit, Mich.
- Thumb Electric Coop.
- City of Wyandotte, Mich.

Consumers:
- Alpena Power Co.
- Bay City, Mich.
- City of Charlevoix, Mich.
- Village of Chelsea, Mich.
- City of Coldwater, Mich.
- Detroit Edison Co., The
- City of Eaton Rapids, Mich.
- Edison Sault Electric Co.
- City of Harbor Springs, Mich.
- City of Hillsdale, Mich.
- City of Holland, Mich.
- City of Lansing, Mich.
- City of Marshall, Mich.
- Northern Michigan Electric Coop.
- City of Petoskey, Mich.
- Village of Portland, Mich.
- Rogers City Power Co.
- Southeastern R.E.C.
- Wolverine Electric Coop.
- Village of Union City, Mich.

(F) The public hearing in this matter is deferred to January 15, 1968, unless this proceeding is terminated theretofore by further order of the Commission.

(G) In the event the above-entitled proceeding is not terminated on or before January 15, 1968, and the issues herein are not presented for Commission consideration upon the basis of a stipulation Detroit, Consumers, staff, and any other party shall exchange their respective prepared written testimony, with all exhibits attached, on all issues raised herein as follows: January 15, 1968, simultaneous service of all further direct testimony; and February 15, 1968, simultaneous service of all reply testimony. Cross examination of this testimony shall commence March 1, 1968.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-9021; Filed, Aug. 18, 1966; 8:46 a.m.]

[Docket Nos. G-9279, etc.]

PAN AMERICAN PETROLEUM CORP.

Order Approving Rate Settlement Proposal, Severing and Terminating Proceedings, and Prescribing Refunds; Correction

JULY 14, 1966.

In the Order Approving Rate Settlement Proposal, Severing and Terminating Proceedings, and Prescribing Refunds, issued April 13, 1966 and published in the FEDERAL REGISTER April 22, 1966 (F.R. Doc. 66-4280, 31 F.R. 6209), in the first full paragraph on page 6210 change "126" to "226".

In Appendix A, page 6217 change:

After Docket No. "CI61-1307" under column (e) change "13.0000(17)" to read "12.0000";

Under Column (g) change "12.2104 (17)" to read "11.2104".

Under Column Settlement Rate change "13.0000" to read "12.2295".

After Docket No. "RI64-532(20)" under column (g) change "13.2295(17)" to read "12.2295".

Under Category change "B" to "A" after Docket No. "RI64-532(20)".

On page 6217, in the chart, change footnote "29" to read "26" in both places.

Delete footnote "9" from the footnotes.

In Appendix B, pages 6217 and 6218 make the following changes:

Opposite Docket No. "CI63-1445" delete "(31)" after "17.5000".

Under OKLAHOMA—OTHER delete the second line in its entirety.

Under Column (f) change "RI63-48" to read "RI63-481".

Delete footnote "12".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-9023; Filed, Aug. 18, 1966; 8:46 a.m.]

[Docket No. G-3216, etc.]

PAN AMERICAN PETROLEUM CORP. ET AL.

Notice of Applications; Correction

AUGUST 10, 1966.

Pan American Petroleum Corp. et al., Docket Nos. G-3216, etc.; Pan American Petroleum Corp., Docket No. CI63-1445.

In the Notice of Applications issued August 2, 1966 and published in the FEDERAL REGISTER August 10, 1966 (F.R. Doc. 66-8697, 31 F.R. 10655), delete Docket No. CI63-1445 in its entirety.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-9024; Filed, Aug. 18, 1966; 8:46 a.m.]

[Docket Nos. RI66-382, RI66-383]

TEXACO INC. (OPERATOR), ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

AUGUST 5, 1966.

In the Order Providing for Hearings on and Suspension of Proposed Changes in Rates, issued May 20, 1966, and published in the FEDERAL REGISTER May 28, 1966 (F.R. Doc. 66-5844, 31 F.R. 7718), change footnote "4" to read footnote "2" in Appendix A under the column headed "Proposed Increase Rate" after Docket No. RI66-383, FPC Gas Rate Schedule Nos. 199 and 228.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-9025; Filed, Aug. 18, 1966; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

[Notice 236]

AUGUST 16, 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.

MOTOR CARRIERS OF PROPERTY

No. MC 41116 (Sub-No. 26 TA), filed August 12, 1966. Applicant: FOGLEMAN TRUCK LINE, INC., 1001 West Northern Avenue, Crowley, La. 70526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bags, bagging, steel cotton-bale ties, burlap, and twine*, between Crowley, La., on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Florida, Louisiana, Tennessee, Texas, and Missouri, for 180 days. Supporting shipper: Continental Bag Co., Post Office Box 491, Crowley, La. 70526, Mr. I. Garcia, Treasurer. 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 95876 (Sub-No. 62 TA), filed August 4, 1966. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, Post Office Box 844, St. Cloud, Minn. 56301. Applicant's repre-

sentative: Harold E. Anderson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing, and insulation materials; accessories for installation; cement and asbestos products; and damaged and rejected shipments* on return. From Waukegan, Ill., to points in Iowa, for 180 days. Supporting shipper: Johns-Manville Products Corp., Waukegan, Ill. Send protests to: C. H. Bergquist, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 448 Federal Building and Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 107882 (Sub-No. 10 TA), filed August 12, 1966. Applicant: ARMORED MOTOR SERVICE CORPORATION, 160 Ewingville Road, Trenton, N.J. Applicant's representative: Nathan N. Schildkraut, 143 East State Street, Suite 631, Trenton, N.J. 08608. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Subsidiary coins*, between Philadelphia, Pa., and West Point, N.Y., for 180 days. Supporting shipper: U.S. Treasury. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 111729 (Sub-No. 166 TA), filed August 12, 1966. Applicant: AMERICAN COURIER CORPORATION, 222–17 Northern Boulevard, De Bevoise Building, Bayside, N.Y. 11361. Applicant's representative: J. K. Murphy (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Radiopharmaceuticals, radioactive drugs and medical isotopes* (a) between New York, N.Y., on the one hand, and, on the other, points in District of Columbia, Connecticut, Maryland, Massachusetts, New Jersey, Pennsylvania, Rhode Island, and Virginia. (b) Between Boston, Mass., on the one hand, and, on the other, points in Connecticut, Massachusetts, and Rhode Island, restricted to traffic having an immediately prior or immediately subsequent movement by air. (c) Between Washington, D.C., and Dulles Airport, Fairfax, Va., on the one hand, and, on the other, points in Maryland and Virginia, restricted to traffic having an immediately prior or immediately subsequent movement by air. (d) Between Bradley Field, Windsor Locks, Conn., on the one hand, and, on the other, points in Connecticut, restricted to traffic having an immediately prior or immediately subsequent movement by air. (e) Between Baltimore, Md., on the one hand, and, on the other, points in Maryland and the District of Columbia, restricted to traffic having an immediately prior or immediately subsequent movement by air.

(2) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies consisting of labels, envelopes, and packaging materials and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theater and television exhibition), between Fitchburg, Mass., on the one hand, and, on the other, points in Connecticut; points in Ashland, Auburn, Biddeford, Bingham, Brownville Junction, Buckport, Calais, Camden, Chrisholm, Ellsworth, Fort Kent, Greenville Junction, Hiram, Kittery, Lewiston, Locke Mille, Lubec, Machais, Madison, Mexico, Millinocket, Mount Desert, Naples, Newcastle, Newport, Norway, Oakland, Portland, Porter, Presque Isle, Rockland, Rumford, Sanford, South Berwick, South West Harbor, Warren, Waterville, Wilton, and Yarmouth, Maine; points in Ashland, Bennington, Berlin, Charleston, Chester, Claremont, Concord, Errol, Francestown, Gorham, Greenville, Hampton, Hanover, Hillsboro, Hopkinton, Hudson, Keene, Lancaster, Littleton, Manchester, Milford, Milton, Nashua, New London, New Market, Newport, North Sutton, Pittsfield, Plymouth, Raymond, Rindge, Rochester, Somersworth, Troy, Whitfield, Wilton, Winchester, Windham, Woodsville, New Hampshire; and points in Rhode Island. (3) *Business papers, records, and audit and accounting media of all kinds* (excluding plant removals) (a) between Paramus, N.J., and New York, N.Y. (b) between New York, N.Y., on the one hand, and, on the other, Searsport and South Portland, Maine; Fall River and Waltham, Mass.; East Brooklyn, Md.; and Springfield, Va.

(4) *Checks, business papers, records, and audit and accounting media of all kinds* (excluding plant removals), (a) between Clifton, N.J., on the one hand, and, on the other, points in Fairfield, Litchfield, and New Haven Counties, Conn.; points in Nassau (except Great Neck), Suffolk, Richmond, Westchester, Sullivan, Rockland, Orange and Dutchess Counties, N.Y.; and points in Bucks, Lehigh, Northampton, Chester, Delaware, Berks, and Lancaster Counties, Pa., (b) between Hartford County, Conn., on the one hand, and, on the other, Nassau County, N.Y. (5) *Meter books, meter reading scan sheets, sales slips, cashier payment stubs, data runs and audit media*, between Westboro, Mass., on the one hand, and, on the other, Lebanon, N.H., and Providence, R.I., for 180 days. Supporting shippers: nuclear Consultants, Box 6172, Lambert Field, St. Louis, Mo. 63145, Art Photo Service, Inc., 260 Lunenburg Street Fitchburg, Mass., Paramus Service, Inc., 26 Park Place, Paramus, N.J., Shell Oil Co., 1250 Sixth Avenue, New York 20, N.Y., Automatic Data Processing, Inc., 1040 Highway 46, Clifton, N.J., Univac, 210 Washington Street, Hartford, Conn. 06106, New England Power Service Co., Turnpike Road, Westboro, Mass. 01581. Send protests to: E. N. Carignan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y. 10013.

No. MC 114533 (Sub-No. 145 TA), filed August 12, 1966. Applicant: B.C.D. CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, and incidental dealer handling supplies* (except *motion picture film and materials and supplies used in connection with commercial and television motion picture*). Between St. Louis, Mo., on the one hand, and, on the other, Ford, Reno, Sedgwick, Shawnee, Salina, Dickenson, and Johnson Counties, Kans., for 180 days. Supporting shipper: Apex Photo Service, 8049–51 Litzsinger Road, St. Louis, Mo. 63144. Send protests to: Charles J. Kudelka, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 114533 (Sub-No. 146 TA), filed August 12, 1966. Applicant: B.D.C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Eyeglasses, frames, lenses, and other parts thereof*, between Chicago, Ill., on the one hand, and, on the other, Springfield, Danville, Peoria, Champaign, Decatur, Park Forest, Aurora, Elgin, Rockford, Kankakee, Joliet, Calumet City, and Arlington Heights, Ill. Restricted to prior or subsequent shipment by air or express, for 180 days. Supporting shipper: Gate City Optical Co., 1013 Grand Avenue, Kansas City, Mo. Send protests to: Charles J. Kudelka, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 124078 (Sub-No. 243 TA), filed August 12, 1966. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, from Longview, Ala., to road construction jobsite along Mississippi Highway 25 southeast of Aberdeen, Miss., for 150 days. Supporting shipper: W. S. Warren, traffic manager, Longview Lime Corp., 2144 Highland Avenue South, Post Office Box 3358, Birmingham, Ala. 35205. Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 108 West Wells Street, Room 511, Milwaukee, Wis. 53203.

No. MC 124774 (Sub-No. 61 TA), filed August 12, 1966. Applicant: CARAVELLE EXPRESS, INC., Post Office Box 384, Norfolk, Nebr. 68701. Applicant's representative: David D. Tews, Box 4843, State House Station, Lincoln, Nebr. 68509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts*, from points in Morgan and Logan Counties, Colo., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michi-

gan, Minnesota, Missouri, Ohio, and Wisconsin, for 180 days. Supporting shipper: Sterling Colorado Beef Co., Sterling, Colo. 80751, Fort Morgan Dressed Beef, Inc., Fort Morgan, Colo. 80701. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 124774 (Sub-No. 62 TA), filed August 12, 1966. Applicant CARAVELLE EXPRESS, INC., Post Office Box 384, Norfolk, Nebr. 68701. Applicant's representative: David D. Tews, Post Office Box 4843, State House Station, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, Meat Products and Meat byproducts*, (1) from plantsite of Minden Beef Co., at or near Minden, Nebr., to Hastings and Omaha, Nebr., and points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, (2) from storage facilities utilized by Minden Beef Co. at Hastings and Omaha, Nebr., moving on intransit bill of lading for Minden Beef Co. to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. (Restricted to traffic originating at Minden Beef Co. near Minden, Nebr., and stopped intransit for storage at Omaha and Hastings, Nebr.), for 180 days. Supporting shipper: William E. Mahar, traffic manager, Minden Beef Co., Minden, Nebr. 68959. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 124796 (Sub-No. 22 TA), filed August 12, 1966. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 7236 East Slauson Avenue, Los Angeles, Calif. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Buffing and polishing compounds; cleaning, scouring and washing compounds; solvents, sponges, starch; and advertising material and racks* moving with the described commodities, from Melrose Park and Carpentersville, Ill., to Los Angeles and Emeryville, Calif.; Portand, Oreg., and Reno, Nev., for 180 days. Supporting shipper: Thomas L. Dvorak, traffic manager, Alberto-Culver Co., 2526 Armitage Avenue, Melrose Park, Ill. 60160. Send protests to: John E. Nance, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 126890 (Sub-No. 2 TA), filed August 12, 1966. Applicant: FRANCIS L. SARGENT, doing business as ROY SARGENT, 1491 Islington Street, Portsmouth, N.H. Applicant's representative: Robert J. Gallagher, 11 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, and *Bananas in the same vehicle with fresh fruit, vegetables and berries*, from Boston, Mass., New York City, N.Y., Port Newark, and Weehawken, N.J., to ports of export on or near the Canadian border at Bar Harbor, Calais, Vanceboro, and Houlton, Maine, and Rouses Point, N.Y. Restricted to shipments destined for New Brunswick, Nova Scotia, Prince Edward Isle, and Newfoundland, for 180 days. Supporting shippers: Roy O'Brien, Ltd., 1141 Barrington Street, Halifax, Nova Scotia, Nickerson & Crease, Ltd., 1127 Barrington Street, Halifax, Nova Scotia. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 14 Parkhurst Street, Lebanon, N.H. 03766.

No. MC 127616 (Sub-No. 3 TA), filed August 12, 1966. Applicant: HANSON M. SAVAGE, doing business as SAVAGE TRUCKING COMPANY, Chester Depot, Vt. 05144. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Log Buildings*, from Hartland, Vt., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Virginia, West Virginia, Kentucky, Ohio, Indiana, Illinois, Michigan, and Wisconsin, for 180 days. Supporting shipper: Jesse P. Ware, President, Vermont Log Buildings, Inc., Hartland, Vt. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 14 Parkhurst Street, Lebanon, N.H. 03766.

No. MC 128375 TA (Republication), filed July 7, 1966, published FEDERAL REGISTER, issue of July 16, 1966, and republished this issue. Applicant: CRETE CARRIER CORPORATION, Crete, Nebr. Applicant's representative: Max Harding, 14th and J Streets, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned pet food*, from Crete, Nebr., to points in Kansas, Oklahoma, Texas, New Mexico, Arizona, points in Colorado on and South of U.S. Highway 50, South Dakota, North Dakota, Minnesota, and Wisconsin, (b) *supplies, ingredients, and materials used* in the manufacturing of pet food, from points in Kansas, Oklahoma, Texas, New Mexico, Arizona, points in Colorado on and South of U.S. Highway 50, South Dakota, North Dakota, Minnesota, and Wisconsin, to Crete, Nebr. All transportation will be under continuing contract with Allen Products Co. of Nebraska, Inc. Supporting shipper: Allen Products Co. of Nebraska, Inc., Crete, Nebr. Send protests to: District Supervisor Johnston, Bureau of Operations and Compliance, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508. NOTE: The purpose of this republication is to advise where to send protests, which was inadvertently omitted from previous publication.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-9059; Filed, Aug. 18, 1966; 8:49 a.m.]

[Notice 1399]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 16, 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-68880. By order of August 11, 1966, the Transfer Board approved the transfer to Renz Truck Lines, Inc., Pacific, Mo., of certificate No. MC-61100, issued August 27, 1964, to James K. Heisel, doing business as Tucker Hill Transfer, Gray Summit, Mo., authorizing the transportation of: General commodities, with usual exceptions, between Union, Mo., and National Stock Yards, Ill., serving all intermediate points and the off-route points of Villa Ridge and Labadie, Mo. A. A. Marshall, 216 Buder Building, St. Louis, Mo. 63101, counsel for applicants.

No. MC-FC-68938. By order of August 11, 1966, the Transfer Board approved the transfer to William Nober, doing business as Nober's Sedan Service, Lake Huntington, N.Y., of certificate No. MC-94261, issued September 20, 1941, in the name of Edwin Schultz, Callicoon, N.Y., and authorizing the transportation of passengers and their baggage, in special operations, in nonscheduled, door-to-door service limited to the transportation of not more than six passengers in any one vehicle, but not including the driver thereof, and not including children under 10 years of age who do not occupy a seat or seats during the season extending from May 15 to September 30, inclusive, over irregular routes, through New Jersey, between New York, N.Y., on the one hand, and, on the other, points and places in Mamakating and Fallsburgh Townships, Sullivan County, and Warren Township, Ulster County, N.Y.

No. MC-FC-68973. By order of August 15, 1966, the Transfer Board approved the transfer to Muth Van Service, Inc.,

Lexington, Ky., of the operating rights of John L. Muth, doing business as Muth Van Service, Lexington, Ky., in certificates Nos. MC-108214, MC-108214 (Sub-No. 2), and MC-108214 (Sub-No. 4), issued August 24, 1955, November 12, 1957, and February 18, 1965, authorizing the transportation, over irregular routes, of livestock, other than ordinary, and, in the same vehicle with such livestock, supplies and equipment used in the care and exhibition of such livestock, mascots, and the personal effects of their attendants, trainers, and exhibitors; livestock, other than ordinary livestock, and, in connection therewith, personal effects of attendants, and supplies and equipment, including mascots, used in the care and exhibition of such animals; horses, other than ordinary, and in the same vehicle with such horses, stable supplies, and equipment used in the care and exhibition of such horses, mascots, and the personal effects of their attendants, trainers and exhibitors, between points in Kentucky; between points in Kentucky on the one hand, and, on the other, points in Ohio, Michigan, and Illinois; between points in the New York, N.Y., commercial zone as defined by the Commission, and those in Suffolk and Nassau Counties, N.Y., on the one hand, and, on the other, points in Delaware, New Jersey, Pennsylvania, Maryland, Virginia, South Carolina, Connecticut, Rhode Island, New Hampshire, Massachusetts, North Carolina, Vermont, and the District of Columbia; between points in Illinois, Indiana, Kentucky, Michigan, and Ohio; and between points in Fayette and Woodford Counties, Ky., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, and Virginia, varying with the commodities transported. Louis J. Amato, 703-706 McClure Building, Frankfort, Ky. 40601, attorney for applicants.

No. MC-FC-68976. By order of August 11, 1966, the Transfer Board approved the transfer to Oyster Bay Motor Haulage, Inc., Syosset, N.Y., of the operating rights of Dominic J. Principe, doing business as Oyster Bay Motor Haulage, Syosset, N.Y., in certificate No. MC-92064 (Sub-No. 1), issued June 19, 1943, authorizing the transportation, over irregular routes, of household goods, between New York, N.Y., points in Nassau County, N.Y., and those in Suffolk County, N.Y., on and west of New York Highway 111, on the one hand, and, on the other, points in New York, Connecticut, Rhode Island, New Jersey, Massachusetts, Maryland, those in Pennsylvania on and east of U.S. Highway 11, those in the District of Columbia, and Alexandria, Va. Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036, attorney for applicants.

No. MC-FC-68987. By order of August 11, 1966, the Transfer Board approved the transfer to J. F. Riemer Co., Inc., West Haven, Conn., of corrected certificate No. MC-65217, issued June 10, 1949, to Ernest F. Montz, doing business as J. F. Riemer & Co., West Haven, Conn., authorizing the transportation of: meat and packinghouse products, over irregular routes, from New Haven, Conn., to Springfield, Mass., and Providence and Westerly, R.I., and from New Haven and Bridgeport, Conn., to points and places in Connecticut. Robert M. Taylor, Jr., 129 Church Street, New Haven, Conn. 05610, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-9060; Filed, Aug. 18, 1966; 8:49 a.m.]

[Notice 956]

MOTOR CARRIER OF PROPERTY

AUGUST 17, 1966.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b), of the Interstate Commerce Act, and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIER OF PROPERTY

No. MC-F-9506 (CROUCH BROS., INC.—PURCHASE—PLAINS MOTOR EXPRESS, INC.), published in the August 17, 1966, issue of the FEDERAL REGISTER on page 10941. By application filed August 15, 1966, CROUCH BROS., INC., seeks to temporarily lease the operating rights of PLAINS MOTOR EXPRESS, INC., under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-9099; Filed, Aug. 18, 1966; 8:49 a.m.]

TARIFF COMMISSION

[TEA-221(b)-3]

PRESIDENT'S SUPPLEMENTAL LIST OF ARTICLES FOR POSSIBLE CONSIDERATION IN TRADE AGREEMENT NEGOTIATIONS

Notice of Investigation and Hearings

1. Tariff Commission public hearings will begin on September 26, 1966.

2. The final date for filing requests to testify at the Tariff Commission public hearings is September 16, 1966.

On August 18, 1966, the President, pursuant to section 221(a) of the Trade Expansion Act of 1962 (hereinafter referred to as "the Act"), furnished the U.S. Tariff Commission (hereinafter referred to as "the Commission") a supplemental list of articles (hereinafter referred to as the "President's list") to be considered for modification or continuance of U.S. duties or other import restrictions, or continuance of U.S. duty-free or excise treatment, in connection with trade-agreement negotiations to be conducted under the Act. The President's list was published in the FEDERAL REGISTER of August 18, 1966.

I. *Investigation instituted.* In accordance with Part 205 of the Commission's rules of practice and procedure, the Commission has instituted an investigation for the purpose of obtaining, to the extent practicable, information of the kind described in section 221(c) of the Act for use in connection with the preparation of advice to the President required by section 221(b) of the Act, namely, advice with respect to each article included in the President's list of the Commission's judgment as to the probable economic effect of modifications of duties or other import restrictions on industries producing like or directly competitive articles.

II. *Procedure for conduct of hearings and submission of written views.* A. Public hearings in connection with the investigation will commence at 10 a.m. on Monday, the 26th day of September 1966, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C.

1. Requests to appear at the public hearings must be filed in writing with the Secretary of the Commission on or before September 16, 1966. Such requests must contain the following information:

a. The item number or numbers in the Tariff Schedules of the United States covering the article or articles on which testimony will be presented.

b. The name and organization of the witness or witnesses who will testify, and the name, address, telephone number, and organization of the person filing the request.

c. A statement indicating whether the testimony to be presented will be on behalf of importer or domestic-producer interests.

d. A careful estimate of the aggregate time desired for presentation of oral testimony by all witnesses for whose appearances the request is filed.

2. Allotment of time. Because of the extensive scope of the President's list, limitation of time for the presentation of oral testimony is in the public interest. Accordingly, in scheduling appearances at the hearings the time to be allotted to witnesses for the presentation of oral testimony will be limited as circumstances require. Supplemental written statements will be allowed in all cases, and should be submitted at the time of presentation of oral testimony.

3. Notification of date of appearance. Persons who have properly filed requests to appear will be individually notified in advance of the date on which they will be scheduled to present oral testimony and of the time allotted for presentation of such testimony.

4. Order of hearings. To the extent practicable the hearings will follow the order of the Tariff Schedules of the United States, beginning with Schedule 1, Animal and Vegetable Products.

5. Questioning of witnesses will be limited to members of the Commission.

B. Written information and views in lieu of appearance at the public hearings may be submitted by interested persons.

A signed original and 19 true copies of such statements shall be submitted. Business data which it is desired shall be treated as confidential shall be submitted on separate sheets, each clearly marked at the top "Business Confidential." All written statements, except for confidential business data, will be made available for inspection by interested persons. To be assured of consideration by the Commission, written statements in lieu of appearance should be submitted at the earliest practicable date, but not later than September 26, 1966.

III. *Related hearings before the Trade Information Committee.* Published in the FEDERAL REGISTER concurrently with this notice is an announcement by the Trade Information Committee regarding public hearings to be held by the Committee on the articles included in the President's list, and on other matters, to begin on September 26, 1966. Oral testimony and written statements of interested persons received by the Commission in connection with its investigation for the purposes of section 221 of the Act will be made available by the Commission to the Trade Information Committee. Accordingly, as stated in the Trade Information Committee's notice, appearance before the Trade Information Committee for the purpose of submitting the same information, although permissible, will not be necessary.

IV. *Communications to be addressed to Secretary.* All communications regarding the Commission's investigation should be addressed to the Secretary, U.S. Tariff Commission, Washington, D.C. 20436.

Issued: August 18, 1966.

By direction of the U.S. Tariff Commission.

DONN N. BENT,
Secretary.

[F.R. Doc. 66-9137; Filed, Aug. 18, 1966; 11:42 a.m.]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

Trade Information Committee

[Docket No. 66-3]

SUPPLEMENTAL NOTICE OF ARTICLES TO BE CONSIDERED FOR TRADE AGREEMENT CONCESSIONS

Notice of Public Hearing

Timetable:

(1) Requests to present oral testimony must be received by Friday, September 16, 1966.

(2) Written briefs must be received by Friday, September 23, 1966.

(3) Hearing begins Monday, September 26, 1966.

1. *Notice of public hearing.* Pursuant to section 223 of the Trade Expansion Act of 1962 (19 U.S.C. 1843), section 3(g) of Executive Order No. 11075 of January 15, 1963, as amended (48 CFR 1.3(g)), section 3 of Directive No. 1 of the Office of the Special Representative for Trade Negotiations (48 CFR 202.3), and section 2(a) of its Regulations (48 CFR 211.2 (a)), the Trade Information Committee (hereinafter referred to as the Committee) in the Office of the Special Representative for Trade Negotiations has ordered a public hearing to be held concerning the supplemental notice of articles to be considered for trade agreement concessions published Thursday, August 18, 1966, by the President in the FEDERAL REGISTER (hereinafter referred to as the supplemental notice).

2. *Subject matter of public hearing.* The subject matter of the public hearing will include any matter which pertains to the supplemental notice and is required to be heard by section 223 of the Trade Expansion Act of 1962 (19 U.S.C. 1843). That section provides, in pertinent part, that any interested person may present his views "concerning any article on a list published pursuant to section 221, any article which should be so listed, any concession which should be sought by the United States, or any other matter relevant to such proposed trade agreement."

The supplemental notice provides that all articles the applicable rates of duty for which have been affected by certain specified legislation amending the Tariff Schedules of the United States (TSUS) will be considered for trade agreement concessions pursuant to the applicable provisions of the Trade Expansion Act of 1962 (19 U.S.C. 1801 et seq.). Any interested person may present his views to the Committee concerning any article on the lists set out in the supplemental notice and any article the rate of duty for which he believes has been affected by legislation amending the TSUS, or any other relevant matter.

3. *Time and place of public hearing.* The public hearing will commence on Monday, September 26, 1966. Information concerning the place of the hearing may be obtained from the Executive Secretary of the Committee.

4. *Requests to present oral testimony.* Requests to present oral testimony must be received by the Executive Secretary of the Committee not later than Friday, September 16, 1966, and must conform with the Regulations of the Committee (48 CFR Part 211).

Requests to present oral testimony shall be submitted in an original and three (3) copies and must include the following information:

(a) The name, address, and telephone number of the party submitting the request;

(b) The name, address, telephone number, and official position of the person submitting the request on behalf of the party referred to in subparagraph (a);

(c) The description and TSUS item number (to the extent practicable) of the commodity or commodities in which the party has an interest;

(d) A brief indication of the interest of, and the position to be taken by, the party;

(e) The name, address, and telephone number of the person (or persons) who will present oral testimony; and

(f) The amount of time requested for the presentation of oral testimony, and if more than 15 minutes is requested, the reasons therefor.

Each party submitting a request will be notified of the Committee's disposition thereof. Each party whose request is granted will also be notified of the date on which he is scheduled to appear and the amount of time allotted for his presentation. The Committee reserves the right to restrict the time allotted for oral presentation. Any party whose request is denied will be notified of the reasons therefor.

5. *Submission of written briefs.* Any interested party may submit a written brief to the Committee concerning the subject matter of this hearing. Each party presenting oral testimony must file a brief. All briefs must be filed with the Executive Secretary not later than Friday, September 23, 1966.

Briefs must conform to the Regulations of the Committee (48 CFR Part 211). Briefs must be submitted in twenty (20) copies, one of which must be made under oath or affirmation. In addition, each brief shall clearly designate, on the first page, the name and address of the party submitting the brief, the description and TSUS item number or numbers of the commodities to which the brief pertains, and the subject matter of the brief.

6. *Rebuttal briefs.* In order to assure each party equal opportunity to contest the information provided by other interested parties, the Committee will entertain rebuttal briefs filed by any party within 2 weeks after the conclusion of the public hearing. Rebuttal briefs shall conform, in form and number, to the Regulations of the Committee and the provisions of this notice applicable to written briefs. Rebuttal briefs should be strictly limited to demonstrating errors of fact or analysis not pointed out in the briefs or hearing, and should be as concise as possible.

7. *Information exempt from public inspection.* Parties are referred to sections 7 and 8 of the Regulations of the Committee (48 CFR 211.7 and 211.8) for the regulations concerning information exempt from public inspection. In addition, the following should be noted: (1) Requests to present oral testimony should contain no confidential information, and any requests marked "For Official Use Only" will not be accepted. (2) Every written brief containing confidential information must present in nonconfidential form, on separate pages, a statement of the party's position and supporting arguments sufficient to inform any other party of the arguments he must meet in order to oppose the position taken in the brief.

8. *Public inspection of written materials.* Subject to the Regulations of the Committee, and in particular sec-

tions 7 and 8 (48 CFR 211.7 and 211.8), all written materials filed with the Committee in connection with this hearing will be open to public inspection, by appointment, at the Office of the Executive Secretary, Room 723, 1800 G Street NW., Washington, D.C. 20506, Phone 395–3446. Transcripts of the hearing will also be available for inspection, but neither transcripts nor briefs will be available for reproduction. Transcripts may be purchased from the official reporter.

9. *Communications.* All communications with regard to this hearing should be directed to: Executive Secretary, Trade Information Committee, Office of the Special Representative for Trade Negotiations, Room 723, 1800 G Street, NW., Washington, D.C. 20506, Phone 395–3446.

LOUIS C. KRAUTHOFF, II,
Chairman.

[F.R. Doc. 66–9138; Filed, Aug. 18, 1966; 11:42 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27–2]

ALLIED-CROSSROADS NUCLEAR CORP.

Notice of Issuance of Amendment to Byproduct, Source, and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 12 to License No. 20–685–2 as set forth below. This amendment provides for a change in the license provisions referring to the transportation of radioactive materials to assure conformity with the AEC–ICC Memorandum of Understanding dated March 21, 1966.

In a letter dated July 25, 1966, the AEC notified Allied-Crossroads Nuclear Corp. of its intent to amend License No. 20–685–2 to assure that the license provisions referring to transportation of radioactive materials were in conformity with the AEC–ICC Memorandum of Understanding dated March 21, 1966. Allied-Crossroads Nuclear Corp. consented to the proposed modification of its license in a letter dated July 26, 1966.

The Commission has determined that prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. Petitions to intervene or requests for public hearing may be filed with the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., August 15, 1966.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director,
Division of Materials Licensing.

[License No. 20–685–2; Amdt. No. 12]

The Atomic Energy Commission having found that:

A. The licensee's equipment and procedures are adequate to protect health and minimize danger to life or property.

B. The licensee is qualified by training and experience to use the material for the purpose requested in accordance with the regulations in Title 10, Code of Federal Regulations, and in such manner as to protect health and minimize danger to life or property.

C. The application dated December 29, 1961, and amendments thereto dated January 8, 1962, January 27, 1962, September 4, 1964, October 9, 1964, June 3, 1965, June 23, 1965, July 8, 1965, February 14, 1966, and April 28, 1966, comply with the requirements of the Atomic Energy Act of 1954, as amended, and are for a purpose authorized by that Act.

D. Issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

Byproduct, Source, and Special Nuclear Material License No. 20–685–2 is hereby amended in its entirety to read as follows:

Pursuant to the Atomic Energy Act of 1954, as amended, 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material," 10 CFR Part 40, "Licensing of Source Material," 10 CFR Part 70, "Special Nuclear Material," a license is hereby issued to Allied-Crossroads Nuclear Corp., 350 Fifth Avenue, New York, N.Y., to receive and possess packages containing waste byproduct, source, and special nuclear material in any state of the United States except in "Agreement States" as defined in § 150.3(b), 10 CFR Part 150.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation," all other applicable rules, regulations, orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess at any one time more than:

a. 10,000 curies of byproduct material other than hydrogen 3 or carbon 14.

b. 5,000 curies each of hydrogen 3 and carbon 14.

c. 50,000 pounds of source material.

d. 350 grams of special nuclear material.

2. Except as specifically provided otherwise by this license, the licensee shall receive and possess byproduct, source, and special nuclear material in accordance with the radiological safety procedures and limitations contained in the application dated December 29, 1961, and amendments thereto dated January 8, 1962, January 27, 1962, September 4, 1964, October 9, 1964, June 3, 1965, June 23, 1965, July 8, 1965, February 14, 1966, and April 28, 1966.

3. Byproduct, source, and special nuclear material shall be received and handled by, or in the physical presence of, employees designated by the licensee's Radiological Safety Committee.

4. The licensee shall receive only waste materials which have been prepackaged by the licensee's customers. The licensee shall provide each customer a copy of "Instructions to Shipper of Radioactive Waste Material."

5. The transportation of AEC-licensed material shall be subject to all applicable regulations of the Interstate Commerce Commission, U.S. Coast Guard, Federal Aviation Agency, and other agencies of the United States having jurisdiction.

When Interstate Commerce Commission regulations are not applicable to shipments by land of AEC-licensed material by reason of the fact that the transportation does not occur in interstate or foreign commerce, (1) the transportation shall be in accordance with the requirements relating to packaging of radioactive material, marking and labeling of the package, placarding of the transportation vehicle, and accident reporting set forth in the regulations of the Interstate Commerce Commission in §§ 73.391–73.395, 49 CFR Part 73, "Regulations Applying to Shippers," and §§ 77.823, 77.860 (c) and (d), 49 CFR Part 77, "Regulations Applying to Shipments Made by Way of Common, Contract, or Private Carriers by Public Highways," and (2) any requests for modifications or exceptions to those requirements, any requests for special approvals referred to in those requirements, and any notifications referred to in those requirements shall be filed with, or made to, the Atomic Energy Commission.

6. The licensee shall not store byproduct, source, and special nuclear material in any of the States in which the licensee is authorized to receive and possess such material under the terms of this license.

7. A copy of "Personnel Monitoring Instructions" and "Instructions for Collection and Transportation of Radioactive Waste Material" shall be supplied to each employee of the licensee authorized to receive and handle packages containing waste byproduct, source, and special nuclear material.

This amendment is effective as of the date of issuance. This license shall expire on January 31, 1967.

Date of issuance: August 15, 1966.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director,
Division of Materials Licensing.

[F.R. Doc. 66–9002; Filed, Aug. 18, 1966; 8:45 a.m.]

[Docket No. 50–240]

GENERAL DYNAMICS CORP.

Notice of Proposed Issuance of Facility License

Please take notice that the Atomic Energy Commission ("the Commission") is considering the issuance of a 5 year operating license substantially as set forth below to General Dynamics Corp. for the Modified HTGR Critical Facility located on the Corporation's laboratory site at Torrey Pines Mesa, Calif.

Prior to the issuance of a license the facility will be inspected by representatives of the Commission to determine that it has been constructed in accordance with Construction Permit No. CPCX–26 and the application for license, as amended. Since issuance of Construction Permit No. CPCX–26, General Dynamics has submitted amendments to its application which describe changes that have been made to the facility during construction, such as: (1) An improved drain system for the HTGR and adjacent facilities, (2) minor modifications to the fuel element storage facilities, (3) the

addition of an interlock to prevent withdrawal of the control rod or further closure of the assembly bed while the period scram is bypassed, and (4) the use of an improved gas generating agent in the expulsion type fuel elements. In addition, the amendments propose (1) the performance of neutron pulsing experiments, (2) changing the minimum number of nuclear fuses without changing the minimum reactivity value of all fuses installed, and (3) modifying the excess reactivity limit and the maximum loading step to criticality. These changes to the facility and its proposed operation do not alter our previous conclusion that there is reasonable assurance that the health and safety of the public will not be endangered by operation of facility.

Prior to issuance of the license, General Dynamics Corp. will be required to provide proof of financial protection which satisfies the requirements of 10 CFR Part 140 and to execute an indemnity agreement as required by section 170 of the Atomic Energy Act of 1954, as amended, and 10 CFR Part 140.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this facility license may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this proposed license, see (1) the application and amendments thereto and (2) a Supplementary Safety Evaluation, all of which are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the Supplementary Safety Evaluation may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 16th day of August 1966.

For the Atomic Energy Commission.

M. M. MANN,
Acting Director,
Division of Reactor Licensing.

PROPOSED LICENSE

[License No. R -------]

The Atomic Energy Commission (hereinafter referred to as "the Commission") having found that:

a. The application for license complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act"), and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

b. The facility has been constructed in conformity with Construction Permit No. CPCX-26 and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

c. There is reasonable assurance that the facility can be operated at the designated location without endangering the health and safety of the public;

d. General Dynamics Corp. is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations, and to assume financial responsibility for Commission charges for special nuclear material;

e. The possession and operation of the facility, and the receipt, possession and use of the special nuclear material, in the manner proposed in the application, will not be inimical to the common defense and security or to the health and safety of the public;

f. General Dynamics Corp. has submitted proof of financial protection which satisfies the requirements of Commission regulations currently in effect.

Facility License No. R-------, effective as of the date of issuance, is issued as follows:

1. This license applies to the Modified HTGR Critical Facility (hereinafter, "the facility"), owned by the General Dynamics Corp. (hereinafter, "the licensee") and located at the licensee's laboratory site at Torrey Pines Mesa near San Diego, Calif., and is described in the licensee's application for license dated July 16, 1965, and amendments thereto dated November 29, 1965, February 22, 1966, June 17, 1966, and July 6, 1966 (herein referred to as "the application").

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses General Dynamics Corp.:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities" to possess, use, and operate the facility in accordance with the procedures and limitations described in the application;

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to receive, possess and use up to 105 kilograms of contained uranium 235, 1 kilogram of uranium 233 and 1 kilogram of plutonium in connection with operation of the facility;

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 40, "Licensing of Source Material", to receive, possess and use up to 160 kilograms of thorium and 1 kilogram of uranium 236 in connection with operation of the facility; and

D. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material", to receive and possess two 10 curie sealed polonium 210-beryllium neutron sources which may be used for facility start-up; 1 kilogram of neptunium 237 in connection with operation of the facility; and to possess, but not to separate such by-product material as may be produced by operation of the facility.

3. This license shall be deemed to contain and be subject to the conditions specified in Part 20, § 30.34 of Part 30, §§ 50.54 and 50.59 of Part 50 and § 70.32 of Part 70, and is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

A. *Maximum power level.* The licensee may operate the facility at steady state power levels up to a maximum of 100 watts (thermal).

B. *Technical Specifications.* The Technical Specifications contained in Appendix A hereto, are hereby incorporated into this license. Except as otherwise permitted by the Act and the rules, regulations, and orders of the Commission, the licensee shall operate the facility in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in § 50.59 of 10 CFR Part 50.

C. *Records.* In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

(1) Facility operating records, including power levels and periods of operation at each power level.

(2) Records showing radioactivity released or discharged into the air or water beyond the effective control of the licensee as measured at or prior to the point of such release or discharge.

(3) Records of emergency shutdowns and inadvertent scrams, including reasons for emergency shutdowns.

(4) Records of maintenance operations involving substitution or replacement of facility equipment or components.

(5) Records of experiments installed including description, reactivity worths, locations, exposure time, total irradiation and any unusual events involved in their performance and in their handling.

(6) Records of tests and measurements performed pursuant to the Technical Specifications.

D. *Reports.* In addition to reports otherwise required under this license and applicable regulations:

(1) The licensee shall inform the Commission of any incident or condition relating to the operation of the facility which prevented or could have prevented a nuclear system from performing its safety function as described in the Technical Specifications. For each such occurrence, General Dynamics Corp. shall promptly notify by telephone or telegraph, the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of 10 CFR Part 20 and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing (hereinafter, Director, DRL) with a copy to the Regional Compliance Office.

(2) The licensee shall report to the Director, DRL, in writing within thirty (30) days of its observed occurrence any substantial variance disclosed by operation of the facility from performance specifications contained in the Hazards Summary Report or the Technical Specifications.

(3) The licensee shall report to the Director, DRL, in writing within thirty (30) days of its occurrence any significant changes in transient or accident analysis as described in the Hazards Summary Report.

4. This license shall expire at midnight, April 30, 1971, unless sooner terminated.

Date of Issuance:

For the Atomic Energy Commission.

Director,
Division of Reactor Licensing.

[F.R. Doc. 66-9085; Filed, Aug. 18, 1966; 8:49 a.m.]

[Docket No. 27-43]

ATCOR, INC.

Notice of Proposed Issuance of Byproduct, Source, and Special Nuclear Material License

Please take notice that the Atomic Energy Commission is considering the issuance of a license, set forth below, which would authorize Atcor, Inc., 360 Bradhurst Avenue, Hawthorne, N.Y., to receive and possess packaged waste byproduct, source, and special nuclear material in any State of the United States except in Agreement States as defined in § 150.3(b), 10 CFR Part 150.

A notice of proposed issuance similar to this notice was published in the FEDERAL REGISTER on May 13, 1966 (31 F.R. 7091). It provided opportunity for any person whose interest might be affected by this proceeding to file a petition for leave to intervene. In accordance therewith, Long Island Nuclear Service Corp., and Madeline La Grua filed a petition to intervene, charging Atcor with alleged violations of statutes, rules, and regulations applicable to the receipt and transportation of waste radioactive material. The Commission, by order dated June 17, 1966, denied the requested intervention and ordered the Director of Regulation to investigate the petitioners' charges prior to taking licensing action. The order also directed that a report of the investigation be placed in the Commission's Public Document Room, and that, upon completion of the investigation, a notice of proposed action be published in the FEDERAL REGISTER in accordance with the Commission's rules of practice, 10 CFR Part 2.

In accordance with the order, the Commission's Division of Compliance conducted an investigation of the petitioners' charges. It has been concluded that the violations alleged by the petitioners are without justification, and that the notice of proposed issuance may be issued in accordance with the rules of practice.

The license proposed for issuance is identical with the one proposed in the notice of May 13, 1966, except that provisions referring to the transportation of radioactive material have been changed in conformity with a Memorandum of Understanding, dated March 21, 1966, between the AEC and the Interstate Commerce Commission. The same change is being made in all AEC licenses governing waste disposal activity.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this proceeding see: (1) The application and amendments thereto, (2) the related memorandum dated May 9, 1966, prepared by the Division of Materials Licensing, and (3) the report of investigation referred to above, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of Item 2 above may be obtained at the Commission's Public Document Room, or upon request to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director of Materials Licensing.

Dated at Bethesda, Md., August 16, 1966.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director,
Division of Materials Licensing.

[License No. 31-11640-1]

The Atomic Energy Commission having found that:

A. The licensee's equipment and procedures are adequate to protect health and minimize danger to life or property.

B. The licensee is qualified by training and experience to use the material for the purpose requested in accordance with the regulations in Title 10, Code of Federal Regulations, and in such manner as to protect health and minimize danger to life or property.

C. The application dated February 9, 1966, and amendments thereto dated March 7, 1966, and April 5, 1966, comply with the requirements of the Atomic Energy Act of 1954, as amended, and are for a purpose authorized by that Act.

D. Issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

Byproduct, Source, and Special Nuclear Material License No. 31-11640-1 is hereby issued to read as follows:

Pursuant to the Atomic Energy Act of 1954, as amended, 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material," 10 CFR Part 40, "Licensing of Source Material," 10 CFR Part 70, "Special Nuclear Material," a license is hereby issued to Atcor, Inc., 360 Bradhurst Avenue, Hawthorne, N.Y., to receive and possess packages containing waste byproduct, source, and special nuclear material in any State of the United States except in "Agreement States" as defined in § 150.3(b), 10 CFR Part 150.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation," all other applicable rules, regulations, orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess at any one time more than:

A. 1,000 curies of byproduct material other than hydrogen 3 and carbon 14.

B. 5,000 curies each of hydrogen 3 and carbon 14.

C. 50,000 pounds of source material.

D. 350 grams of uranium 235 or 200 grams of uranium 233 or 200 grams of plutonium provided that the sum of the ratios of the quantity of each special nuclear material to the quantities specified above does not exceed unity. Unity shall be determined by the following formula:

$$\frac{\text{grams contained } U^{235}}{350} + \frac{\text{grams contained } U^{233}}{200} + \frac{\text{grams contained Pu}}{200} \leq 1$$

2. Except as specifically provided otherwise by this license, the licensee shall receive and possess byproduct, source, and special nuclear material in accordance with the radiological safety procedured and limitations contained in the application dated February 9, 1966, and amendments thereto dated March 7, 1966, and April 5, 1966.

3. Byproduct, source, and special nuclear material shall be received and handled by employees designated by the licensee's Radiological Safety Committee.

4. The licensee shall not store byproduct, source, and special nuclear material in any of the States in which the licensee is authorized to receive and possess such material under the terms of this license.

5. The licensee shall receive byproduct, source, and special nuclear material in containers which meet the requirements for transportation as specified in Condition 6 of this license. The containers shall not be opened by the licensee.

6. The transportation of AEC-licensed material shall be subject to all applicable regulations of the Interstate Commerce Commission, U.S. Coast Guard, Federal Aviation Agency, and other agencies of the United States having jurisdiction.

When Interstate Commerce Commission regulations are not applicable to shipments by land of AEC-licensed material by reason of the fact that the transportation does not occur in interstate or foreign commerce, (1) the transportation shall be in accordance with the requirements relating to packaging of radioactive material, marking and labeling of the package, placarding of the transportation vehicle, and accident reporting set forth in the regulations of the Interstate Commerce Commission in §§ 73.391-73.395, 49 CFR Part 73, "Regulations Applying to Shippers", and §§ 77-823, 77.860 (c) and (d), 49 CFR Part 77, "Regulations Applying to Shipments Made by Way of Common, Contract, or Private Carriers by Public Highways", and (2) any requests for modifications or exceptions to those requirements, any requests for special approvals referred to in those requirements, and any notifications referred to in those requirements shall be filed with, or made to, the Atomic Energy Commission.

This license shall be effective on the date issued and shall expire two (2) years from the last day of the month in which this license is issued.

Date of issuance

For the Atomic Energy Commission.

Director,
Division of Materials Licensing.

[F.R. Doc. 66-9136; Filed, Aug. 18, 1966; 11:42 a.m.]

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